



Essex County Council

Development and Regulation Committee

10:30	Friday, 22 May 2020	Online Meeting
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Matthew Waldie, Democratic Services Officer

Telephone: 033301 34583

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

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

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

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

How to take part in/watch the meeting:

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

Members of the public:

Online:

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

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

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	7 - 7
2	Election of Vice Chairman To elect a Vice Chairman for the Committee.	
3	Minutes To approve the minutes of the meeting held on 28 February 2020	8 - 18
4	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	Minerals and Waste	
5.1	Bradwell Quarry, Bradwell To consider Report DR/11/20, relating to the Continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. Location: Bradwell Quarry, Church Road, Bradwell, CM77 8EP Reference: ESS/35/20/BTE	19 - 56

5.2	Wivenhoe Quarry, Wivenhoe To consider Report DR/12/20, relating to the Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material. Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB. Reference: ESS/17/18/TEN	57 - 179
5.3	Dollymans Farm, Rawreth To consider Report DR/13/20, relating to the Importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access. Location: Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD. Reference: ESS/31/18/ROC	180 - 251
6	County Council Development	
6.1	Dunton Fields Early Years Centre, Laindon To consider Report DR/14/20, relating to the construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure. Location: Dunton Fields Early Years Centre, Land off Warwick Crescent, Laindon, Basildon, SS15 6LW. Reference: CC/BAS/33/20.	252 - 277
7	Enforcement	
7.1	Recycling Centres for Household Waste & Waste Transfer Stations To consider Report DR/15/20, relating to the Temporary Relaxation of Hours of Opening for a 12 week period at Essex Recycling Centres for Household Waste (RCHW) and Waste Transfer Stations - COVID 19 Recovery Plan. Location: Essex wide.	278 - 282

7.2	Enforcement of Planning Control - Quarterly update To update members of enforcement matters for the period 1 January to 31 March 2020 (Quarterly Period 4). Report DR/16/20	283 - 286
8	Information Item	
8.1	Applications, Enforcement and Appeals Statistics To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee. Report DR/17/20	287 - 289
9	Urgent Business To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
10	Date of next meeting To note that the next meeting is scheduled for Friday 26 June 2020.	

Exempt Items

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

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

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

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Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Matthew Waldie, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 28 February 2020

Present:

Cllr C Guglielmi (Chairman)
Cllr J Aldridge
Cllr D Harris
Cllr J Henry
Cllr M Mackrory
Cllr J Moran
Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr M Durham, Cllr M Garnett (substituted by Cllr Henry), Cllr Hardware, Cllr S Hillier and Cllr A Wood.

2 Declarations of Interest

There were none

3 Minutes

The minutes of the meeting held on 24 January 2020 were agreed and signed.

4 Identification of Items Involving Public Speaking

There were none.

4 County Council Development

4.1 Lakelands Primary School, Stanway

The Committee considered report DR/06/20 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:

- Principle of and need for development
- Highway impact
- Amenity impact

It was noted that cars parked along both sides of Nuthatch Chase and on the pavement, would make access difficult for construction vehicles associated with the school. Since the road was currently unadopted, it would not be possible for parking restrictions to be imposed by Essex County Council without the landowner's consent.

Members agreed that a sensible solution would be for the applicant and contractor for the school development to liaise with residents of Nuthatch Chase. It was requested that residents are informed of the dates and times when lorries would be accessing the development, and that dialogue is entered into to find a solution to parking which allowed access for those vehicles.

It has been suggested that there may be a Head Teacher in place and that it would be beneficial for contact to be made with him/her, together with any parents or residents association which may exist, to ensure good community relationships are fostered.

There being no further points raised, the resolution, including the amendments in the Addendum, was proposed and seconded. Following a unanimous vote of seven 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 carried out in accordance with the details submitted by way of application reference CC/COL/35/19 dated 11/06/19,
 - Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;
 - Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
 - Planning Statement by Strutt & Parker dated May 2019;
 - **Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019;**
 - Climate Based Daylight Modelling by The Energy Practice dated 05/04/19;
 - Health Impact Assessment by Strutt & Parker dated August 2019;
 - Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
 - Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
 - Transport Assessment ref JTP18_090 by Journey Transport Planning dated May 2019;

- Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
- Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
- Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

- Proposed External Lighting ref 318083-TEP-DR-ZZ-00-E-3205 Rev P2 dated 21/03/19;
- Fence and Gate Layout ref 118216-CDP-DR-ZZ-XX-L-2001 Rev P5 dated 06/08/19;
- Relationship to Western Boundary Properties ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19;
- Location Plan ref 118216-CDP-DR-ZZ-XX-A-2001 Rev P5 dated Feb 2019;
- Proposed Sections ref 118216-CDP-DR-ZZ-XX-A-2005 Rev P2 dated 20/05/19;
- Proposed First Floor Plan ref 118216-CDP-DR-ZZ-01-A-2003 Rev P3 dated 23/05/19;
- Proposed Ground Floor Plan ref 118216-CDP-DR-ZZ-00-A-2003 Rev P3 dated 23/05/19;
- Proposed Materials ref 118216-CDP-DR-ZZ-XX-A-2007 Rev P1 dated 24/05/19;
- Drainage Plan ref 118216-CDP-DR-ZZ-B1-C-4001 Rev P3 dated 28/05/19;
- Drainage Details ref 118216-CDP-DR-ZZ-XX-C-6001 Rev P2 dated 28/05/19;
- Proposed Roof Plan ref 118216-CDP-DR-ZZ-R1-A-2003 Rev P6 dated 05/08/19;
- Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19;
- Elevational Material Details ref 118216-CDP-DR-ZZ-XX-A-2014 Rev P3 dated 06/08/19;
- Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2006 Rev P4 dated 06/08/19;
- Cropped Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2016 Rev P2 dated 06/08/19;
- Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19;
- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016

Rev P2 dated 06/08/19;

- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

and the contents of the Design and Access Statement by Concertus dated 07/05/19

AS AMENDED BY

The details submitted by way of application reference CC/COL/10/20 dated 17th January 2020 and cover letter by Strutt and Parker dated 17th January 2020

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: To ensure development is carried out in accordance with the approved plans and to comply with Colchester Site Allocations Policy SA STA1; Colchester Development Policies DPD Policies DP1, DP2, DP4, DP17, DP19, DP20, DP21 and DP25; and Colchester Core Strategy Policies SD1, SD2, SD3, UR2 and TA1.

2. 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 interest of local amenity and for compliance with Colchester Development Policy DP1.

3. No beneficial occupation of the development hereby permitted shall take place unless a noise assessment to predict the noise impact of the proposed Hard Outdoor PE Court and Artificial Turf Pitch on nearby noise sensitive properties (to be agreed in advance in writing with the County Planning Authority), as well as mitigation measures if adverse impacts are found to occur, has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall include details of the noise predictions and baseline noise conditions. The development shall thereafter take place in accordance with the approved details.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

4. The construction of the development hereby permitted shall not be carried out unless during the following times:

08:00 hours to 18:00 hours Monday to Friday
08:00 hours to 13:00 hours Saturdays

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

Reason: In the interests of limiting the effects of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Colchester Development Plan Policy DP1.

5. The development hereby permitted shall be implemented in accordance with the lighting details approved on 11th February 2020 under condition 6 of planning permission CC/COL/35/19. The approved lighting details are set out in the application for approval of details reserved by condition dated 21st November 2019, drawing ref 318090-TEP-DR-ZZ-00-E-4207 Rev C3 dated 10/01/20 and email from Strutt and Parker dated 14th January 2020.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Colchester Development Plan Policy DP1.

6. The development hereby permitted shall be implemented in accordance with the dust minimisation scheme details approved on 7th November 2019 under condition 7 of planning permission CC/COL/35/19. The approved dust minimisation details are set out in the application for approval of details reserved by condition dated 08 October 2019, cover letter from Strutt&Parker dated 08 October 2019 and Construction Management Plan BC1851 Revision 3 dated October 2019.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Colchester Development Plan Policy DP1.

7. The development hereby permitted shall take place in accordance with the mitigation and enhancement measures contained in the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

8. Prior to the installation of a damp proof membrane, a Biodiversity Enhancement Strategy for Protected and Priority species, based on the measures outlined in Table 3 of the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19, shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate plans;

- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved strategy and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

9. The development hereby permitted shall be implemented in accordance with the materials details approved on 27th November 2019 under condition 10 of planning permission CC/COL/35/19. The approved materials details are set out in the application for approval of details reserved by condition dated 14th October 2019, Cover letter from Barnes Construction headed 'BC 1851 Lakelands Primary School, Stanway, Colchester External materials for Planning Application ref CC/COL/35/19', AS AMENDED BY Cover letter from Barnes Construction 'Replacement Mortar Sample' dated 22nd October 2019.

For clarity, the approved materials are as follows:

- External Brickwork – Cinder Grey supplied by The Bespoke Brick Company
- External Render – Permarock 1.5mm K-Finish finished colour Off White 50.
- External Render – Permarock 1.5mm K-Finish finished colour Bright Maroon.
- External Timber Cladding – European Larch Tongue and Groove STD-4.
- External Mortar – Cemex Black Light

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

10. The development hereby permitted shall be implemented in accordance with the window details approved on 17th December 2019 under condition 11 of planning permission CC/COL/35/19. The approved window details are set out in the application for approval of details reserved by condition dated 13th November 2019;
 - Cover letter from Strutt&Parker dated 13th November 2019;
 - Cover letter ref BC 1851 from Barnes Construction;
 - Drawing ref 118216-CDP-DR-ZZ-XX-A-9002-P4 dated 12/11/19 (Proposed elevation key plan);
 - Drawing ref 118216-CDP-DR-ZZ-XX-A-9005-P2 dated 11/11/19 (W3/W4 – Proposed window details);
 - Drawing ref 118216-CDP-DR-ZZ-XX-A-9003-P2 dated 11/11/19 (W1 – Proposed window details);
 - Drawing ref 118216-CDP-DR-ZZ-XX-A-9004 P2 dated 11/11/19 (W2 – Proposed window details).

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

11. The development hereby permitted shall be implemented in accordance with the surface water drainage scheme details approved on 7th November 2019 under condition 12 of planning permission CC/COL/35/19. The approved surface water drainage scheme details are set out in the application for approval of details reserved by condition dated 18th October 2019 in respect of condition 12 of the above planning permission,
- Cover letter by Strutt&Parker dated 08/10/19;
 - Surface Water Strategy V1.0 dated 07/10/19 (including Appendices A-E) by Concertus
 - Drawing ref 118216-CDP-DR-ZZ-00-C-2001 Rev P1 dated 08/10/19: Flood Exceedance Plan;
 - Drawing ref 118216-CDP-DR-ZZ-B1-C-4001 Rev C1 dated 30/09/19: Drainage Plan 1/2;
 - Drawing ref 118216-CDP- DR-ZZ-B1-C-4002 Rev C1 dated 30/09/19: Drainage Plan 2/2;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6001 Rev C1 dated 08/10/19: Drainage Details;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6002 Rev C2 dated 04/10/19: Paving Details;
- As updated by:
- Email from Strutt&Parker dated 30/10/19;
 - 118216 Critical Event Drainage Calculations.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

12. **The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019.**

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP1, DP17 and DP20.

13. The development hereby permitted shall be implemented in accordance with the Maintenance Plan for Surface Water Drainage details approved on 17th December 2019 under condition 14 of planning permission CC/COL/35/19.

The approved Maintenance Plan for Surface Water Drainage details are set out in the application for approval of details reserved by condition dated 10th December 2019;

- Lakelands Primary School Drainage Maintenance Plan 1/2;
- Lakelands Primary School Drainage Maintenance Plan 2/2 (ref 118216-CDP-DR-ZZ-B1-C-4002 C1);
- SuDS Maintenance Manual;
- Cover letter ref BC1851 from Barnes Construction Ltd.; and
- Letter from Strutt&Parker dated 10th December 2019.

Reason: To minimise the risk of flooding and for compliance with Colchester

Development Plan Policy CDP Policy DP20.

14. The applicant or any successor in title shall maintain yearly logs of maintenance which should 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 flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

15. 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, method of planting, protection, programme of implementation and maintenance schedule;
- provision for the relocation of the 'Quercus Robur' in the north west of the site as shown on drawing ref Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19 to a position further south along the western boundary;
- Inclusion of larger trees on the southern boundary to match those used in the parkland to the south;
- provision for planting for screening purposes along the western boundary, as set out in condition 24.

The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 16 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 Colchester Development Plan Policies DP21 and DP1.

16. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 15 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Colchester Development Plan Policies DP21 and DP1.

17. The development hereby permitted shall be implemented in accordance with

the design and layout of the all weather pitch details approved on 18th December 2019 under condition 18 of planning permission CC/COL/35/19. The approved all weather pitch *details* are set out in the application for approval of details reserved by condition dated 2nd December 2019;

- Drainage calculations;
- Artificial Grass Pitch Design by Smith Construction dated 20/11/19;
- Cover letter by Strutt&Parker dated 2nd December 2019;
- Drawing ref 9687/GA/01 Rev A dated 19/11/19.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Colchester Development Plan Policy DP2.

18. The development hereby permitted shall be implemented in accordance with the playing field ground conditions details approved on 15th January 2020 under condition 19 of planning permission CC/COL/35/19. The approved playing field ground conditions details are set out in the application for approval of details reserved by condition dated 18th November 2019;

- Covering letter from Barnes Construction Ltd.;
- Report to Smith Construction Ltd – Feasibility Study - Ref O/001/SCLPS/1589/R/190919 Rev B dated 27/09/19 by PSD Agronomy;
- Smith Construction Natural Turf Pitch Specification dated 13/12/19;
- Program prepared by Inscapes.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Colchester Development Plan Policy DP2.

19. No beneficial occupation of the development hereby permitted shall take place unless the vehicle and pedestrian access arrangements as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been fully completed.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

20. 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 or pedestrian accesses on Wagtail Mews, as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 unless they open inwards from the public highway towards the site and those serving a vehicular access shall be set back a minimum distance of 6 metres from the nearside edge of the Wagtail Mews carriageway.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

21. The western façade of the main school building hereby permitted shall be positioned at least 12.9m from the façade of the residential properties on Rook End, as shown on drawing ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated

04/09/19.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

22. No beneficial occupation of the development hereby permitted shall take place unless full details of the school signage have been submitted to and approved in writing by the County Planning Authority. The details shall include the size, design, colour, materials and positioning of the signage to create a clear focal point for the main school entrance.

Reason: *To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.*

23. No development shall take place beyond the installation of a damp proof membrane unless a scheme for obscuring visibility of properties in Rook End has been submitted to and approved in writing by the County Planning Authority. The scheme shall include treatment of the most southerly first-floor window on the western elevation, as shown on drawing Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19, and inclusion of planting for screening along the western boundary. The development shall take place thereafter in accordance with the approved details.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

24. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 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 and details of additional cycle spaces including the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. 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 Colchester Development Plan Policy DP19.*

25. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on plan Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.

26. The bin store compound, as indicated on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19, shall not be erected until details of the design, height and location have been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

5 Information Items

5.1 Report on the programme of Periodic Reviews Of Mineral Planning Permissions

The Committee considered report DR/07/20, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

5.2 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/08/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

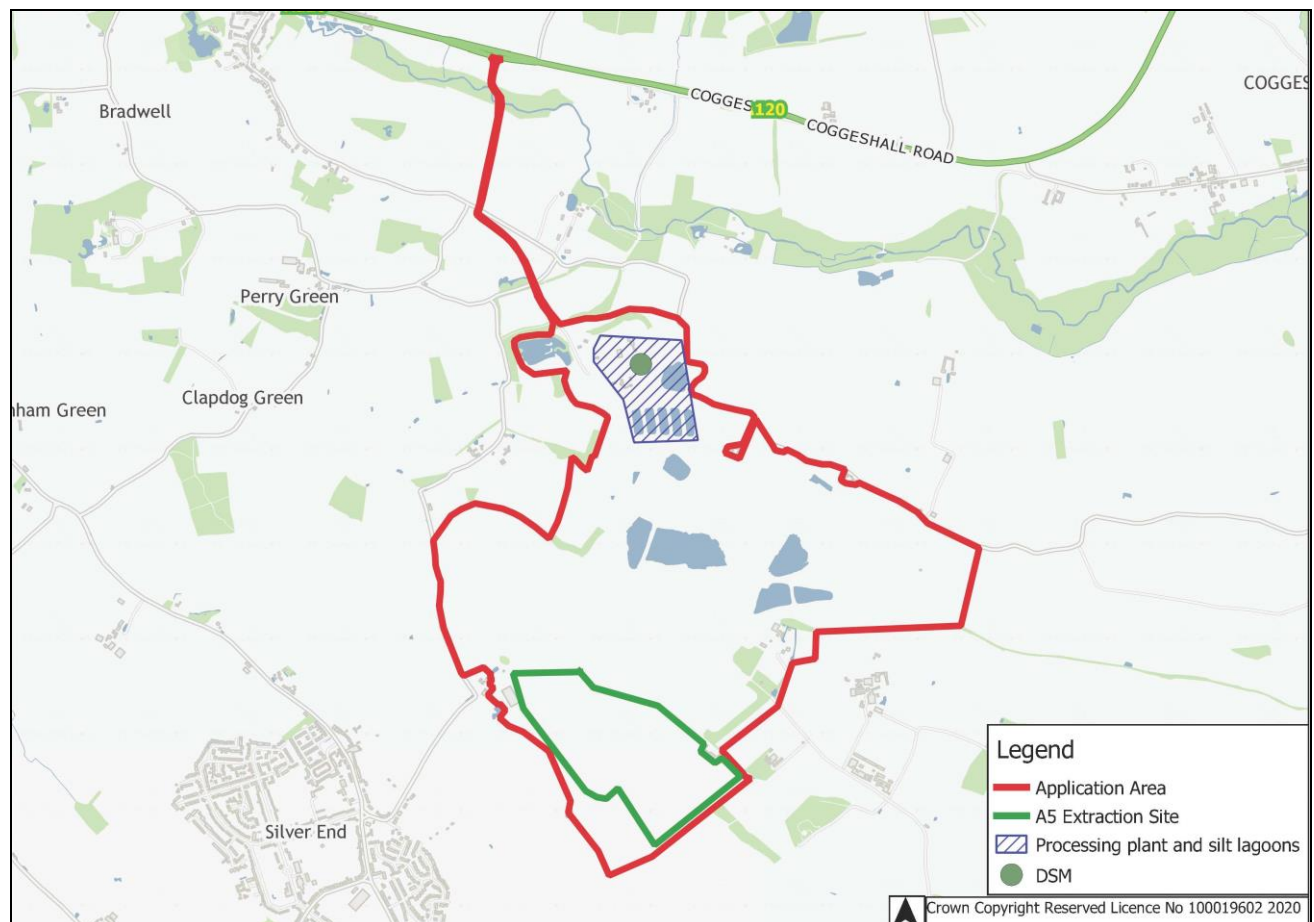
6 Date of Next Meeting

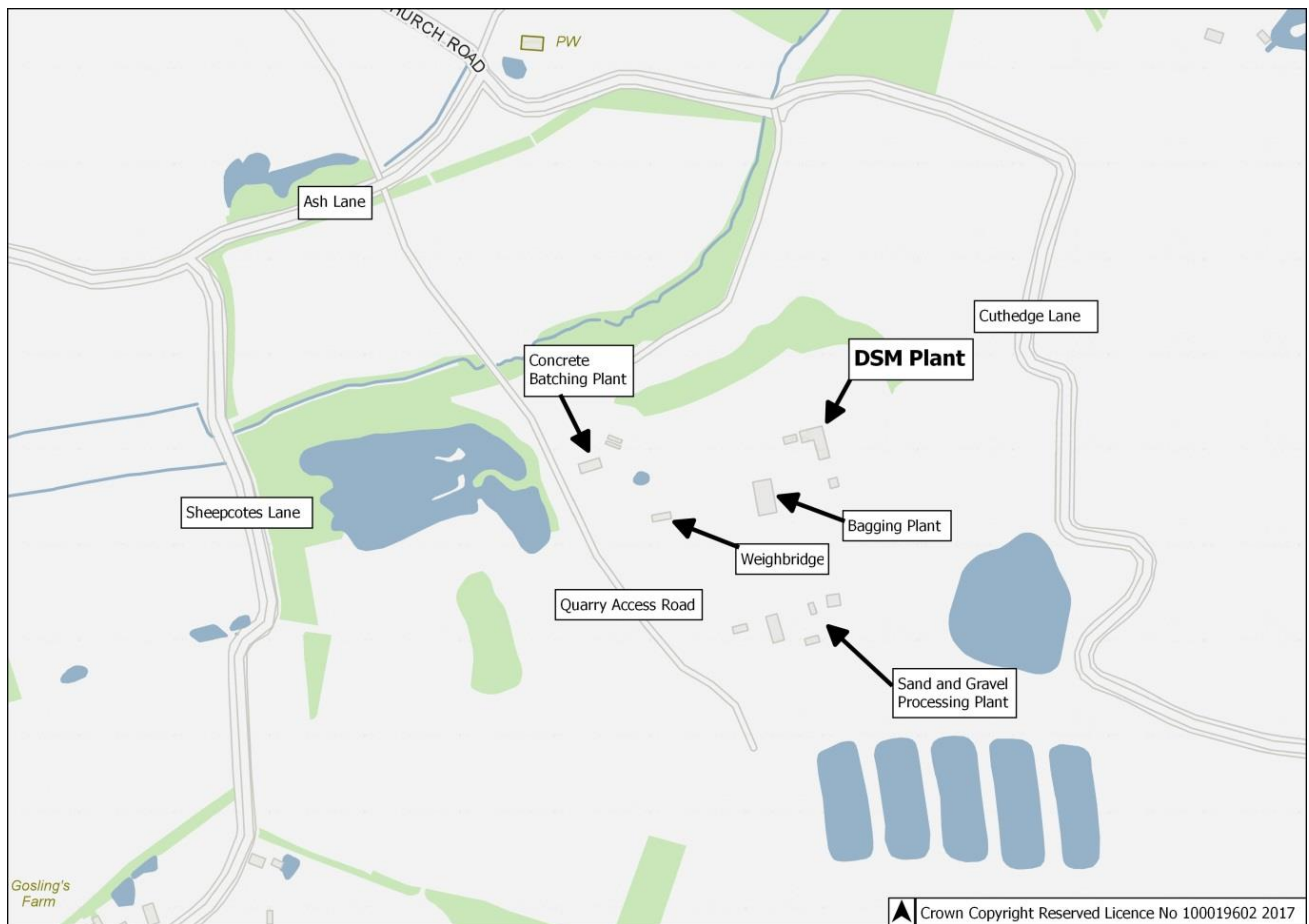
The Committee noted that the next meeting was scheduled for 10.30am on Friday 27 March 2020, in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 10:45 am.

DR/11/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)"

Ref: ESS/35/20/BTE**Applicant:** Blackwater Aggregates**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

In July 2019 planning permission (ESS/03/18/BTE) was granted for an extension to Bradwell Quarry on land east of Sheepcotes Lane known in the Minerals Local Plan (2014) as Preferred Site A5. The application site included the whole of Bradwell Quarry, including the retention of all existing processing plant.

The processing plant area includes a sand and gravel washing and screening plant, ready mix concrete plant, a bagging plant and a dry silo mortar (DSM) plant.

The DSM plant the subject of this planning application was originally granted planning permission in March 2006 (ESS/53/05/BTE). As the application is a variation of the main mineral permission the application site is the whole quarry, but the change proposed only relates to the DSM within the processing plant area.

This application seeks to extend the operational hours of the DSM both in the morning and evening. In October 2017 the Committee considered a similar planning application where it was resolved to grant planning permission, but for a one year trial. Due to delays in completing the necessary associated deed of variation planning was not issued until 14 August 2018 and notification of commencement of the 1 year trial was provided by the applicant on the 1 July 2019.

This application seeks to make the extended operational hours permanent for the life of the existing minerals planning permission i.e. until 31 December 2022.

2. SITE

The application site lies 6km east of Braintree. The application site is located between the villages of Bradwell (approx. 1km northwest), Silver End (approx. 0.5km to the southeast), Kelvedon (3.5km to the southeast) and Coggeshall (2.5 km to the north east).

The application site consists of all of the existing Bradwell Quarry, including the site access, processing plant area and previously worked areas, existing extraction area and areas already restored. The application site area is 229ha.

The quarry access is onto the A120(T) approximately 1km east of Bradwell village. The existing private access road, approximately 1km long, heads south from the A120 to the processing area, crossing the River Blackwater by two bailey bridges and crossing two minor public roads; Church Road and Ash Lane (a Protected Lane).

The mineral processing area is approximately 1km south of the A120. The plant area is linked to the current extraction area by an unmade haul road which heads due south from the plant area. The plant area is surrounded by screening bunds. The dry silo mortar plant the subject of this planning application is located in north west of the plant area.

The nearest residential properties to the dry silo mortar plant are on Church Road, Cuthedge Lane and Sheepcotes Lane. Bradwell Hall (Listed Building) lies to the north of the DSM lying north of Bradwell Church (Listed Building) and lies the east of the private access road. On Cuthedge Lane Herons Farm and Deeks Cottage are located approximately 480m and 890m respectively. On Sheepcotes Lane the nearest properties are Goslings Barn, Goslings Cottages and Goslings Farm approximately from the DSM.

There are 5 Local Wildlife Sites within 2 km of the application site at Storeys Wood (southwest of the site) and Blackwater Plantation West (north of the main site), Upney Wood (south east of the site), Rivenhall Thicks (southwest of the site), Links Wood (west of the site) and Park House Meadow (north west of the site). However, all are distant from the DSM itself.

The Essex Way runs east –west to north of the processing plant screening bunds and crosses the quarry private access road.

3. PROPOSAL

The application is seeking a variation of the extant planning permission with respect to the operational hours of the DSM plant only, to allow continuation of the extended hours of operation, having completed the one year trial period.

Condition 9 of the planning permission ESS/03/18/BTE set out the hours for the various elements of the quarry and incorporated the one year trail granted under ESS/20/17/BTE for the DSM. The wording of condition 9 is set out below.

Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable: -

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times: -

*07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.*

(b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;

(c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times: -

*07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays*

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include movements onto the public highway

*06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday;*

(d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times: -

*07:00 hours to 18:30 hours Monday to Friday
07:00 hours to 13:00 hours Saturdays*

Except for a trial period of no more than 12 months from the 1 July 2019 (as confirmed under reference ESS/20/17/BTE/01/01) the DSM may in addition be operated between the following hours but shall not include HGV movements onto the public highway.

*06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday*

and at no other times.

Part (d) of the condition 9 limits the hours of the DSM and requires the extended hours to cease on the 1 July 2020. The applicant is seeking to make permanent the amend the hours of operation of the DSM for the life of the mineral operations, currently these are permitted in association with site A5 until 2022.

It should be noted that early and late working is only weekdays. There would be no working on Sunday. There would also be no HGV movements to the application site to deliver materials to the DSM and no export of product from the DSM during

the extended hours. The extended hours would be for the operation of the DSM only to produce dry mortar. There would be light vehicle movements at the beginning and end of the extended hours associated with staff movements.

The applicant has also confirmed that there would be no additional external lighting required during the extended hours, over and above the existing low level site security lighting and limited use of the front loading shovel. The applicant has advised that previous Halogen bulbs use in the processing area have now been replaced with energy efficient LED lighting on advice from the applicant's lighting engineer as part of the previous application.

The application was accompanied by a noise monitoring results which have been carried out at 3 monthly intervals between the hours of 0600 to 0700 and 1830 to 2200 when the DSM has been operational. The monitoring has demonstrated that the maximum noise levels have not been exceeded.

4. POLICIES

The following policies of the Minerals Local Plan and Braintree District Local Plan and Core Strategy provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP)

S1 - Presumption in favour of sustainable development
S10 - Protecting and enhancing the environment and local amenity
S11 - Access and Transportation
S12 - Mineral Site Restoration and After-Use
P1 - Preferred Sites for Sand and Gravel Extraction
P2 - Preferred Sites for Silica Sand Extraction
DM1 - Development Management Criteria
DM4 - Secondary Processing Plant

Braintree District Local Plan Review (BDLPR) 2005

RLP 36 – Industrial and Environmental Standards
RLP 62 - Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP 63 - Air quality
RLP 65 - External Lighting
RLP 80 - Landscape Features and Habitats
RLP 84 - Protected species

NEIGHBOURHOOD PLANS

Bradwell With Pattiswick Neighbourhood Plan 2019

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

Kelvedon PC & Coggeshall PC (adjacent) Neighbourhood Plans

Both parishes have emerging plans

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

Braintree District Council, along with Colchester and Tendring Councils, submitted Section 1 of their Local Plan to the Planning Inspectorate on 9 October 2017 for examination. Due to cross-boundary policies and allocations Braintree, Colchester and Tendring Councils intend to share an identical Section 1 of their Local Plans with this covering a number of strategic issues including infrastructure, housing numbers and proposals for three new garden communities. Specific policies and allocations relating to each District/Borough would follow in Section 2 of the Local Plan, which is due to be considered through later separate examinations.

In the Inspector's letter to the North Essex Authorities, dated 10 December 2018, a pause in the examination was announced, while the NEAs carry out further work on the evidence base and Sustainability Appraisal. In respect of this a technical consultation on an additional Sustainability Appraisal, additional evidence base

documents and suggested amendments to Section 1 of the Plan was undertaken by the NEA and a response issued to the Inspector. Further examination hearings were subsequently held in January 2020 with the outcome of these awaiting publication.

In terms of this proposal although both sections of the emerging Braintree Local Plan have been published these, are considered to, hold carry very limited, if any, weight at the current time.

5. CONSULTATIONS

Summarised as follows:

BRAINTREE DISTRICT COUNCIL(Planning): No comments received

BRAINTREE DISTRICT COUNCIL (ENVIRONMENTAL HEALTH OFFICER): No comments received.

COUNTY COUNCIL'S NOISE CONSULTANT: No objection subject to continuation of noise monitoring being undertaken.

The compliance monitoring is not conclusive in demonstrating noise from the DSM meets with the conditioned noise limits. That is, on a number of occasions, the measured noise levels exceeded the limits. Critically, however, the site was noted to be inaudible throughout the monitoring periods, which infers compliance with the noise levels. Instead, all exceedances measured would appear to result from extraneous noise sources e.g. road traffic, aircraft, bird noise, etc.

It is also understood that no complaints have been received with regards to noise emanating from the early morning or evening operations of the DSM. In light of above content that noise from the DSM is complying with the stipulated noise limits set for the early morning and evening periods. As such, noise emissions from its operations are unlikely to be resulting in adverse effects on the nearest residents.

COUNTY COUNCIL'S LIGHTING CONSULTANT: No objection. Noted that previous recommendations with respect to LED lights has been implemented.

BRADWELL WITH PATTISWICK PARISH COUNCIL: No comments received

KELVEDON PARISH COUNCIL: Object, due to the industrial nature of this activity late into the evening in an otherwise rural area. It would result in additional noise and vehicle movements which would be detrimental to both local residents and wildlife. Nocturnal wildlife, including badger setts both on the site and in the periphery, are likely to be particularly disturbed by additional late night noise and lighting.

COGGESHALL PARISH COUNCIL (adjacent Parish): No comments received.

RIVENHALL PARISH COUNCIL (adjacent parish): No comments received

SILVER END PARISH COUNCIL (adjacent parish): No comments received

LOCAL MEMBER -BRAINTREE- Braintree Eastern: Any comments received will be reported

LOCAL MEMBER - BRAINTREE - Witham Northern: Any comments received will be reported.

6. REPRESENTATIONS

17 properties were directly notified of the application. No letters of representation have been received.

7. APPRAISAL

The key issues for consideration are:

- Need & Principle
- Traffic & Highways
- Residential Amenity - Visual impact & lighting, Noise and emissions
- Ecology

A NEED

It is considered that the principle of the location and operation of the dry silo mortar plant has been established by way of planning permissions ESS/53/05/BTE (the original application for the plant) and ESS/03/18/BTE which allowed its continued in association with extraction within site A5.

The issue for consideration is the acceptability of additional hours of operation for the DSM between 6am and 7am and 6:30pm and 10pm Monday to Friday for the life of the quarry operations, currently permitted to December 2022.

The NPPF contains a presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. It goes on to state that these roles should not be undertaken in isolation, but should be sought jointly and simultaneously through the planning system.

The MLP policy S1 (Presumption in Favour of Sustainable Development) contains objectives that reflect the presumption in favour of sustainable development contained in the NPPF.

The DSM plant dries and mixes sand with cement, lime and powered add mixtures e.g. colour, which are then stored within watertight silos within the plant. The dry mixture is then exported in tankers to reload storage silos at construction sites or the dry mixture is sent out in mobile storage silos on HGVs. It is only the drying and mixing operations that would take place during the proposed extended operation hours. The operation of the DSM enables the quarry to market the sand produced at the quarry more effectively

The original application for the DSM plant anticipated an output of 80,000tpa and

took account of the HGV movements generated by this level of production as well the HGV movements associated with importation of non-indigenous materials e.g. cement.

In applying to extend the hours of operation, the applicant explained that the DSM was unfortunately not achieving the anticipated 80,000tpa production, within the normal operating hours. The additional time has allowed and would continue to production of dry mortar within the plant, which would then be exported during the normal operational hours (07:00 to 18:30 Monday to Friday, 0:700 to 13:00 Saturdays).

The location and operation of the DSM is in conformity with MLP policy DM4 which seeks to locate secondary processing plant with existing quarry operations, subject to no adverse environmental impacts.

The additional hours would be likely maintain 2 jobs.

It should be noted that the bagging plant at Bradwell Quarry already has planning permission to operate for extended hours between 06:00 to 07:00 and 18:30 to 22:00. Similar to the current proposals no HGV movements take place within the extended hours, only the operation of the bagging plant itself. It is acknowledged that the bagging plant does not regularly work in the evenings recently, but if demand required these activities could recommence without the need for further planning permission and could take place at the same time as the extended hours for the DSM.

It is considered that there is an economic justification for the extended hours, the social and environmental implications of the proposal are considered further in the report, including consideration of any impacts that have arisen during the trial period.

B TRAFFIC & HIGHWAYS

NPPF and policies of the MLP (DM1) and BDLP (RLP 62, RLP 63 and RLP 65) seek to protect the road network from impacts on the highway network as well as the adverse environmental impacts such as noise, light and emission impacts from development.

Concern has been raised by Kelvedon Parish Council as to the impact of additional traffic movements during the extended hours. It must be emphasised that the proposal does not involve HGV traffic entering or leaving the site during the proposed extended hours. The only traffic movements would be those of light vehicles associated with staff arriving at 06:00 and leaving at 22:00. The delivery of materials required by the plant e.g. cement and lime and the export of product has only and would only continue to be within the existing standards hours. It is only the operation of the DSM plant that has and would take place during the extended hours i.e. drying and mixing inside the plant. There may be some limited use of a front loading shovel within the plant site itself.

There would also be no additional traffic movements over that originally envisaged for the plant, as it not proposed to increase the output production of the DSM, only

to hopefully achieve its originally anticipated output production of 80,000tpa. If increased output is achieved it would result in more exports i.e. HGV movements from the DSM plant, but these would have to be accommodated within the permitted existing maximum HGV movements for all activities at the quarry.

HGV movements are limited by condition, such that all HGV generating activities associated with the quarry are limited to:

- 590 movements (295 in and 295 out) per day Monday to Friday
- 294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year.

It is considered as there are no additional or out-of-hours HGV traffic movements, there would be no adverse impact on the highway network or disturbance arising from HGV movements. There would be some light vehicle movements arising from staff arriving and leaving but the impacts from these are not considered significant. The proposals are therefore in accordance with MLP policy DM1.

C RESIDENTIAL AMENITY - VISUAL IMPACT & LIGHTING, NOISE AND EMISSIONS

Visual Impact & Lighting

Policies of the MLP (Policy DM1), BDLP (policies RLP 36, RLP 62, RLP 65) and BCS (policy CS5) seek to minimise visual impacts and impacts from lighting on residential and local amenity. The DSM plant is within the processing plant area which is screened by existing bunding which are as high as the DSM plant screening views from local roads and PRoW. No additional lighting is proposed over and above that already existing on site and used when the DSM is operational in winter dark hours. Lighting has been improved during the trial period halogen lights having been replaced with LED which are more energy efficient. The use of the front loading shovel in the extended hours period would be avoided, although if used its use would not be visible outside the site.

Concern has been raised by Kelvedon PC as to the impact of lighting. Existing lighting is cowled downward and operates on timers to minimise the period it is required to be on. A lighting assessment accompanied the original application and concluded light levels would be within national guidance.

The County's lighting consultant has raised no objection to the application and notes lights have been updated with LED bulbs. It is considered subject to reimpose of conditions to ensure lighting remains angled down and cowled would be carried forward, the proposals are in accordance with MLP policy DM1 and BDLP policy RLP65.

Noise

The NPPF, policies of the MLP (Policy DM1), BDLP (policy RLP 36, RLP 62) and BCS policy CS8 all seek to minimise the impacts of noise on residential and local

amenity.

Kelvedon PC has raised concerns with respect to potential noise impact particularly as activity would be during antisocial hours in a rural environment.

The application was accompanied by 3 sets of noise monitoring results undertaken during the trial period. During these monitoring periods, the noise from the DSM was inaudible, and while maximum noise limits were exceeded it was accepted that the noise was from extraneous noise sources not associated with the operation of DSM.

The County Council's noise consultant has commented that while the monitoring doesn't demonstrate conclusively that the noise conditions were adhered to, the fact the site was inaudible during the monitoring, the exceedances would appear to be from extraneous noise e.g. road and air traffic and the monitoring would infer compliance. As there have been no noise complaints, the County's Noise Consultant raises no objection subject to continuation of the requirements with respect to noise monitoring.

It is considered, subject to permission being granted, appropriate to reimpose the noise limitation at noise sensitive properties and for monitoring to show compliance. As such, the proposals are in accordance with the NPPF, MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

Ecology

Concern has been raised that the additional disturbance due to light and noise would disturb wildlife, particularly badgers, there are no known badgers sets in the vicinity of the processing area. There are no local or designated wildlife sites in close proximity to the processing plant. The restoration proposals for the quarry include the creation of areas of biodiversity in accordance with the Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity 2016, such there will be overall positive benefits to biodiversity.

Policies of the MLP (DM1), BDLPR (policies RLP 80 and RLP 84) and CS policy CS8 seek to minimise the impact of development upon biodiversity. It is not considered the continued operation of the DSM in extended hours would give rise to significant adverse impact upon on local ecology.

It is therefore considered there is no justification to withhold planning permission on ecology grounds and thus the proposals are considered to be in accordance with MLP policy DM1 and BDLPR policies RLP 80 and RLP 84.

8. CONCLUSION

It is considered that an adequate economic justification was provided by the applicant to demonstrate the need to operate the DSM over extended hours to facilitate the full production capacity of the DSM to be realised. The trial period of extended hours operations has resulted in no complaints and noise monitoring would indicate that operation of the DSM has not resulted in an exceedance of noise limits.

It is considered subject to reimpose of existing conditions, with respect to noise, lighting and ecology there would be no unacceptable adverse impact from the proposals that would warrant refusal and thus the proposals are in accordance with MLP policy DM1 and BDLPR policies (RLP 36, RLP 63, RLP 80 and RLP 84).

If granted the extended hours would be permitted for the life of the quarry until December 2022. There is currently an application (ESS/12/20/BTE) with the authority to extend the extraction area into site A7 of the MLP, this is likely to be considered by the Committee this summer. If granted, the extended hours of operation for the DSM could also be included as part of that new permission such that the life of the quarry could be extended to approximately 2034, although this will depend on extraction rates.

There is an existing legal agreement associated with the planning permission for site A5 (ESS/03/18/BTE), such that any permission would require a deed of variation to ensure the legal obligations remain associated with new permission.

The economic, social and environmental strands of 'sustainable development' are considered to have been achieved and the development therefore constitutes 'sustainable development' for the purposes of the NPPF, for which there is a presumption in favour. The proposal is considered to be in accordance with the development plan as a whole.

9. RECOMMENDED

That planning permission be granted subject to:

- a) Legal agreement: Prior completion within 6 months of a deed of variation to ensure all previous legal obligations remain associated with the new permission
- b) Conditions: Re-imposition of all previous conditions of ESS/03/18/BTE (updated as appropriate where discharged) and with the following amendments:

Deletion of conditions 1, 2 and 9 replace with:

Condition 1 - commencement

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 Mineral Planning Authority within 7 days of such commencement.

Condition 2 – application details

The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:

- Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
- Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary

- Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
- Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
- Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
- Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
- Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Site A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
- Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
- Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
- Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
- Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
- Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS_03_18_BTE Additional Info Noise Response_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-18
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-18
A5-3 Rev A	Site Setting	29-09-17
A5-4 Rev E	Public Right of Way	12-02-18
A5-5 Rev A	Geological Map and Excavation Profile	05-10-17
A5-6 Rev C	Temporary Site A5 Works	12-02-18
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-18
A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

As amended by Planning Application reference ESS/35/20/BTE, application form dated 20 March 2020, supporting letter from Honace date 20 March 2020, letter from Blackwater Aggregates and letter from It does Lighting Ltd

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

Condition 9 – operational hours

Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable:-

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times: -

07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.

(b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays,

Bank or Public Holidays;

(c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times: -

07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday;

(d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times: -

07:00 hours to 18:30 hours Monday to Friday
07:00 hours to 13:00 hours Saturdays

Except that the DSM may in addition be operated between the following hours, but shall not include HGV movements onto the public highway.

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday

and at no other times.

A full set of conditions is set out in Appendix A

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and

supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LOCAL MEMBER NOTIFICATION

BRAINTREE - Braintree Eastern
BRAINTREE - Witham Northern

Conditions for ESS/35/20/BTE

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 Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
 - Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
 - Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
 - Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
 - Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
 - Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
 - Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
 - Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Site A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
 - Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
 - Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
 - Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
 - Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
 - Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS_03_18_BTE Additional Info Noise Response_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative

- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-18
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-18
A5-3 Rev A	Site Setting	29-09-17
A5-4 Rev E	Public Right of Way	12-02-18
A5-5 Rev A	Geological Map and Excavation Profile	05-10-17
A5-6 Rev C	Temporary Site A5 Works	12-02-18
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-18
A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

As amended by Planning Application reference ESS/35/20/BTE, application form dated 20 March 2020, supporting letter from Honace date 20 March 2020, letter from Blackwater Aggregates and letter from It does Lighting Ltd

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority and 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 the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 81, RLP 81, RLP 84, RLP 86, RLP 87 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5, CS6, CS8 and CS9.

3. The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500
As amended by		
702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5, CS8 and CS9.

4. The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Title	Date
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BCS policies CS5, CS8 and CS9.*

5. The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Dated
Figure 1 561071 R1	01/12 05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BDCS policies CS5, CS8 and CS9.*

6. The development hereby permitted shall cease by the 31 December 2022 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under conditions 41, 49 and 68 and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under Conditions 41, 60 and 70 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.*

7. 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 no longer required for the purpose for which built, erected or installed or by the 31 December 2022 and land shall be restored in accordance with the restoration scheme approved under conditions 41, 49 and 68 of this permission.

***Reason:** To enable the Mineral Planning Authority to adequately control the*

development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.

8. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in conditions 41, 49 and 68 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to the Mineral Planning Authority for its approval in writing, within 2 years and 2 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: *To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5 and CS8.*

9. Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable:-

- (a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.

- (b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;

- (c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times:-

07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include movements onto the public highway

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday;

- (d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday
07:00 hours to 13:00 hours Saturdays

Except that the DSM may in addition be operated between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday

and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

10. The bagging plant shall not operate between 06:00 and 07:00 and between 18:30 and 22:00 unless the roller shutter doors of the bagging plant are closed.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36

11. From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

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

12. All vehicular access and egress to and from the site shall be from A120 Trunk road (Coggeshall Road) as indicated on Drawing 1 Rev A, dated 30/03/14. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound in accordance with a specific planning permission.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

13. The development hereby permitted shall be implemented in accordance with the details for signage and routing for drivers approved on 29 May 2013 under condition 14 of planning permission ESS/32/11/BTE. To keep and maintain the approved signage to deter public use of the haul road and routing for drivers visiting the site shall be as set out in the application form dated 9 March 2012 (reference ESS/32/11/BTE/14/1), emails from Blackwater Aggregates dated 29 February 2012 (13:21) with attachment "leaflet re access and egress" and 2 March 2012 (14:34) with photographs of signage. The "leaflet re access and egress" shall be issued to all new drivers to the site and shall be issued annually on or near the 1st April of each year to all drivers to the site.

Reason: In the interest of highway safety and to comply with MLP policies MLP3 and DM1 and BDLPR policy RLP 36.

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to

ensure that such material is not carried onto the public highway.

Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with MLP policies S11 and DM1.

15. The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday
294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

16. No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

17. The signs stating: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' erected on both sides of the access road at the points where Footpaths Bradwell 19, Bradwell 58, Bradwell 57 cross and on the haul road where Footpath Kelvedon 35 crosses, and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Rights of Way and the haul road and to comply with MLP policy DM1 and BDLPR policy RLP 49.

18. The location of the earth moving contractor's compound shall be in accordance with Planning Permission ESS/14/15/BTE, except as amended by any subsequent planning permission. The approved application details are: application form dated 15 March 2015, together with letter from Honace dated 19 March 2015, e-mails from Honace dated 17 June 2015 and 25 June 2015 and Drawing No. 20/01/02 Rev D dated 31 March 2015. The earth moving contractors' compound shall be removed and the land reinstated to its original condition no later than the 31 December 2022.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

19. The development hereby permitted shall be implemented in accordance with the details approved on 16 November 2012 under condition 20 of planning permission

ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the haul road for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

20. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the LAeq 1hr levels as set out in the following table:

<u>Location</u>	<u>Criterion</u> <u>dB LAeq 1hr</u>
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1*	47
Silver End 2*	51

* Monitoring locations indicated on Drawing 12-2 within Chapter 12: Assessment of Environmental Noise, Report Reference: B3910 20171124 R

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The above limits are for noise arising from all combined activities at Bradwell Quarry and the Rivenhall IWMF (if progressed).

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

21. During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed below, shall not exceed, the LAeq 1hr levels as set out in the following table:

Location	Night Criterion	Evening Criterion
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	(06:00 to 07:00)	(19:00 to 22:00)
Bradwell Hall	42 dB LAeq,1hr	47 dB LAeq,1hr
Herons Farm	42 dB LAeq,1hr	44 dB LAeq,1hr

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

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

22. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as listed in condition 20 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations that give rise to noise levels greater than those noise limits defined within condition 20 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 any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

23. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken, except frequency of monitoring shall be increased in the following circumstances:

- a) During periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring,
- b) During periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring,
- c) During periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring, and
- d) During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 noise levels shall be monitored 3 monthly intervals at noise

sensitive properties as listed in Condition 21 and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring for conditions 23 (a) and 23 (b) may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 20, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 20 and 21, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 24 shall be implemented.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

24. The development hereby permitted shall be implemented in accordance with the Noise Management Plan approved on 12 August 2019 under condition 24 of planning permission ESS/03/18/BTE. The approved Noise Management Plan are set out in the application for approval of details reserved by condition (ESS/03/18/BTE/24/1) dated 3 September 2018 and the Noise Management Plan Report Reference B4979 2018-10-09 Site A5 NMP by Acoustical Control – Engineers & Consultants.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

27. No plant other than the primary and secondary processing plant, a single excavator and bulldozer or the primary and secondary processing plant, single excavator and dump truck shall be operated when operations are within 100m to 150m of Herons Farm, and when operating within 100m to 300m of Deeks Cottage and Haywards unless unoccupied.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

28. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A5-2 Rev A.

Reason: To minimise the visual impact of the development in the interests of rural amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

29. No additional fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

30. Floodlights/fixed lighting shall not be illuminated outside the operational permitted hours set out within condition 9 and at no time on Sundays, Bank or Public Holidays except for security lighting.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

31. All fixed exterior lighting shall have a tilt/uplift no greater than 25 degrees.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65

32. The development hereby permitted shall be implemented in accordance with the dust prevention management techniques set out in Table 6.1 of the Air Quality Assessment dated September 2017 forming part of the Environmental Statement dated January 2018 and letter from Honace dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

33. The internal haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

34. Advanced hedgerow and woodland planting shall be in accordance with Drawing A5 - 22 Rev B and in accordance with planting details set out in letter from Honace dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting. The advanced planting shall be carried out in the first available planting season following the date of this planning permission.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 8.

35. Within 3 months of the date of commencement of the development as defined by condition 1 a planting scheme for the "Proposed native woodland planting" as identified on Drawing A5-11 Rev E Lower Level Restoration Profile and Drawing A5-9 Rev H Higher Level Restoration Scheme shall be submitted to the Mineral Planning Authority for its written approval. The planting scheme shall include:

- Areas to be planted;
- Plant and tree species;
- Sizes;
- Spacing;
- Protection;
- Seed mixes for ground within the "Proposed native woodland planting";
- Programme of implementation.

The planting scheme shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

36. Any tree or shrub forming part of the advanced or restoration planting scheme in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

37. The tree protection measures to protect trees numbered 23 and 26 on Drawing 31-1 Rev 1 (as submitted with planning application ESS/24/14/BTE) shall be retained until completion of restoration in sites A3 and A4.

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

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

38. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) for Site A5 approved on 12 August 2019 under condition 38 of planning permission ESS/03/18/BTE. The approved Construction Environmental Management Plan (CEMP) for Site A5 is set out in the application for approval of details reserved by condition (ESS/03/18/BTE/38/1) dated 3 September 2018 and the following documents and drawings:

- Construction Environmental Management Plan (CEMP) (Ref: C1 Site A5 CEMP 2018 - 10 A.1)
- Appendix C2 to CEMP Part A Biodiversity Management Plan and 5 year Outline
- Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C3 to CEMP Part B Appendix 1 to Biodiversity Management Plan and 5 year Outline Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C4 to CEMP Essex Biodiversity Checklist dated Jan 2018
- Appendix C6 Drawing No. 1075/1/1 Rev A – Ecology Habitat Map dated 12-02-18
- Appendix C7 Drawing No. 1075/1/2 Rev A – Ecology dated 12-02-18
- Appendix C8 Drawing 1075/1/3 Rev A – Ecology Constraints Map dated 12-02-18.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

39. Within Sites A3 and A4 operations shall continue in accordance with the Construction Environmental Management Plan approved on 6 May 2015 under condition 35 of planning permission ESS/24/14/BTE. The approved Construction Environmental Management Plan is set out in the application (ESS/24/14/BTE/35/1) for approval of details reserved by condition dated 8 April 2015 and the document "Construction Environmental Management Plan Site A3 & A4" Report Number 14514150353.503/A.1 dated April 2015.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

40. No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

41. Within 3 months of date of commencement of the development hereby permitted as

defined by condition 1 a Landscape and Ecological Management Plan (LEMP also referred to as a Habitat or Biodiversity Management Plan) for Bradwell Quarry, in particular for sites A3, A4 and A5 shall be submitted to for approval in writing of the Mineral Planning Authority. The Plan shall include:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- d) Appropriate management options for achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved LEMP.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

42. No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

43. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the Drawings 7 Rev B dated 20 March 2014 for Sites A3 and A4 as submitted with Planning Application ESS/24/14/BTE and in accordance with Drawing A5-7 Rev D for Site A5, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies MLP8 and DM1 and BCS policy CS8.

44. The seeding and maintenance of soil bunds established around Sites A3 and A4 shall continue to be maintained in accordance with the details approved on 19 February 2018 under condition 40 of planning permission ESS/07/16/BTE. The approved

seeding and maintenance of soil bund details are set out in the application for approval of details reserved by condition dated 2 February 2018 and statement entitled "Condition 40: Bund Seeding and Maintenance". Following the establishment of new bunds around the perimeter of Site A5, bund seeding and maintenance shall be carried out in accordance with the details within the Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with MLP policy DM1 and BDCS policy CS8.

45. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration of Bradwell Quarry.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

46. Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition* and no movement of soils shall take place:
- (a) During the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
 - (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
 - (c) There are pools of water on the soil surface.

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policy CS8.

47. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

48. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

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

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

49. Within 3 months of the date of commencement of this development, as defined by condition 1, details of the restoration levels for New Field Lagoon shall be submitted for the approval in writing by the Mineral Planning Authority. The details shall include levels plans and cross-sections for the lagoon with minimum of 1m contours, with plans of the lagoon at a scale of not less than 1:2,500 and cross sections of the margins of the lagoon at a scale of not less than 1:200. The development shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

- 50.
- a) Recording and publication of the archaeological investigation within site A2 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated August 2011.
 - b) Recording and publication of archaeological investigation for Phase 1 of Site A4 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated July 2014 (Ref. 8237).
 - c) The development hereby permitted shall be in accordance with the scheme and programme of archaeological investigation and recording for Site A4 Phases 2 to 4 and Site A3 Phases 1 and 2 approved on 10 August 2015 under condition 49c of planning permission ESS/24/14/BTE. The approved scheme and programme of archaeological investigation and recording is set out in the application for approval of details reserved by condition dated 3 August 2015 (reference ESS/24/14/BTE/49c/1) and the document " Project Design for Archaeological Strip, Map & Sample" prepared by Archaeology South East

dated July 2015 Ref. ASE Project no. 8437 – Site Code: BDAF12.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

51. No development or preliminary groundworks can commence within the areas proposed for archaeological excavation within Site A5 until the satisfactory completion of fieldwork in accordance with the written scheme of investigation set out in document "Bradwell Quarry – Proposed Extension Area `A5` Archaeology – Programme of archaeological mitigation" received by the Minerals Planning Authority on 14 May 2018. No excavation of overburden/minerals shall commence on the remainder of Site A5 until the archaeological monitoring investigation has been completed and the Mineral Planning Authority have given written approval that the investigation has been completed for each phase. Archaeological investigation in accordance with this scheme shall commence by the 14 May 2020 or a revised written scheme of investigation shall be submitted to the Mineral Planning Authority for approval and shall be implemented in accordance with the revised scheme.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

52. Within 12 months of the completion of the archaeological investigation fieldwork as required by condition 51 a post-excavation assessment shall be submitted for approval by the Mineral Planning Authority. The post excavation assessment will result in the completion of the post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report.

Reason: To ensure that any archaeological interest has been adequately recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

53. Surface water drainage shall be in accordance with the details set out in Section 5 of Chapter 15 – Flood Risk Assessment of the Environmental Statement dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

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

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

55. Groundwater monitoring shall be carried out in accordance with Section 6.5.6 of the ES and Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme and records submitted to the Mineral Planning Authority with 14 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

56. Where contamination of the ground is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 5.12.2 of Chapter 5: Land Use, Geology and Ground Conditions of the ES dated January 2018. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.5.6 of Chapter 6: Groundwater of the ES dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

57. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

58. In the event that contamination material is discovered on site details of mitigation and remediation and a timetable for implementation shall be submitted to the Mineral Planning Authority for its written approval. The mitigation and remediation shall be implemented in accordance with the approved details.

Reason: To minimise the risk of pollution of watercourses, aquifers and to comply with MLP policy DM1 and BDLPR policies RLP 64, RLP 71 and RLP 72.

59. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policy S12 and BCS policy CS8.

60. An aftercare scheme detailing the steps that are necessary to bring the land to be restored to agriculture and woodland to a required standard for agricultural and woodland shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and placement of soils on site. The submitted scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance 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.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The aftercare scheme may be incorporated within the LEMP submitted under condition 41. The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture, woodland and nature conservation and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

61. The agricultural access routes for Sites R and A2 shall be implemented in accordance with the drawing approved on 16 May 2017 under condition 56 of planning permission ESS/07/16/BTE. The approved agricultural access route details are set out in the application for approval of details reserved by condition (ESS/07/16/BTE/56/1) dated 21 December 2016 and Drawing Number 020-01-08" Maintaining Agricultural Access Routes" dated 29 November 2016 and shall be used for agricultural purposes only.

Reason: To ensure the route of the agricultural track minimises its impact upon on agricultural use of the adjacent land, rights of way and adverse impact on the landscape and complies with MLP policies DM1 and MLP8 and BCS policies CS5 and CS8.

62. No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility planning permission reference ESS/34/15/BTE or any subsequent amending planning permission.

Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies MLP10 and MLP11.

63. Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies MLP11 and DM1.

64. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.

65. All sand used in the dry silo mortar plant shall be from indigenous sources at Bradwell Quarry.

Reason: In the interests of local and visual amenity and in accordance with MLP policies MLP11 and DM1.

66. Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policies MLP11 and DM1 and BDLPR policy RLP 62.

67. All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.

68. Unless notification has been provided to the Mineral Planning Authority by the 31 July 2018 that restoration of Bradwell Quarry is to be in accordance with Drawing A5-9 Rev H "Higher Level Restoration Proposals" then Bradwell Quarry shall immediately commence to be restored in accordance Drawing A5-11 Rev E "Lower Level Restoration Profile" and sub and topsoils shall be replaced to ensure phasing in accordance with Drawing A5-10 Rev E (Phasing of combined Lower Level Restoration). Restoration of Sites A3 and A4 shall be completed by 31 July 2020.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse and not delayed due to delays associated with the development of the Integrated Waste Management Facility permitted by planning permission ESS/34/15/BTE, or any subsequent superseding planning permission. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

69. In the event that restoration of sites A3 and A4 has commenced and/or been completed and the Rivenhall IWMF (as approved under ESS/34/15/BTE or any subsequent superseding planning permission[s]) is progressed then a programme and phasing scheme shall be submitted to for the approval in writing of the Mineral

Planning Authority for the stripping of top and subsoils from sites A3 and A4 to allow the placement of the overburden from the Rivenhall IWMF to achieve the Higher Level Restoration Scheme in accordance with drawing A5-9 Rev H. The programme and phasing scheme shall include an assessment of the environmental effects of such, including impacts arising, from noise, dust and impacts upon ecology and where necessary provide for appropriate mitigation and compensation. All disturbed areas would be subject to a further 5 year aftercare period.

Reason: To facilitate the disposal of overburden from the Rivenhall IWMF, even if restoration to a low level restoration scheme within Sites A3 and A4 has commenced, in accordance with WLP policy 2 and the Site specific criteria for Bradwell Quarry within the MLP. To ensure that the impacts from the stripping top and subsoils and placement of overburden does not give rise to adverse impacts on local amenity and ecology and ensure satisfactory restoration and aftercare.

70. In the event that mineral extraction operations within Bradwell Quarry cease, prior to the 31 December 2021 a restoration and 5 year aftercare scheme for the processing plant area of Bradwell Quarry shall be submitted to the Mineral Planning Authority for approval in writing. The restoration scheme shall incorporate those features described with paragraph 3.11.8 of the Planning Application Supporting Statement for Site A5. The restoration and aftercare scheme shall be implemented in accordance with the approved details and the restoration completed by 31 December 2021.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse incorporating areas for biodiversity. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

71. The development hereby permitted shall be implemented in accordance with the bat box details approved on 12 August 2019 under condition 71 of planning permission ESS/03/18/BTE. The approved bat box details are set out in document "Rivenhall Airfield A5 Bat Boxes Proposed For The Small Copse Around Pond 4 (Grid Reference TL 81791 19973) 1075/2" and emails dated on 25 July 2019 and 12 August 2019 from Honace (Planning reference ESS/03/18/BTE/71/1).

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

72. During the period of construction of screening bunds every effort shall be made to avoid placement of screening bunds or disturbance to the areas of semi-improved grassland identified on Drawing 1075/1/1 – Habitat Map adjacent to Sheepcotes Hangar within the former aeroplane turning circles. Where the semi-improved grassland is retained, it shall be incorporated into the restoration scheme as semi-improved grassland and maintained as such throughout the 5 year aftercare period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP

84.

73. The nitrate buffer between the boundary of the agricultural land and the Priority Habitat Species Rich Grassland within Site A5 shall be implemented in accordance with the details submitted in the Honace letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme and Drawing A5-21 A5 Restoration and Wetland Details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

74. Prior to the construction of the screening bund on southern edge of Site A5 adjacent to Storeys Wood, the position of the new hedgerow (minimum 2m wide) the area of new woodland immediately adjacent to Storeys Wood, the PRow route, the access track shall be marked out with survey pegs on the ground. The Mineral Planning Authority shall be given 5 days prior notification that the survey pegs are available for inspection and construction of the southern screening bund shall not commence until the Mineral Planning Authority has given written approval.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

75. Within 2 months of the commencement of development, fencing shall be provided to separate the Public Right of Way Silver End 54 from the access track on the southern edge of Site A5. The fencing shall be maintained throughout the life of operations within site A5.

Reason: To ensure the safety of users of the Public Right of Way, in accordance with MLP policy DM1

DR/12/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material.

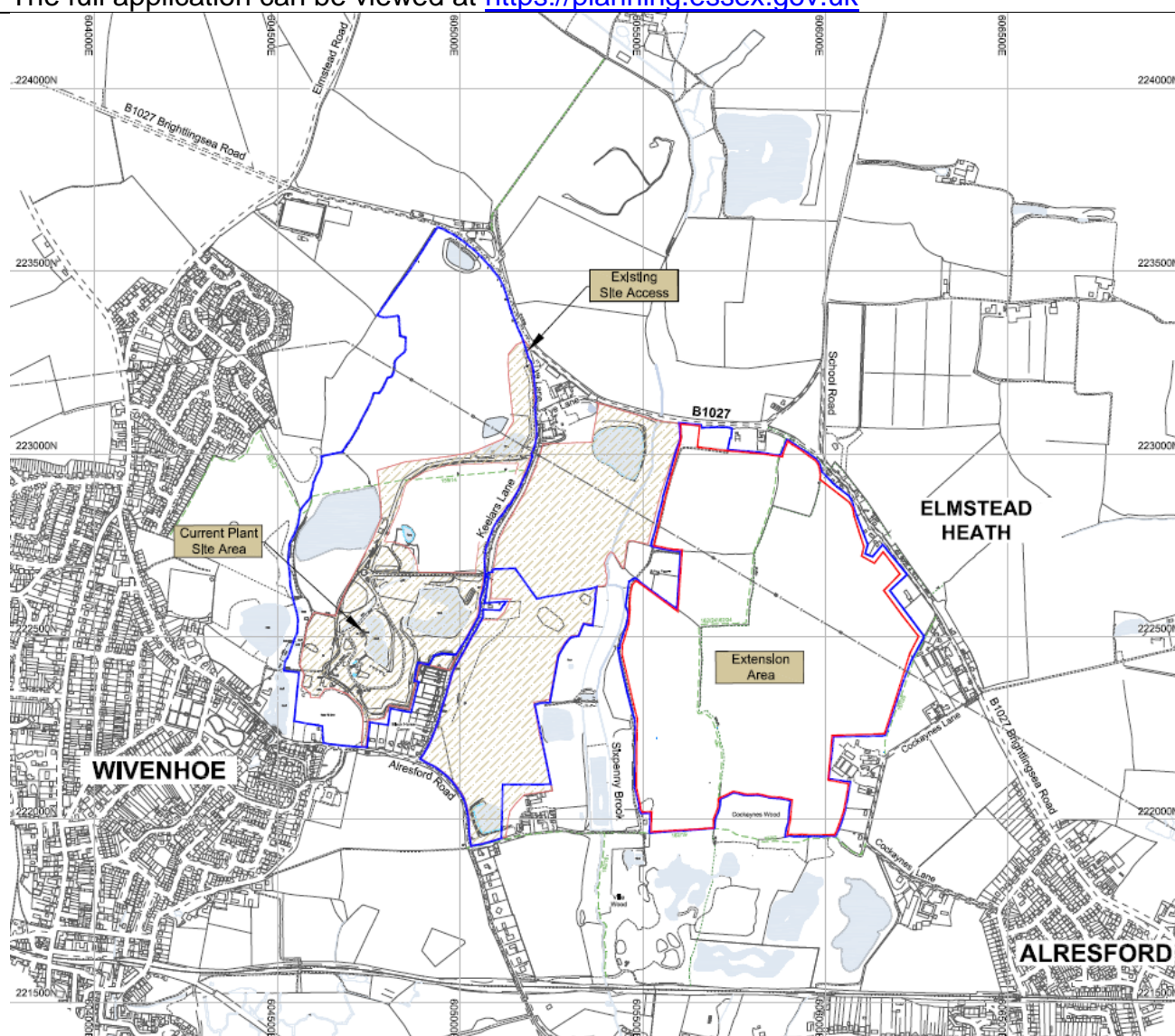
Ref: ESS/17/18/TEN**Applicant:** Tarmac Aggregates Limited

Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB

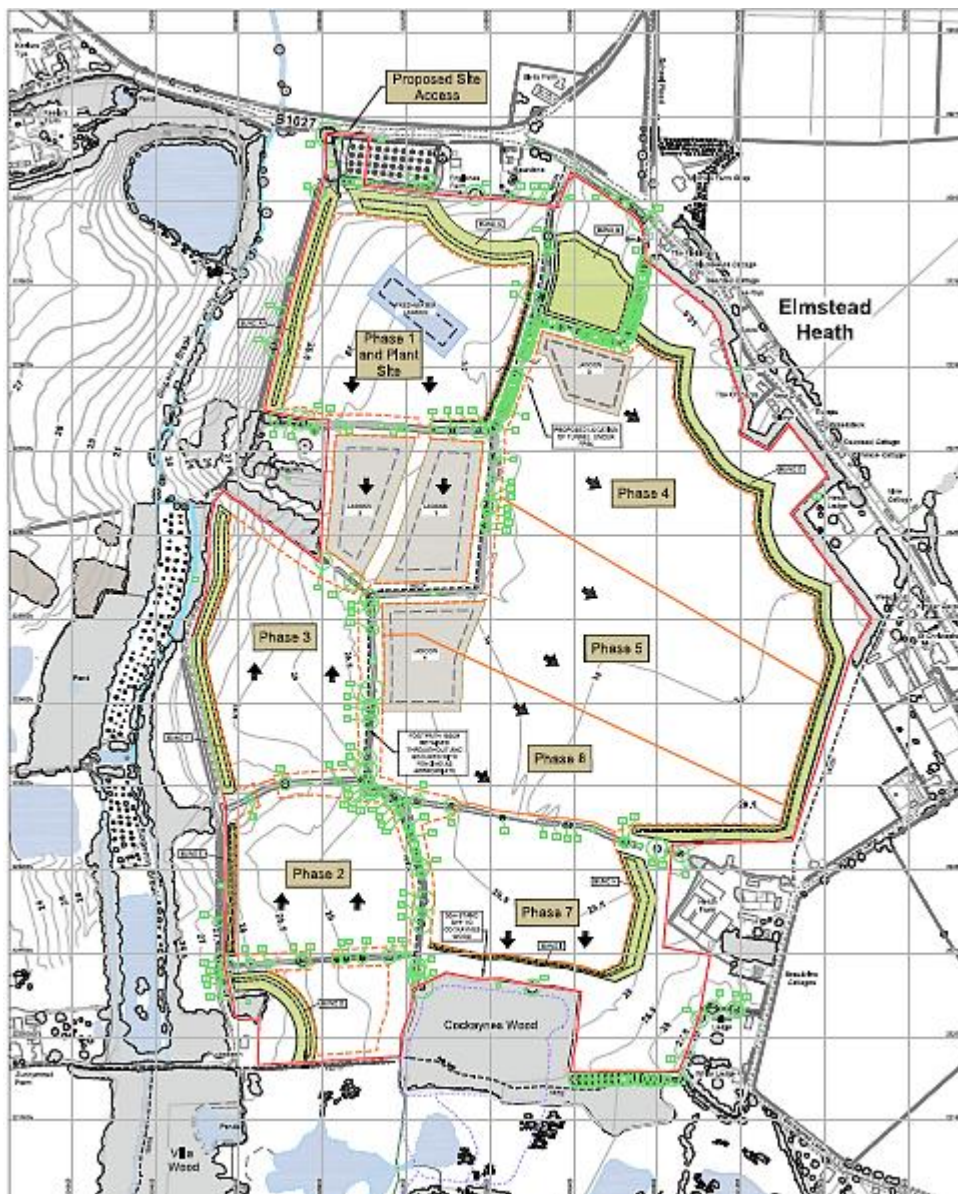
Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Shelley Bailey Tel: 03330 136824

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



Site Plan



Working Plan

1. BACKGROUND

This application was originally presented to the Development & Regulation Committee in November 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The legal agreement draft requires:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

There was a requirement for this legal agreement to be finalised within six months of the resolution.

For reference, the report as presented to Members in November 2019 is provided at **Appendix 1**.

2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT

Since the November 2019 committee meeting, discussions have been continuing with the applicant regarding the legal agreement.

A draft of the agreement has been circulated and is in its final form. However, a significant portion of the site is in third party ownership and is currently in probate. This has hampered progress and, although the applicant's solicitor was moving the issue forward, he and several other of the applicant company's staff have been furloughed due to the current COVID-19 crisis.

The applicant anticipates that staff may return towards the end of June and, as such, a further 6 months is requested to allow completion of the legal agreement.

Since this application was originally considered, it is noted that the North Essex Authorities (Braintree, Colchester and Tendring) Examination hearings have reopened and concluded on 30th January 2020. The Planning Inspector has not yet issued advice on the soundness of the Plan. Further, the Tendring specific Section 2 of the Local Plan examination cannot commence until the Section 1 Inspector's report has been published. As such, it is not considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that give rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered that any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is, in principle, remaining unchanged.

The Minerals Planning Authority has been pro-actively engaged by the applicant to date and the delay is considered to have been unintentional and unavoidable.

Accordingly, it is considered appropriate, particularly in the current circumstances (COVID-19 pandemic), to consent to the extension as requested.

3. RECOMMENDED

That planning permission be granted subject to:

Within 6 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
 - W328-00062-13-D dated 21/10/19 – Cross Sections
 - W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
 - W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
 - W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10

- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4th December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
 - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
 - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
 - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
 - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018
 11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-0992-RP11-Final by Crestwood Environmental Ltd dated 23 May 2018

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals 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 Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.

3. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

4. Any building, plant, machinery, foundation, hard standing, 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 no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

Reason: To enable the Minerals 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 Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals 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, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

6. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

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

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take

place outside of the following times:

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

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

(d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank 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 Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.

7. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

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

Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.

8. The public's rights and ease of passage over Public Footpath 24 shall be

maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

9. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

10. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.

11. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)¹, including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and

- instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information shall be given well in advance and in writing. The use of a site contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;
- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.

12. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.

- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.
- i) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will 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, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EclA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

14. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP shall include the following:

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

The CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time. Additional surveys will be required prior to each phase;
- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available;
- Arrangements for accessing ‘Bund B’ as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason: To conserve Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

15. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats

Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

16. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20th December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

Reason: *To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

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

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

19. No development shall take place until a landscape scheme has been

submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 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 Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Minerals Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

21. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

22. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral

Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.

23. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

24. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

Reason: To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.

25. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

27. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

1. The type of waste or restoration material deposited at the site during the year;
2. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;
3. The volume in cubic metres (m³) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.

28. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

29. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

30. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials,

including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

31. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

32. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

33. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

34. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

35.No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

36.No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

37.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 Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

38.Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

39. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

40. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:

- a) Attended measurements by a competent person of LAeq 5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
- b) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
- c) Details of equipment and calibration proposed to be used for monitoring;
- d) Details of noise monitoring staff qualifications and experience;
- e) Monitoring during typical working hours with the main items of plant and machinery in operation;
- f) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;

- g) Complaints procedures;
- h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
- i) Procedures for characterising extraneous versus site attributable noise if required;
- j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

- 43. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Minerals Local

Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

44. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

45. 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 Minerals 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 and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.

46. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

47. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for

use in agricultural restoration together with details of quantities, depths and areas involved.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

48. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

49. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

50. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

51. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

52. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

54. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

56. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils and overburden;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

58. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder

cultivation.

Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

59. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- a) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials;
- d) those areas from which it is proposed to strip soils in the following year; and
- e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

60. 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 Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

61. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local

Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

62. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

63. Unless otherwise agreed in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.

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

Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.

66. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan

Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

67. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance 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.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

68. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.

69. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or

machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.

EQUALITIES IMPACT ASSESSMENT

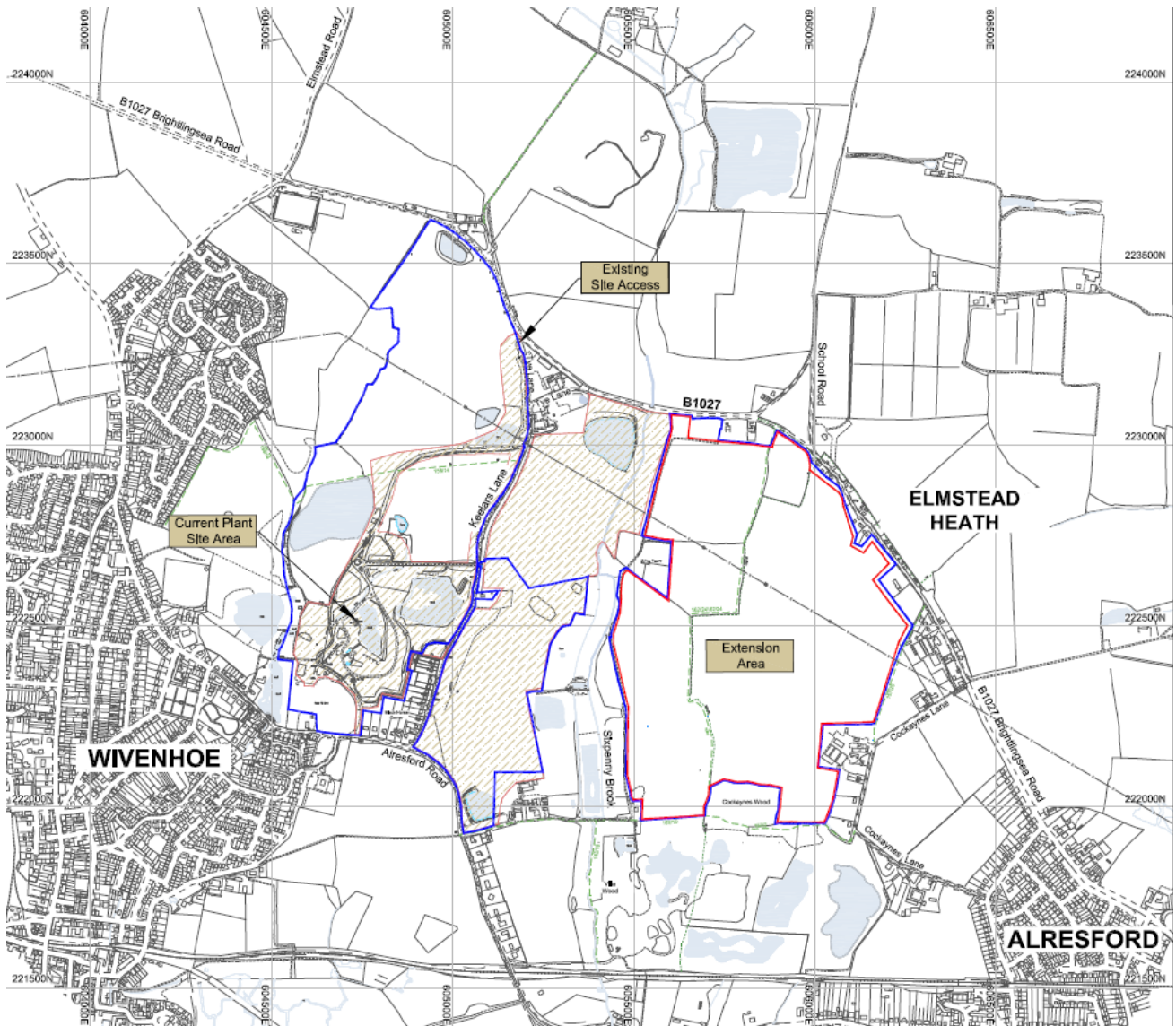
This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

LOCAL MEMBER NOTIFICATION

TENDRING - Tendring Rural West
TENDRING - Brightlingsea

**APPENDIX 1 – NOVEMBER 2019 COMMITTEE REPORT
(INCLUSIVE OF CHNAGES MADE BY WAY OF THE ADDENDUM)**

Report to: DEVELOPMENT & REGULATION (22 November 2019)	
Proposal: MINERALS AND WASTE DEVELOPMENT - Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material	
Ref: ESS/17/18/TEN	Applicant: Tarmac Aggregates Limited
Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB	
Report author: Chief Planning Officer (County Planning and Major Development)	
Enquiries to: Shelley Bailey Tel: 03330 136824 The full application can be viewed at: http://planning.essex.gov.uk/	



Site Plan



Working Plan

1. BACKGROUND

There is a long history of mineral extraction at Wivenhoe, which this application proposes to extend.

Wivenhoe Quarry, to the west of the application site, has a long history of mineral extraction dating back to the 1930's.

The quarry complex is effectively cut in two by Keelars Lane, which runs north-south between Brightlingsea Road and Alresford Road. Keelars Lane also forms the boundary between Colchester Borough (to the west) and Tendring District (to the east).

Heavy Goods Vehicle (HGV) access to this existing site is via a junction with Keelars Lane to the north of the site. Other vehicles may access the site at the south west corner from Alresford Road.

The eastern and western sides of the site are connected by an underpass under Keelars Lane.

Modern permissions on the existing site started in 1994 (permission ref TEN/1544/90), which allowed 'the extraction of sand and gravel, reinstatement with inert fill and restoration to agriculture, part to open water'.

Permission ref TEN/1544/90 has been varied several times, with the most recent variation granted on 29/10/19 (permission ref ESS/43/19/TEN) to allow for an extension of time for restoration of the land to the west of Keelars Lane by 30 June 2020. The land to the east of Keelars Lane is complete and the area is in aftercare.

Permission ref ESS/48/15/TEN permitted the recycling of glass, coated roadstone chippings and scalpings, concrete and brick waste to produce secondary aggregates until 31 December 2018. In practice, the recycling site did not operate until the permitted end date and the planning permission is no longer extant.

2. SITE

The 61 ha application site is located wholly within Tendring District and to the adjacent east of the existing quarry at Wivenhoe.

The site is currently in agricultural use and has itself never been quarried, but is adjacent to historical extraction sites, as noted previously in the report.

It is located approximately 5 kilometres to the south east of Colchester, in a predominantly rural, agricultural area of Alresford. The village of Wivenhoe is located to the west of the site, with Alresford village located approximately 1.5 kilometres to the south east.

The B1027, Brightlingsea Road/Colchester Main Road, bounds the site along the northern and north eastern boundaries, with the Sixpenny Brook running north/south in the vicinity of the western boundary.

The land rises gently from around 25m AOD in the west to around 30m AOD in the east.

The nearest properties to the site are Englishes Farm (it is understood that this is a yard, also known as Charity Farm) and Rosedene, located to the adjacent north between the site boundary and the B1027. There are several properties located to the north east along the B1027. Heath Farm, Willow Lodge and White Lodge are located to the adjacent south east and Furzedown is located to the adjacent south west.

Cockaynes Wood is an ancient woodland located to the adjacent south.

The site is within the general vicinity of several Grade II Listed Buildings, including 'The Old Bottle and Glass', 'the Milestone on Western Verge', 'Grove Farm', 'Keelars Farmstead', 'Keelars Farmhouse', 'Tenpenny Farmhouse' and 'Fen Farmhouse'. 'The Remains of St Peter's Church' is a Scheduled Monument located over 1km to the south east. Finally, Wivenhoe Park and Garden, a Grade II Registered Park and Garden, is located on the western side of Wivenhoe.

Footpath 24 begins at the B1027 Brightlingsea Road and runs north-south through the application site to the southern edge of the site, where it meets Footpaths 2 and 19. Footpath 20 runs along the eastern edge of the site from Cockaynes Lane to Brightlingsea Road.

An area of flood risk (zone 3 – high probability) runs along Sixpenny Brook to the west, although no part of the site is located within it.

The land to the south, known as Villa Farm, has been previously quarried and restored. It, together with Cockaynes Wood, is designated as Villa Farm Quarry Local Wildlife Site, located approximately 150m to the south east of the site.

The Blackwater/Colne Estuary SSSI and Ramsar Sites are located further to the south of the site and the Upper Colne Marshes SSSI is located approximately 750m to the south of the site. To the north of the HGV entrance on the B1027 is also Wivenhoe Gravel Pit SSSI.

The site is largely (but not wholly) within the Minerals Local Plan as a preferred site for mineral extraction (Site A20). It is also largely (but not wholly) within the Waste Local Plan as a preferred site for inert landfill capacity and for inert waste recycling.

3. PROPOSAL

The application has been revised since the original submission and is now for the extraction of 3.8 million tonnes of sand and gravel over a reduced extraction area of 43.4 ha.

Operations would take 19 years (plus another 1-2 years for restoration) with 1.2 million m³ of restoration material required to complete restoration to lowland acid grassland, habitat and amenity use.

The proposed site would be accessed from an entirely separate access to the existing quarry, via a new access off the B1027 Brightlingsea/Colchester Main

Road to the north. Following consultation, the applicant has agreed to include a right-turn lane along the B1027 to accommodate the new access.

The application does not include the relocation of the previously permitted recycling operations.

A processing plant site is proposed in the north west corner of the site. The maximum height of the plant would be 32m AOD.

Proposed working hours are 7am-6pm Monday to Friday and 7am to 1pm on Saturdays. The applicant has confirmed that there is now no proposal to extract or process mineral during Saturday working hours, such that the only activities would be export of mineral from the site, restoration operations and pumping as required.

There are proposed to be a maximum of 72 vehicle movements per day for mineral-carrying vehicles and a maximum of 40 vehicle movements per day for imported restoration material, giving a total of 112 movements per day.

The application is accompanied by an Environmental Impact Assessment. The Environmental Statement is summarised at **Appendix 1**.

4. POLICIES

The following policies of the [Essex Minerals Local Plan, \(MLP\), Adopted July 2014](#), [the Essex and Southend Waste Local Plan \(WLP\), Adopted July 2017](#), [Tendring District Local Plan, \(TDLP\), Adopted 2007](#), [the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft \(TLP\)](#), and [the Alresford Neighbourhood Plan \(ANP\), Designated 3rd November 2016](#), provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP) 2014

S1 - Presumption in favour of sustainable development
S2 - Strategic priorities for minerals development
S3 - Climate change
S10 - Protecting and enhancing the environment and local amenity
S11 - Access and Transportation
S12 - Mineral Site Restoration and After-Use
P1 - Preferred Sites for Sand and Gravel Extraction
DM1 - Development Management Criteria
DM3 - Primary Processing Plant

WASTE LOCAL PLAN (WLP) 2017

Policy 3 - Strategic Site Allocations
Policy 10 - Development Management Criteria
Policy 11 - Mitigating and Adapting to Climate Change
Policy 12 - Transport and Access

TENDRING DISTRICT PLAN (TDLP) 2007

Policy QL3 – Minimising and Managing Flood Risk
Policy QL11 – Environmental Impacts and Compatibility of Uses

Policy COM20 – Air Pollution/Air Quality
Policy COM21 – Light Pollution
Policy COM22 – Noise Pollution
Policy COM23 – General Pollution
Policy COM31a – Sewerage and Sewage Disposal
Policy EN1 – Landscape Character
Policy EN4 – Protection of the Best and Most Versatile Agricultural Land
Policy EN6 – Biodiversity
Policy EN6a – Protected Species
Policy EN6b – Habitat Creation
Policy EN29 – Archaeology
Policy TR1a – Development Affecting Highways
Policy TR1 – Transport Assessment
Policy TR4 – Safeguarding and Improving Public Rights of Way
Policy TR9 – Access of Freight to Transport Networks

ALRESFORD NEIGHBOURHOOD PLAN (ANP), Designated 3rd November 2016.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to

them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Tendring District Local Plan, Adopted 2007, is considered at **Appendix 2**, whilst the level of consistency of the policies contained within the Essex Minerals Local Plan and the Essex and Southend Waste Local Plan, is available here

<https://www.essex.gov.uk/Environment%20Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/Compatibility%20FP-268-10-18%20App%201.pdf>

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

The emerging Tendring District Local Plan was submitted to the Planning Inspectorate on 9th October 2017, along with Braintree and Colchester Councils.

Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1 and as a result of this, Section 1 was considered through a joint Examination in Public (EiP).

Following EiP, Section 1 has been considered unsound by the Inspector in its current form. As such, the Examination has been paused. The evidence base needs to be reviewed by the 3 Councils before returning to Examination. This will inevitably lead to delays to the Examination of Section 2, which deals with Tendring specific site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application; however the weight which can be given to the policies contained within Section 2 is currently very limited in light of the delay to the EiP.

5. CONSULTATIONS

TENDRING DISTRICT COUNCIL –

- Comments that Tendring District Council objected to the Waste Plan at the time of examination (although not specifically to the application site).
- Raises no objection in principle, since the site is allocated in the Minerals and Waste Local Plans. Comments that the application should comply with relevant policies.
- In summary, concludes that there would be localised short term harm over a period of several years and a general adverse impact over the lifetime of the operations, but that mitigation and restoration measures are acceptable.
- Following re-consultation, comments that the retention of additional sections of existing hedgerows and the increase in the 'buffer zone' between the areas identified for mineral extraction and woodland are considered an improvement to the original proposals.

- Trees, ecology and landscape impacts have been accurately outlined by ECC Place Services.
- Also comments that additional representations have been received in respect of the adverse effect of the operations in close proximity to existing dwellings including; loss of amenity, long working hours starting at 7.00am and disturbance along the new access to the quarry direct on to the main B1027.

TENDRING DISTRICT COUNCIL (Environmental Health) – No comments received.

COLCHESTER BOROUGH COUNCIL - No comments received.

ENVIRONMENT AGENCY – No objection, subject to a condition to ensure groundwater protection.

Also comments as follows:

- Otter and water vole surveys should be carried out prior to works around the Sixpenny Brook and mitigation implemented if any are found.
- A dust management plan and run-off strategy should be implemented prior to works in Phase 3 for the protection of the Sixpenny Brook. This water body is classed as Bad Ecological Potential and should be at good ecological potential by 2027 to meet the requirements of the Water Framework Directive. There should be at least 7m between the working area and the brook.
- Options should be considered for the proposed wetland habitat to link with the Sixpenny Brook.
- Provides advice to the applicant regarding consumptive water usage for wheel washing, dust suppression and mineral processing. There would be need for agreement between the applicant and existing waster abstractors prior to the issue of a licence.
- We would like the applicant to consider the potential impact of lagoon position, which at some sites has been known to act as a recharge dome and cause flooding to properties in close proximity to sites, we note there are several such properties along the site boundary.
- Requests details on the time frame from cessation of quarrying and dewatering to recovery of groundwater levels and the re-establishment of groundwater flow paths
- The applicant is advised to contact the Environment Agency to establish the need for an environmental permit for works near to the watercourse.

NATURAL ENGLAND –

- The application has triggered an Impact Risk Zone, indicating that impacts

to European Sites or SSSIs may be likely.

- Refers to standing advice.
- Comments that all minerals and waste development should achieve net gain for biodiversity
- Requires that the Habitats Regulations Assessment process is followed.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – No comment to make. Suggests consultation with local specialist advisors.

THE GARDENS TRUST – Does not wish to provide comment.

NHS PROPERTY SERVICES – No comments received.

PUBLIC HEALTH ENGLAND – No significant concerns regarding risk to the health of the local population. Recommends the imposition of a condition relating to particulate matter/dust from the excavation of sand and gravel and site restoration activities.

CPRE – No comments received.

RAMBLERS ASSOCIATION – No comments received.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

UTILITIES – No objections received. Comments as follows:

- BT Openreach has confirmed that there is apparatus in the vicinity of the new access, and has advised the applicant to contact them for survey work to be undertaken.
- UK Power Networks has confirmed there are overhead lines crossing the site. The applicant has been advised.

HIGHWAY AUTHORITY – No objection, subject to conditions/legal obligations relating to the following:

- Prior construction of a right-turn lane in the B1027;
- Access gates to be inward opening and set back 18m;
- Surfacing of the access road for a minimum of 30m;
- Provision of a wheel wash;
- Reinstatement of the carriageway on completion of development;
- No HGV access via School Road;

HIGHWAY AUTHORITY (Public Rights of Way) – No objection, subject to conditions/legal obligations relating to the following:

- Footpath 24 to be retained on current alignment with minimum width of 3m;
- Maintenance of natural footpath surface clear of vegetation;
- Footpath 24 shall be crossed only in the one position proposed and shall be

subject to a s278 Agreement;

- The design of the structure carrying pedestrians over the tunnel will include handrails with mid-rails to ensure pedestrian safety
- No landscaping to be added adjacent to the FP24;
- A Temporary Traffic Regulation Order to temporarily divert FP24 during construction of the tunnel.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection, subject to conditions covering the following matters:

- Normal operations noise limits;
- Temporary operations noise limits;
- Operating hours;
- Compliance noise monitoring should be at least quarterly unless agreed otherwise with the MPA, including temporary and normal operations, more frequent monitoring at 'Furzedown' and noise emission data for plant used on site;
- A Noise Management Plan;
- HGV movements in line with Noise Assessment assumptions; and
- Broadband reversing alarms and effective silencers should be required on all plant.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – Comments as follows:

- It is unlikely that there would be any significant odour impact;
- It is unlikely that traffic related air quality impacts would be significant;
- There are properties within 100m with potential to experience impact from dust. Recommends that proposed dust mitigation measures are incorporated into a Dust Management Plan, secured by condition.

PLACE SERVICES (Ecology) – No objection, subject to conditions including the following:

- Development to take place in accordance with the submitted Ecological Impact Assessment.
- Advance enhancement of the area in the vicinity of the E-W hedge from Cockaynes Wood to the Sixpenny Brook valley.
- Compensate for the loss of ancient and veteran trees through a veteran tree management plan for all existing veteran and mature trees, by planting new trees or retention of dead wood for invertebrates – explicitly within the Biodiversity Enhancement Plan.
- The Biodiversity Enhancement Plan to include updated tree species and to ensure the SPG grassland habitats remain of the same area even with the addition of the proposed natural regeneration trial areas.
- A scheme for bats including a long term continuous monitoring strategy and a phased approach and progressive restoration including the trial of a 'bat bridge' across the gap between phases 1 and 4, and mitigation measures for bats if the bridge is unsuccessful.
- A Construction Environment Management Plan including provision for a phased approach and surveys prior to commencement of each phase. Removal of trees/hedgerows only where necessary and as late as possible

- before the start of a phase. Inclusion of bat information as surveys progress.
- Scheme for noise, dust and lighting prior to commencement, as recommended by the CEMP.
- A Tree Protection Plan as part of the Arboricultural Report.
- Repetition of appropriate surveys including for bats and dormice.
- Minimum 10m stand off from the centre of a hedgerow and the toe of a bund for the adjacent extraction area in any phase.
- A Landscape and Ecological Management Plan to provide detail on the new habitats and their long term management, including grazing management and proposed required structures (troughs/fences etc).

Comments that a Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

PLACE SERVICES (Trees) – Supports the application, subject to conditions:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Management plan for all trees and hedgerows (in the BEP/LEMP if appropriate);
- Tree and hedgerow protection (in the CEMP if appropriate);
- Enhancement of the hedgeline south-west of the site;
- Inclusion of a hedge on the eastern boundary during phase 3 within the wider landscaping condition.

PLACE SERVICES (Landscape) – Supports the application subject to conditions relating to:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Landscaping detail including revised species plan, provision of a hedge along FP19 and provision of a hedge along the eastern side of the site prior to commencement of Phase 3;
- Potential for provision of a permissive path around the northern part of the site;
- Long-term management plan for retained trees (including retention of dead wood).

PLACE SERVICES (Historic Environment) – Supports the application, subject to conditions covering the following matters:

- A written scheme of investigation
- A mitigation strategy
- Completion of fieldwork prior to commencement of development
- Submission of a post-excavation assessment.

PLACE SERVICES (Historic Buildings) – No objection. Comments that the site falls close to several listed buildings, but the site does not form part of their immediate setting, and the works as proposed are not identified as resulting in harm to their significance.

ECC PUBLIC HEALTH – Comments as follows:

- Refers to Public Health England with regard to environmental hazards (dust and noise);
- Encourages continued engagement with the local community and parish council;
- Measures should be in place to support non-motorised and motorised road users safety during both the construction and operational phases of the scheme;
Comment: No measures are proposed since all workforce and contractors would use motorised access.
- Opportunities for employment should be discussed with the local community;
- The restoration scheme could benefit the health and wellbeing of the local and wider community. The community should be engaged with to discuss this;
- There could be a loss of physical activity associated with the temporary diversion of FP24. The diversion should be communicated to the community to ensure no loss of activity;
- Consultation should take place with stakeholders and the local community to maximise potential for further walking and cycling opportunities.

ALRESFORD PARISH COUNCIL – Objects. Considers the proposed access/exit is hazardous due to slow moving vehicles manoeuvring on a fast road near to a bend.

ELMSTEAD PARISH COUNCIL – Comments as follows:

- The new access from the B1027 is at variance with the earlier plans issued by ECC and it is unclear to us why there is a need for a new access point.
- Lorries should approach from, and leave towards, the Wivenhoe/Colchester direction, as Birds Farm Lane is unsuitable for heavy traffic. Also, in view of the lack of a separate lane on the B1027 for lorries turning right onto the site, suggests that the 40mph speed limit in Alresford be extended to beyond the new access point, for reasons of safety.
- Hours of working should be restricted to 8am to 5pm on workdays, and 8am to 12 noon on Saturdays, to minimize disturbance to neighbouring properties.

LOCAL MEMBER – TENDRING – Tendring Rural West – Raises concerns over proximity of the site to Elmstead Heath and, in particular, properties on Colchester Main Road. The new proposed access off the B1027 was not proposed in the public exhibition or in the Waste Local Plan. It would hamper private amenity and the suitability of the road to cope with the number/weight of vehicles is questioned.

Birds Farm Lane is unsuitable for lorry traffic.
The plant and 5m bund would hamper the amenity of properties on the B1027.

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

6. REPRESENTATIONS

73 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Disturbance and noise.	See appraisal.
Dust mitigation and monitoring must be imposed.	See appraisal.
Vibration.	See appraisal.
Congestion on B1027.	The public highway is considered to have capacity – see appraisal.
The new proposed vehicular access location, and vegetation removal, is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.	See appraisal.
The new access would be engineered and alien in the rural setting.	See appraisal.
A right-turn lane or reduction in speed limit (to 40mph) and installation of static speed cameras at site entrance and average speed cameras along the B1027 is necessary for traffic safety.	See appraisal.
Traffic lights or a mini roundabout are necessary at the School Lane and A133 junction. <u>Comment:</u> It is believed that this should read 'School Road'.	See appraisal.
Lorry routes should be defined so to avoid narrow lanes e.g. Birds Farm Lane.	See appraisal.
Lorries currently park in unofficial laybys	The unofficial layby in the vicinity of the

on B1027 and this may increase if the existing access closes.	proposed access would close.
Slow moving vehicles would be introduced closer to residential properties by utilising the proposed access.	See appraisal.
Impact in addition to housing developments in the area.	The applicant notes that the distance of the settlement limits of Alresford relative to the proposed application site are sufficient that the scope for amenity impacts are negligible.
Moving or closure of Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.	See appraisal.
Footpath 20 from Colchester Main Road to Heath Farm has been blocked for some time and should be reinstated as part of this application.	See appraisal.
Tree and shrub shelter along back of houses on Colchester Main Road have grown too large, encroach Footpath 20 and are a fire hazard. The area should be cleared and regularly maintained. The fencing along here should also be repaired and regularly maintained to prevent rabbits entering gardens.	This area is not within the applicant's control.
The proposed amenity bund along the B1027 should have regularly maintained vegetation and the areas between it and the houses along the B1027 should be maintained free of waste.	See appraisal.
The decision not to include the recycling operations is welcomed from an amenity point of view but is a departure from the Plan.	See appraisal.
The plant compound should be moved further inwards to the site to reduce impacts of noise, dust, health hazards, lighting, vibration.	See appraisal.
Working hours should be reduced to 8am-5pm Monday to Friday and 8am to 12pm on Saturdays.	See appraisal.

A regular meeting between operators and neighbours would be welcomed.	See appraisal.
No general objection and welcome the proposals instead of the alternative such as housing.	Noted.
Is there a proposed access route between Boarded Cottage and The Orchards on Colchester Main Road (B1027)?	No. This is just a gap in the proposed woodland.
What is the purpose of the additional woodland proposed to the rear of properties along the B1027 and what public/local access would there be to it?	The woodland is proposed as one of a variation of habitats. No public access is proposed as part of the application.
The location of plant within the proposal site is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.	See appraisal.
100m stand off from extraction and 250m stand off from plant is not sufficient to protect amenity.	These stand-offs have been provided as a minimum, as per the criteria in the Minerals Local Plan.
Amenity of occupiers of 'Rosedene' should be carefully considered given proximity of plant site. This would be the last area to be restored.	See appraisal.
'Rosedene' would be visually impacted by the proposed mitigation measures. Increased landscaping would be welcomed to the rear of the property.	See appraisal.
Noise emissions should be limited and monitored, particularly from the plant area.	See appraisal.
Potential for lagoon to present flood risk to surrounding properties should be investigated further.	See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Need & Principle
- B. Policy considerations

- C. Traffic & Highway Impact
- D. Impact on Ecology and Trees
- E. Landscape and visual Impact
- F. Amenity and Health
- G. Flood Risk and Water Pollution
- H. Historic Environment

A NEED & PRINCIPLE

Principle

The application area has been assessed for its mineral resource through geological borehole data, submitted with the application. The area contains Wivenhoe Gravel, part of the wider Kesgrave Sands and Gravels geological deposit. The maximum depth of the working would be 14m.

MLP Policy P1 (Preferred and Reserve Sites for Sand and Gravel Extraction) includes site A20 Sunnymead, Alresford as a preferred sand and gravel site.

The site A20 listing in the Minerals Local Plan, in summary, allocates an area of 65ha for extraction of 4.6 mt over a period of 16 years. There are several specific issues to be addressed as follows:

'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;

- 1. The existing underpass under Keelars Lane would be utilised;*
- 2. A Transport Assessment would be required with any application/ EIA. There is an expectation that HGV movements would not exceed current levels;*
- 3. Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations, for example through an appropriate buffer of at least 15m;*
- 4. There is evidence of and potential for, protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/ EIA;*
- 5. There are 26 residential properties located within 100m of the proposed extraction area, most of them along the north-eastern boundary. A minimum of 100m stand- off should be provided for all residential properties and effective buffering/ screening provided to screen views of the site;*
- 6. The area has the potential for multi-period archaeological deposits within it. A historic environment assessment would be required with any application/ EIA;*
- 7. PROW footpath Elmstead 24 crosses the site from north to south and*

though excluded from the extraction area, abuts it on both sides. Sufficient stand-off distance and protection of this route would be required during operations and satisfactory crossing point(s) provided for quarry vehicles. Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme;

- 8. Although the site promoter has promoted infilling using imported inert waste it is considered that this will need to be subject to policies in the Waste Local Plan and for this reason low level restoration is preferred except in relation to point 9 (below);*
- 9. Careful consideration must be given to the final predominantly low-level restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site:*
- 10. Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site.'*

The proposal does not absolutely follow the MLP allocation. Specifically, the proposed site access would be contrary to MLP Policy P1 as it would be outside of the allocated site area and would not utilise the existing vehicular access to the Wivenhoe Quarry site to the west.

In principle therefore, the site is largely compliant with MLP Policy P1; however, the environmental and amenity impacts of the proposed access require detailed consideration as an element contrary to the development principles of the allocation in the Plan. This will be considered further in the report, together with the impacts of mineral extraction within the wider site.

The Minerals Local Plan leaves consideration of the appropriateness of anything other than low-level restoration to the Waste Local Plan. As such, WLP Policy 3 (Strategic Site Allocations) allocates site L(i)5 for inert landfill and site W36 for inert waste recycling. The proposed site boundary for the proposed extraction and fill would correspond to the Waste Local Plan allocation except for the proposed new access. There is no inert waste recycling proposed, but instead the applicant proposes a sand and gravel processing plant within the corresponding area of land, which will be discussed later.

There are several specific issues to be addressed as part of Site L(i)5, as follows:

- 'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;*
- Improvements required to visibility at the junction of the private access and Keelers Tye;*

- *Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site. In-filling and restoration should be in line with habitat creation and outcomes sought in the Minerals Local Plan and any associated documents;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operation;*
- *.An archaeological desk based assessment would be required to investigate the gravels to establish their potential for archaeological remains and trial trench evaluation will be required, along with a mitigation strategy, to form part of the Environmental Statement;*
- *Those areas of archaeological deposits preserved in-situ from the extraction phase shall be included as part of any restoration scheme;*
- *PRow footpath Elmstead 24 crosses site 1 and is adjacent to site 2, and requires sufficient stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles).stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles);*
- *Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity;*
- *Careful consideration must be given to the final restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site.*

Specifically for the landfill site:

- *A minimum of 100m standoff should be provided for all residential properties and effective screening provided to screen views of the site;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations;*
- *Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme.'*

The processing plant has to be considered as a new site under MLP Policy DM3 (Primary Processing Plant). The first part of MLP Policy DM3 states:

'Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site's boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.

Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application...

In principle, the processing plant would therefore be located in such a way that it is policy compliant with regard to MLP Policy DM3. However, the amenity impacts associated with that plant require further careful consideration. It is considered that the criteria identified as needing to be addressed for the inert waste recycling plant through WLP Policy 3 are relevant when considering the appropriateness of the proposed processing plant:

'Bunding will be required around those parts of the site which are not adequately screened by natural vegetation.'

Consideration of this is set out later in the report

Need

In terms of waste, there is no requirement for the applicant to demonstrate a quantitative or market need for a proposal on a site allocated in WLP Policy 3, since it has been allocated to meet identified shortfalls in waste management capacity in order to deliver the objective of net self-sufficiency.

Sand and gravel extraction has also been deemed appropriate via MLP Policy P1.

Justification for the location of the proposed primary processing plant and for the new vehicular access (as opposed to utilising the existing quarry site) has been set out by the applicant as follows:

- 'a) it will allow for Tarmac to move their operations away from the village of Wivenhoe to a location that has much less overall sensitivity;*
- b) it will allow for a new access to be established and the removal/downgrading of the current access onto Tye Lane;*
- c) it will reduce the scope for impact on Sixpenny Brook and adjacent habitats by removing the need to establish a haul road/crossing point over this feature;*
- d) it will result in significant energy savings when compared against hauling the minerals across the site;*
- e) the operational footprint for the new scheme will be much less through not requiring access routes to a remote processing plant site;*
- f) it will result in significant reductions in mineral haulage as compared to the allocated scheme and thereby carbon dioxide and other greenhouse gas savings when compared against hauling the mineral to the current plant site;*
- and*
- g) it will allow for the early restoration of the current plant site area and the remainder of land west of Keelars Lane to be achieved, offering community benefits through public access in addition to nature conservation enhancements.'*

The environmental and amenity impacts will be fully considered further in the report.

B POLICY CONSIDERATIONS

As stated previously in the report, The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development, for which there is a presumption in favour. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental.

MLP Policy S1 (Presumption in Favour of Sustainable Development) reflects the aims of the NPPF, stating *inter alia*:

‘Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise’

Paragraph 205 of the NPPF states:

‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.’

The application includes an economic statement, which sets out the general need for minerals within the wider economy and the benefits of the particular application site. It includes providing 200,000 tonnes per annum of a range of products based on the geology of the underlying deposit. It is anticipated that there would be 10 direct jobs generated, as well as indirect local employment.

In terms of social impacts, one of the key impacts considered is health. The restored area would provide long term and sustainable contributions to the well being and health of the local community. The extraction operations themselves would be, mostly, a minimum distance of 100m from any residential property (explained further in the report). Overall, the operational development has been assessed as negligible impact on health, with a benefit from the long term restoration including an additional permissive right of way – this is detailed further in the report.

The environmental objectives will be considered throughout the report.

MLP Policy S2 (Strategic priorities for minerals development) states, *inter alia*, that the strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development. It seeks to achieve that by:

- ‘1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
3. Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use

and the recycling of construction materials containing minerals,

4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to:
 - a) significantly reduce reliance upon the use of landfill materials and,
 - b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
 - c) protect the best and most versatile agricultural land.
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.'

These aims will be considered throughout the report where relevant.

C TRAFFIC AND HIGHWAY IMPACT

The application proposes 72 vehicle movements (36 in and 36 out) per day over a period of 19 years. This would facilitate the extraction of approximately 200,000 tonnes per year of aggregates. There would also be a need for 40 movements per day (20 in and 20 out) associated with the importation of inert material. Staff and LGV movements would amount to 20 movements per day (10 in and 10 out).

There is also the possibility that a proportion of the fill material would be brought in vehicles which leave containing aggregates. This would reduce the level of movements by up to around 65%. To allow for a worst case scenario, no allowance has been made for such backhauling in the submitted assessments, resulting in a proposed 56 HGV loads (112 movements) per day, or 15 movements per hour.

The application concludes that the proposed development would have no material impact on the safety or operation of the adjacent highway network.

MLP Policy S11 (Access and Transportation) states:

'Proposals for minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.'

Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.

Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:

- (i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, without causing a detrimental impact upon the safety and efficiency of the network.*
- (ii) Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.*
- (iii) Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety.'*

WLP Policy 12 (Transport and Access) has similar objectives, including, in summary, a preference for transportation of waste via rail or water.

TDLP Policy TR1a (Development Affecting Highways) states:

'Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.'

TDLP Policy TR9 (Access of Freight to Transport Networks) states:

'Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.'

It is acknowledged here that the proposed new access onto the B1027 would not meet the first preferences in the hierarchy – access to an existing junction or transport by water/rail. The applicant has put forward justification for not utilising the existing access point to the existing quarry, which includes the desire to restore the existing quarry (and access) as quickly as possible. Transportation by rail and water would not be possible directly to the site due to its location.

The proposal would meet the second preference in the hierarchy – direct access to the main road network. (The B1027 is a Priority 1 road), thereby complying with MLP Policy S11 and WLP Policy 12.

TDLP Policy TR1 (Transport Assessment) states:

‘Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications.

Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.’

A Transport Assessment has been submitted with the application, which concludes that there would be no material impact on the safety or operation of the adjacent highway network, as stated previously in the report. This is compliant with TDLP Policy TR1.

The Highway Authority has not objected, subject to the imposition of conditions and legal obligations, including prior provision of a right-turn lane in the B1027.

The applicant has agreed to create a right-turn lane within the B1027, in response to concerns raised by representees and the Highway Authority. This would ensure the efficient, effective and safe operation of the road network, and in this respect the proposals would comply with MLP Policy S11, WLP Policy 12, TDLP Policy TR1a, TDLP Policy TR9 and TDLP Policy TR1

The impact on local amenity and the environment will now be considered, as also required by MLP Policy DM1 (Development Management Criteria) and WLP Policy 10 (Development Management Criteria).

Several representations have been received relating to traffic and highway impact. Representations have been received relating to congestion on the B1027 and that the proposed access would be engineered and appear alien in the locality.

The access would be a change to the local area and it can't be considered to be a natural looking feature. However, the engineered nature of the access would be necessary for safety. Views of the access itself would be fleeting within an approx. 20m section, with the remainder of the area being screened by vegetation.

Residents have commented that it would be necessary for a reduction in speed limit (to 40mph) and installation of static speed cameras at the site entrance and average speed cameras along the B1027. The applicant has now included a right-turn lane within the design and, as such, speed reduction and/or cameras would not be necessary for safety.

The applicant has agreed to commit to a vehicle routeing plan, which could be required via legal agreement in the event of approval. It has been committed to that School Road would not be utilised as an access/egress route. As such, a roundabout at the School Road/A133 junction would be unrelated to the scheme

under consideration and not required.

The proposals would therefore be considered to comply with MLP Policy DM1 and WLP Policy 10.

Public Rights of Way

The NPPF recognises that access to a network of high quality open spaces is important for the health and wellbeing of communities. Paragraph 98 states:

‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.’

MLP Policy DM1 (Development Management Criteria) requires, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact, upon the definitive Public Rights of Way network, among other requirements.

WLP Policy 10 (Development Management Criteria) has a similar aim.

TDLP Policy TR4 (Safeguarding and Improving Public Rights of Way) states:

‘Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.’

Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.’

Representations have been received objecting to any alteration to Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.

The only footpath to be impacted on in any significant way would be Footpath 24. The application proposes a haul road underneath the footpath to allow vehicles associated with mineral extraction to pass underneath. The cutting would be approximately 20m wide and 5m deep and has been proposed between phase 1 and 4 in an area which would have the least impact on existing vegetation. There would be a need to temporarily divert the footpath while the cutting is being constructed, likely for a period of no more than 6 months. This would allow retention of the footpath on its current alignment for the duration of mineral extraction. The exact design and reinstatement of the cutting could be required by condition in the event of approval.

It is known that there is an existing issue with Footpath 20 from Colchester Main Road to Heath Farm being blocked or partially blocked. The footpath is outside of the application site and not within the applicant’s control.

The application also proposes a new permissive route between Footpath 24 and Footpath 20, which would assist in opening up the proposed amenity space for use by the public, in compliance with the aims of the NPPF.

The Landscape Officer asked about the potential for the provision of a permissive path around the northern part of the site. The applicant has clarified that their own public engagement exercise revealed that the public didn't show any particular interest for such a route. The applicant would also prefer to limit access to the water body, but would be happy to keep this under review via a Management Plan condition, which is proposed below.

The Highway Authority (PROW team) has raised no objection, subject to appropriate provision for and maintenance of Footpath 24, including the design of the proposed cutting under the footpath and the temporary diversion of the route during construction. These measures could be controlled via conditions and legal obligations in the event of approval.

The proposed development would therefore be considered to comply with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

D IMPACT ON ECOLOGY AND TREES

MLP Policy S12 (Mineral Site Restoration and After-Use) states:

'Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities.'

Mineral extraction sites shall:

1. *Be restored using phased, progressive working and restoration techniques,*
2. *Provide biodiversity gain following restoration, demonstrating their contribution to priority habitat creation and integration with local ecological networks,*
3. *Be restored in the following order of preference,*
 - (i) At low level with no landfill (including restoration to water bodies),*
 - (ii) If (i) above is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,*
 - (iii) If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.*
4. *Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,*
5. *Where appropriate, proposals shall demonstrate the best available techniques to ensure that:*
 - a) Soil resources are retained, conserved and handled appropriately during operations and restoration,*
 - b) In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most versatile land,*

- c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,*
- d) Flood risk is not increased,*
- e) Important geological features are maintained and preserved,*
- f) Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided.*

Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface Water or Shoreline Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate and the implementation and completion of restoration is feasible.'

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage of areas of ecological value, and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN4 (Protection of the Best and Most Versatile Agricultural Land) states:

'Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.'

TDLP Policy EN6 (Biodiversity) states:

'Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.

In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.

Where appropriate, conditions or planning obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.'

TDLP Policy EN6a (Protected Species) states:

'Planning permission will not normally be granted for development which would have an adverse impact on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.'

TDLP Policy EN6b (Habitat Creation) states:

‘Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.’

Natural England has provided a standard response and stated that the development has triggered an Impact Risk Zone and comments that there should be net gain for biodiversity.

The application proposes extraction of mineral over 7 phases. The existing layout of field boundaries are such that there would need to be 6 vehicular crossing points, necessitating the removal of some hedgerows and trees.

The applicant has given careful consideration to the location and size of each crossing point. In consultation with ECC Place Services, the locations have been revised since the original submission and located to avoid the highest category tree specimens and to remove only the minimum length of hedgerow. In particular, the length of retained hedgerow between phases 2 and 3 and between phases 6 and 7, has been increased. The extraction of phase 6 and 7 would require the removal of one veteran tree.

As stated, Cockaynes Wood is an ancient woodland. The original stand off distance between the extraction area and Cockaynes Wood has been doubled to 30m, with the additional benefit of increasing the stand off distance to Heath Farm. To the east of Cockaynes Wood, the extraction area has been entirely removed from the application. Overall, this would have the effect of reducing the total proposed mineral output to 3.8 million tonnes (from an originally proposed 4 million tonnes).

The supporting text to MLP Policy S12 requires, in summary, that all mineral site restoration should provide a net-gain in biodiversity and create ‘priority habitat’. The MLP proposes to create a minimum of 200ha of priority habitat through its Preferred and Reserve Site allocations. The application site is noted to provide particular opportunities for new habitat creation.

Accordingly, the application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow among others.

The site would not be returned to arable cultivation; however grassland meadows can be used for grazing/pasture, and as such the agricultural link would be maintained.

In this respect, it is considered that a 25 year aftercare scheme (the initial standard 5 years plus a further 20 years) could be required via legal agreement in the event of approval, to ensure the appropriate implementation, delivery and maintenance of biodiversity within the site. This is consistent with the Essex Mineral Site Restoration for Biodiversity SPG.

In terms of soil resource, a detailed soil resource and agricultural quality survey was carried out in January 2011. The agricultural land quality across the site has been assessed as Grade 3a and 3b with some Grade 4 in the west. Grade 3a is included within the definition of Best and Most Versatile agricultural land.

An Annual Soils Management Audit is proposed, as well as controls over soils handling such as only moving when dry and friable and using appropriate machinery and storage. These proposals could be controlled via condition in the event of approval.

The County Council's Ecologist and Tree Officer have raised no objection to the proposals, subject to the imposition of several conditions.

The site has been assessed as being of County importance due to the quality of the habitat, the species using it - including Barbastelle and Nathusius Pipistrelle Bat – and the type of activity. In order to retain connectivity of hedgerows, the applicant is proposing to trial a 'bat bridge' across one of the sections where hedgerow would be removed to allow access for machinery.

The development's impact on the Essex Estuaries SAC, Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site and Abberton Reservoir SPA and Ramsar site has been assessed. A Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

It is therefore considered that the proposals would comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

E LANDSCAPE AND VISUAL IMPACT

MLP Policy S10 states:

'Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,*
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and*
- c) No unacceptable adverse impacts would arise and;*
- d) Opportunities have been taken to improve/ enhance the environment and amenity.'*

WLP Policy 10 (Development Management Criteria) has similar wording.

MLP Policy S12, as set out earlier in the report, requires appropriate restoration and aftercare, among other requirements.

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it being demonstrated that the development would not have unacceptable impact, including cumulative impact, on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness. It also requires no unacceptable impact on local amenity, including light pollution.

MLP Policy DM3 (Primary Processing Plant), in summary, requires primary processing plant to be located within the site boundary and to not have any unacceptable impact on local amenity and/or the surrounding environment, among other requirements.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should be of a scale and nature that is appropriate to the locality and should not lead to material loss or damage of areas of landscape value. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN1 (Landscape Character) requires:

‘The quality of the district’s landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted...’

The policy goes on to state that development control will seek in particular to conserve ancient woodlands, and other important woodland, hedgerows and trees, among other requirements.

The Tendring District Council Landscape Character Assessment defines the application area as mainly within the Bromley Heaths Landscape Character Area and partly within the Alresford Valley System Landscape Character Area.

The applicant has submitted a Landscape and Visual Impact Assessment in order to assess the impact on local landscape character. The application concludes that the land is capable of being restored to a mixture of subgrade 3b and subgrade 3a agricultural land and proposes a 5 year aftercare scheme, which could be required by condition.

The proposed restoration plan is considered acceptable and in keeping with the area. It would provide a beneficial resource for local people through inclusion of a permissive route which would link the existing Public Footpath 20 and Public Footpath 24. It would also have a long-term positive impact on views from surrounding properties into the site.

The proposed lagoon would ensure that only the minimum necessary amount of infill material would be imported. The remaining levels across the site would be broadly as pre-existing, with the site gently sloping up from west to east.

Throughout the 7 operational phases, soil bunds are proposed to visually screen

the operations from the surrounding area. In this respect, the property at Rosedene would be approximately 100m from the proposed extraction area, and 250m from any static plant in the plant site, but closer to the proposed bund. The bund has been proposed for amenity reasons, including visual screening. It is recognised that representations have raised concerns that the bund itself would visually impact the properties, and that increased landscaping would be welcomed to the rear.

The proposed bund would be a maximum of 5m in height. This, and the proposed treatment (i.e. seeding mix) could be controlled via condition in the event of approval.

Planting to the rear of the bunds for the duration of the operations has not been proposed as part of the application, and is not considered necessary for amenity; however, it is understood that the applicant has been in discussion with the occupier to agree a suitable scheme outside of the planning application. It would be possible to impose a condition requiring a scheme for litter control and general maintenance of this bund and land to the rear of it.

Properties along the eastern boundary on the B1027 Colchester Main Road would be a similar distance from the extraction area and bund. A similar condition could also be imposed here.

Advance woodland planting is proposed to the north of Heath Farm. Broadview Cottages, Willow Lodge and White Lodge (in the south east) would be located increasing distances from the extraction area due to the proposal to retain more land to the east of Cockyanes Wood. Furzedown (in the south west) would be slightly closer than 100m.

ECC Place Services has recommended that the connectivity of hedgerows to the south of phase 2 and west of Cockyanes Wood is enhanced, as well as a new hedge along the eastern boundary of the site, for the protection of amenity and ecological connectivity. This is proposed to be required via condition.

A low level modular processing system is proposed in the base of the quarry, at approximately 25m AOD. The application suggests that the top of the plant would reach 7m above the quarry base. This should mean that the entire plant would be screened from view from Rosedene by the proposed 5m high bund. The plant site would include a weighbridge, site offices, parking, freshwater lagoons, material storage, wheel wash and the plant itself, the exact layout and details of which is proposed to be controlled via planning condition in the event of approval.

The application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval.

There are existing power lines crossing the site. The applicant proposes to divert and/or remove the lines as part of statutory provisions.

The access itself, as stated, would be a new feature not anticipated within the

Minerals or Waste Local Plans. In order to mitigate visual impact, a 30m length of new planting is proposed in advance of the removal of existing roadside hedgerow removal in the vicinity of the access point. The occupiers of Rosedene would be unlikely to experience significant adverse visual effects resulting from the use of the access due to the intervening buildings and topography of the land.

The County Council's Landscape Officer has raised no objection, subject to the imposition of conditions.

Overall, it is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access.

The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

F Amenity and Health

MLP Policy S10 (Protecting and enhancing the environment and local amenity) states:

Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise and;
- d) Opportunities have been taken to improve/ enhance the environment and amenity.

WLP Policy 10 (Development Management Criteria) states, in summary, that:

'Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on:

Local amenity...' among other things.

The NPPF states:

'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

...ensure that any unavoidable noise, dust and particle emissions and any blasting

vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...'

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. The development, including any additional road traffic arising, should not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance. The health, safety or amenity of any occupants or users of the proposed development should not be materially harmed by any pollution. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy COM20 (Air Pollution/Air Quality) requires, in summary, that planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.

TDLP Policy COM21 (Light Pollution) states:

'Planning permission will not be granted for external lighting for any development if any of the following

apply:

a. its use would cause unacceptable visual intrusion;

b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife;

c. its use would cause a danger to highway or pedestrian safety.

Where permission is granted, lighting schemes will be required to minimise pollution from glare and light

spillage. This will be achieved through the use of good design, screening and deflection measures, and

the nature, intensity and hours of operation of the lighting will be carefully controlled.'

TDLP Policy COM22 (Noise Pollution) includes the following:

'Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.'

TDLP Policy COM23 (General Pollution) states:

'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.

Noise

The application includes baseline monitoring and noise modelling to show that appropriate noise limits would be adhered to throughout operations. The noise assessment includes assessment of the operation of the plant site.

An increased stand-off between mineral extraction limits and properties on Cockaynes Lane has been incorporated (now 160m).

Noise limits at surrounding properties are proposed as follows:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge/Willow Lodge, Cockaynes Lane 45 dB LAeq 1hr

It is noted that the proposed noise limits have been reduced throughout consideration of the application.

It is recognised that Rosedene would be affected for the longest period of time by the processing plant. The application seeks to address this by ensuring that an amenity bund would be erected as one of the first operations on site. Noise limits would be kept to appropriate levels, as above.

In addition to the above properties, the County Council's Noise Consultant has recommended that a noise limit of 45 dB LAeq 1hr is imposed for Furzedown unless a commitment can be secured that the property is to remain unoccupied for the duration of the proposed works.

No such commitment has been made, and as such, the County Council's Noise Consultant has no objection, subject to the imposition of several conditions, including specific requirements for the protection of amenity of occupiers of Furzedown.

The applicant proposes the use of a smaller excavator in the vicinity of Furzedown, the construction of a 5m barrier, the use of a dozer for a maximum of 45 minutes per hour. With these mitigation measures, it is considered that the limit of 45 dB LAeq 1hr could be met at Furzedown. It is proposed that the noise emissions for all plant on site is established via on-site measurements prior to commencement of phase 2. During phase 2, it is proposed that noise monitoring should be completed on a monthly basis, and this could be secured via condition, in the event of approval.

The applicant has confirmed that all temporary operations could be undertaken within 8 weeks, and as such, a temporary operations noise limit could be imposed to control such works.

It is also proposed that the operator is required to notify the MPA prior to commencement of any 'temporary' operations, to ensure they stay within the limit of 8 weeks per year.

A Noise Management Plan is proposed to be required via condition to confirm the

noise monitoring and management measures.

A representation has been received relating to the introduction of slow moving vehicles closer to residential properties by utilising the proposed access. The submitted noise assessment modelling takes account of HGVs on the site access road, and it is considered that this would be within proposed noise limits at residential properties. With regard to noise on the public highway itself, the ES states that the net impact on traffic movements would be nil, and traffic would continue to use the B1027 (albeit from a new access rather than from the existing Keelar's Lane). It is not envisaged that there would be any significant traffic noise impacts associated with the proposals. The County Council's Noise Consultant has commented that, since quarry HGVs would make up only a small component of the traffic using the B1027, it wouldn't be expected that the change in their speed associated with the different access location would be sufficient to result in a significant change in traffic noise (when compared to using the existing access).

Working hours are proposed as follows:

- 0700 hours to 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday.
- On Saturday hours, there would be no extraction or processing, but continued mineral distribution and restoration operations (Saturday working has been scaled back as a result of negotiation through the application);
- no working on Sundays or public bank holidays.
- Operations outside these hours would be restricted to pumping of water (to keep workings dry) and routine maintenance of plant/equipment.

The applicant has acknowledged that representations have requested that working hours are reduced. Accordingly, it is proposed by the applicant that there would be no extraction or processing on Saturdays. It is noted that there is no objection from the County Council's Noise Consultant to Saturday morning working; however, the proposed hours are considered to be appropriate for the protection of amenity.

Subject to the imposition of conditions, the proposals, including mineral extraction, waste importation, and operation of the plant site, are considered to be in compliance with MLP Policy S10, WLP Policy 10 and the NPPF.

Odour

The operations proposed are of a nature such that odour would not be considered to be an issue. The County Council's Air Quality Consultant is satisfied that odour is unlikely to be significant.

The development would therefore be considered to be in compliance with MLP Policy S10, WLP Policy 10 and TDLP Policy COM23.

Air Quality

An Air Quality Assessment has been submitted with the application. Dust would not normally be a major issue associated with mineral extraction sites, providing that appropriate mitigation is put in place.

As such, the application proposes measures such as extra vigilance when working within 250m of a sensitive property, and when the wind is blowing in the that direction. Other measures include the seeding of bunds, dampening of site access and vehicle speed controls.

The County Council's Air Quality Consultant has commented that it is unlikely that traffic related air quality impacts would be significant. It has been noted, however, that there would be properties within 100m with potential to experience impact from dust. It is therefore recommended that the proposed dust mitigation and monitoring measures are incorporated into a Dust Management Plan. This could be secured by condition in the event of approval.

It is therefore considered that, subject to the imposition of conditions, the proposals would comply with MLP Policy S10, WLP Policy 10, TDLP Policy QL11.

Litter

Litter would not normally be associated with the type of operation proposed. However, given that the scheme proposes landscaped areas to the north and east of soil bunds and adjacent to residential properties, it is proposed that a bund maintenance condition could include litter picking to ensure that the area is kept clear.

Light

As stated previously in the report, the application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval, and this would ensure compliance with MLP Policy S10, WLP Policy 10, TDLP Policy QL11 and TDLP Policy COM21.

Vibration

The NPPF states that vibration from blasting should be controlled. Sand and gravel extraction does not involve blasting. As such, vibration has not been specifically assessed as part of this application.

However, the County Council's consultant has commented that all rotating plant should be mounted with anti-vibration mounts where necessary to ensure that no receptors experience significant ground-borne vibration, which is not expected to be an issue in any case due to the distance proposed. The applicant has confirmed that there wouldn't be rotating components, but rather a log washer which would sit on rubber mats to reduce scope for ground-borne vibration.

Any ground-borne vibration associated with heavy plant movements would be very transient in nature. It is expected that the proposed minimum 100m stand-off would be more than sufficient mitigation for this.

As such, the proposals would be considered to comply with WLP Policy 10 and

Health

The social objective of the NPPF is defined as: ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’

The NPPF goes on to state that ‘planning...should aim to achieve health, inclusive and safe places...’. It is recognised that access to a network of high quality open spaces is important for health wellbeing.

A Health Impact Assessment screening report has been submitted with the application. It concludes that further assessment is not required, since the impacts primarily relate to the construction phase of the proposed scheme, to include soil stripping and replacement operations, which is relatively short term in nature. Soil handling operations are transitory and only likely to occur for a matter of weeks in any one year.

Public Health England has stated that it has no significant concerns with regard to risk to health from the proposed development. It recommends that conditions are imposed relating to particulate matter /dust from the excavation of sand and gravel and site restoration activities. It is considered that such a condition would be necessary and could be imposed, in the event of approval, as discussed previously in the report with regard to dust mitigation.

The proposed afteruse includes the proposed permissive right of way, which would create increased public access to an amenity space, would be beneficial for health and compliant with the aims of the NPPF.

Essex County Council Public Health has not raised objection and has commented mainly that liaison with the local community will be important going forward.

As is usual for the larger minerals and waste sites across Essex, it is suggested that the developer is required to commit to a regular liaison meeting via a legal agreement. This assists in ensuring that residents are included in the progress of the site and that amenity can continue to be protected through close liaison.

It is therefore considered that the proposed development would comply with MLP Policy S10, TDLP Policy QL11 and TDLP Policy COM23. The development also ensures no significant effects on amenity and health, as required by MLP Policy S2.

G Flood Risk and Water Pollution

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it not having unacceptable impact on the quality and quantity of water within water courses, groundwater and surface water, and on drainage systems, among other criteria.

WLP Policy 10 (Development Management Criteria), in summary, permits mineral development, subject to it not having unacceptable impact on water resources with particular regard to:

- the quality of water within water bodies:
- Preventing the deterioration of their existing status; or
- Failure to achieve the objective of 'good status' and
- the quantity of water for resource purposes within water bodies,

as well as the capacity of existing drainage systems.

TDLP Policy QL3 (Minimising and Managing Flood Risk), in summary, requires that flood risk is taken into account at all stages of the planning process. It is also relevant that the policy requires that a Flood Risk Assessment is submitted for sites of 1 hectare or more in Flood Zone 1.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to water courses, the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

As stated previously in the report, TDLP Policy COM23 (General Pollution) states:

'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.

TDLP Policy COM31a (Sewerage and Sewage Disposal), in summary, requires satisfactory provision to be made for the proper disposal of sewage waste. It has an order of preference for the provision of sewerage facilities, from the use of existing foul sewerage systems first, through modern private sewerage treatment facilities, down to (private) septic tanks and cesspools as the least favoured option. This approach is similar to that advocated by the NPPG, which states that *'Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible... Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.'*

The application is silent on the proposed method of sewage disposal for site offices. As such, a condition is proposed requiring full details, in the event of approval.

MLP Policy S3 requires that applications for minerals development shall demonstrate how they have incorporated effective measures to minimise greenhouse gas emissions and to ensure effective adaptation and resilience to

future climatic changes. In summary, developments should have regard to several factors, including siting, location, design and transport arrangements and the potential benefits from site restoration and after-use schemes for biodiversity and habitat creation.

WLP Policy 11 (Mitigating and Adapting to Climate Change), in summary, has similar aims for waste development.

The site is located within the River Colne catchment and approximately 20m to the east of the Six Penny Brook at its closest point. There are no major watercourses or waterbodies within the site. The site is located with Flood Zone 1. This zone is very low risk of flooding and suitable for water-compatible development, including sand and gravel workings.

The application proposes to dewater the site to keep the workings dry. Dewatered water would be discharged to the Six Penny Brook during active operations. It also proposes the construction of a lake and attenuation pond to control surface water runoff and flood risk.

The application includes a hydrological and hydrogeological impact assessment, as well as a flood risk assessment and drainage strategy. The reports note that a drawdown would be likely due to the proximity of the closest groundwater abstractions to the site. They also note that, without mitigation, there is potential for water quality impacts. As such, the application proposes that the applicant would agree appropriate mitigation with the abstracters prior to commencement of development. Additionally, monitoring is proposed in the Sunnymead Farm and Cockaynes boreholes, again to be agreed with the abstractor.

The Environment Agency has raised no objection, subject to a condition for groundwater protection, as outlined above.

A water monitoring and action plan is proposed to be secured via condition to monitor and act on any changes to water bodies at Cockaynes wildlife site and Alresford Angling Club.

It is proposed that fuel and chemical storage would be within a bunded compound and controlled by condition.

An environmental permit and discharge licence would be required.

A representation has been received which comments that the potential for the proposed lagoon to present flood risk to surrounding properties should be investigated further.

The Environment Agency has also provided advice to the applicant that there have been sites where lakes have acted as a recharge dome and caused flooding to properties in close proximity to sites. The applicant has therefore been advised of the need to investigate this further prior to obtaining the appropriate licence for any water abstraction and dewatering activities. The Environment Agency is satisfied that this information is not required prior to determination of the planning application.

It is therefore considered that, subject to the imposition of conditions, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11.

H Historic Environment

MLP Policy S10 (Protecting and enhancing the environment and local amenity) requires, in summary, that minerals development shall demonstrate that appropriate consideration has been given to the historic environment, among other criteria.

MLP Policy DM1 and WLP Policy 10 (Development Management Criteria), in summary, permit mineral development, subject to it not having an unacceptable impact on the historic environment including heritage and archaeological assets.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to the historic environment or important archaeological sites. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN29 (Archaeology), in summary, requires that permission is refused where development does not protect archaeological remains.

With regard to surrounding heritage, Wivenhoe Park, which is on the Register of Parks and Gardens of Special Historic Interest at Grade II, is located to the north west of Wivenhoe. Furthermore, the remains of St Peters Church is a Scheduled Monument, located over 1km to the south east, beyond Wivenhoe Road. Additionally, there are several Grade II Listed Buildings in the vicinity, the closest being 'Milestone on Western Verge', located approximately 500m to the east of the site boundary. All other listed buildings are further distance away.

The ECC Historic Buildings Advisor has commented that the site does not form part of the setting of any listed buildings, and the proposals would not result in harm to their significance.

With regard to archaeology, the submitted assessment is not up to date and does not fully take account of available information. There is evidence of prehistoric and Roman activity and the potential for nearby settlement is considered to be high, although not likely to be of national significance. The Historic Environment Advisor is therefore able to support the application, subject to conditions relating to a Written Scheme of Investigation, a Mitigation Strategy, the prior completion of fieldwork and submission of a post-excavation assessment.

Therefore, subject to the imposition of conditions, the proposals would be considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

7. CONCLUSION

It is therefore acknowledged that the proposal site does not completely comply with the development principles of the site allocation at MLP Policy P1 as the existing vehicular access at Wivenhoe Quarry would not be used.

The proposal site is considered to be compliant with the WLP Policy 3 site L(i)5 allocation for inert landfill, aside from the proposed access.

However, the use of the proposed access off the B1027 Brightlingsea Road is considered to be a minor departure from the development principles. The traffic and highway impact of the use of the access by vehicles associated with the development has been assessed as having no material impact on safety or operation of the network. The applicant has agreed to incorporate a right-turn lane into the site, which is proposed to be secured through the use of planning conditions and legal obligations. Amenity and environmental impacts are not considered to be significant, providing that conditions are imposed as set out in the report, and including a legal obligation for a lorry routeing scheme. The Highway Authority has raised no objection and the development is considered to comply with MLP Policies S11 and DM1, WLP Policies 12 and 10, and TDLP Policies TR1, TR1a and TR9.

In addition to this, the impact on the Public Rights of Way network is considered to be minimal providing that it is controlled. Footpath 24 would be impacted through the construction of a tunnel to allow access for vehicles and would require a temporary diversion. This is proposed to be controlled through conditions and legal obligations, together with provision of an additional permissive route once the site is restored, in compliance with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

In terms of ecology impact, the development has been fully screened for Habitats Regulations Assessment and it has been concluded that an Appropriate Assessment is not required.

There have been several changes to the scheme since the original submission of the application, in order to clarify and accommodate ecological factors. The application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow. It is considered that the scheme would have minimal impact with the imposition of conditions. The development would therefore comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

It is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access. The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

There have also been amendments to the scheme in relation to amenity impact, particularly in relation to noise limits, which have been lowered, and a significant reduction in the original extraction area in order to avoid significant impact on surrounding properties and existing hedgerows. The impact on amenity and health has been very carefully considered, and it is concluded that, with the imposition of conditions, the impacts would not be significant. The development is considered to comply with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

It is considered that, subject to the imposition of conditions and a legal obligation for groundwater monitoring, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11. A condition is proposed to control sewage disposal, for compliance with TDLP Policies COM23 and COM31a.

There is considered to be no harm to historic buildings. In terms of historic remains, the Historic Environment Advisor has raised no objection, subject to conditions, and the development is therefore considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

The provision of the primary processing plant has been considered under MLP Policy DM3, as well as the relevant criteria for inert waste recycling plants under WLP Policy 3. The plant has been carefully considered as a new site and the amenity and environmental impacts have required particular attention. It is considered that, with the imposition of conditions, it would be appropriate to locate the processing plant in the vicinity of the mineral extraction area itself, and that the proposals would not have any significant amenity or environmental impacts, compliant with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

Finally, it is considered that the proposed development would meet the environmental aims of the NPPF in its requirement to achieve sustainable development. This would therefore comply with MLP Policies S1 and S2 and, on balance, there is a presumption in favour of granting planning permission for the proposals.

8. RECOMMENDED

That planning permission be granted subject to:

Within 6 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;

- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters.

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

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

72. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4th December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
 - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
 - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
 - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
 - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

- 2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
- 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
- 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
- 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
- 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
- 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
- 8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
- 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018
- 11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals 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 Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.

73. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

74. Any building, plant, machinery, foundation, hard standing, 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 no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

Reason: To enable the Minerals 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 Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

75. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals 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, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

76. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

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

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take place outside of the following times:

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

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

(d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank 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 Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.

77. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

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

Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.

78. The public's rights and ease of passage over Public Footpath 24 shall be maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

79. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan

80. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.

81. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)², including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information

shall be given well in advance and in writing. The use of a site contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;

- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.

82. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- j) Aims and objectives of monitoring to match the stated purpose.
- k) Identification of adequate baseline conditions prior to the start of development.
- l) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- m) Methods for data gathering and analysis.
- n) Location of monitoring.
- o) Timing and duration of monitoring.
- p) Responsible persons and lines of communication.
- q) Review, and where appropriate, publication of results and outcomes.
- r) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will 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, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

83. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EclA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: *To conserve and enhance Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

84. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP shall include the following:

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

The CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time. Additional surveys will be required prior to each phase;
- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available;
- Arrangements for accessing 'Bund B' as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason: To conserve Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

85. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

86. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20th December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and

plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

87. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

- 88.No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

- 89.No development shall take place until a landscape scheme has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained

thereafter in accordance with condition 20 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 Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

90. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Minerals Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

91. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

92. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.

93. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

94. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

Reason: To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.

95. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.

96. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

97. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

4. The type of waste or restoration material deposited at the site during the year;

5. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;

6. The volume in cubic metres (m³) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Minerals and Waste Planning Authority to adequately

monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.

98. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

99. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

100. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

101. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

102. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs

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

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

103. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

104. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

105. No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

106. No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

107. 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 Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

108. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

109. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in

advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

110. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:
- k) Attended measurements by a competent person of L_{Aeq} 5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
 - l) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
 - m) Details of equipment and calibration proposed to be used for monitoring;
 - n) Details of noise monitoring staff qualifications and experience;
 - o) Monitoring during typical working hours with the main items of plant and machinery in operation;
 - p) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;
 - q) Complaints procedures;
 - r) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
 - s) Procedures for characterising extraneous versus site attributable noise if required;
 - t) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

111. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with broadband noise alarms to ensure that, when reversing, they do not emit a warning noise that would

have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

113. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

114. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

115. 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 Minerals 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 and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.

116. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

117. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

118. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine

movements shall be restricted to those approved.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

119. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

120. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

121. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

122. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

123. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (d) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (e) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (f) When there are pools of water on the soil surface.

Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

124. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

126. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in

- height in the case of subsoils and overburden;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

128. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

129. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- b) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds

together with details of the type of plant used to strip/store those materials;
d) those areas from which it is proposed to strip soils in the following year; and
e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

130. 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 Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

131. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

132. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

133. Unless otherwise agreed in advance in writing by the Minerals

Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.

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

Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.

136. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

137. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance 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.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

138. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.

139. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

140. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would be located 'adjacent' to a European site, namely:

- Essex Estuaries SAC
- Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site
- Abberton Reservoir SPA and Ramsar site

The proposed development would not be directly connected with or necessary for the management of those sites for nature conservation.

Essex County Council, as the competent authority, has carried out a full Habitats Regulations Assessment screening report (Dated 1st May 2019) and, following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

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

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

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

LOCAL MEMBER NOTIFICATION

TENDRING - Tendring Rural West
TENDRING – Brightlingsea

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR: LAND TO THE SOUTH OF COLCHESTER MAIN ROAD (APPLICATION REF ESS/17/18/TEN)

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Statement (ES) has been submitted to describe the existing situation, explain the proposals, assess the potential impact (and any significant affects) and propose mitigation where necessary. The ES also considers alternatives.

The ES refers to the Scoping Opinion (ref ESS/28/17/TEN/SPO) issued by the Minerals Planning Authority in June 2017.

Additionally, the applicant has submitted a Supplementary Statement which updates each of the headings below to take account of amendments made to the scheme throughout consideration of the planning application.

The ES has been split into the following sections:

- 1) Landscape and visual;
- 2) Soils and agricultural land quality;
- 3) Air quality;
- 4) Hydrology/hydrogeology/flooding/water pollution;
- 5) Traffic/transport and public access;
- 6) Archaeology and cultural heritage;
- 7) Ecology;
- 8) Noise;
- 9) Alternatives; and
- 10) Cumulative Effects.

Landscape and Visual

A Landscape and Visual Impact Assessment has been submitted. The development would take place within the Bromley Heaths Local Character Area. Landscape characteristics would be temporarily lost as agricultural fields would be removed and replaced with mineral extraction activities. This would be limited by the phased nature of the operations; however the effect on landscape characteristics during operations would be of moderate-slight significance and adverse, although highly localised.

There would be a loss of two agricultural fields to the east of the site and replacement with acid grassland and open water and new hedgerow and tree planting.

The application proposes the removal of one veteran tree.

The effects on the local landscape character would be of slight significance in the long term after restoration. The long-term landscape and visual effect would be beneficial due to the creation of nature conservation and new landscape elements. Further afield, the effects would be negligible.

The significance of visual effects on occupiers of White Lodge and Willow Lodge, and users

of the permissive path in Cockaynes Wood, would be reduced by the updated proposals to increase the buffer to the woodland.

Soils and Agricultural Land Quality

A soils assessment has identified the existing soil resource available across the site.

A third of the land has been assessed as 'Best and Most Versatile', being largely Grade 3a, and this resource is concentrated to the east of Footpath 24. The proposal is to re-establish this soil in the north of the site and west of Footpath 24, increasing the land quality of those areas.

A handling strategy is proposed to ensure the integrity and quality of the soil resource would not be compromised.

The lesser quality resource is proposed to be utilised for nature conservation habitats.

Soils can therefore be safely stripped and handled without damage, and are proposed to be put into beneficial use in the restoration scheme.

Air Quality

Guidance indicates that dust impacts from sand and gravel quarries are not common at distances greater than 100m from the source.

Dust (particulate matter in the size range 1-75 micrometers (μm) in diameter) may be generated at mineral sites from a range of activities including preparation, excavation, transportation and processing. The greatest risk is likely during soil stripping and replacement.

The potential for wind to lift and carry dust is reduced through surface wetting.

Five receptors have been assessed for their potential to be affected by dust with and without mitigation.

Fine particulate emissions (PM₁₀) have been assessed, given that they have the largest travel distance. There is scope for slight adverse impact at the closest receptors without mitigation, but with the proposed mitigation there would be negligible increase.

HGV impacts and health impacts have been assessed as negligible significance which would not present a health risk.

Potential interaction effects with any ecological assets in the vicinity of the site are unlikely owing to the context of the site and the nature of the proposals.

A Dust Action Plan would ensure extra vigilance when working within 250m of an occupied residential property. If the wind is blowing in the direction of the sensitive property, operations would be modified or ceased.

Overall, with the maintained application of standard good practice, the residual risk of adverse effects outside the site due to dust will be slight at all receptors. Daily observations

and inspections by site management will be implemented in order to minimise these risks. Similar risks are considered to be present in any case as a result of the intensive arable farming taking place in the area, and potentially dry dusty conditions that are likely to exist in the area during warm dry weather.

Hydrology/hydrogeology/flooding/water pollution

The site lies within Flood Zone 1 and is a water compatible development according to the NPPF.

Mean groundwater levels across the site vary from 21.3 m AOD (1.3 m bgl) to 28.6 m AOD (2.6m bgl).

It is proposed to work each phase dry – meaning that the site would need to be dewatered. Groundwater and surface water would be pumped from a sump in each phase to the silt lagoons under the provision of a Transfer Licence. Water is proposed to be discharged to the Sixpenny Brook at a rate not exceeding the greenfield runoff rate, under the terms of a discharge consent.

There will be a requirement for consumptive water usage for the purposes of wheel washing, dust suppression and mineral processing. This water would be abstracted from the clean water lagoon and would be governed by an abstraction licence.

At restoration stage, an outlet is proposed to the restored lake, and this will drain through a small watercourse to two ponds in the Phase 7 area. An outlet is proposed from these ponds to a further watercourse conveying flow south of the site.

A Water Management Plan is proposed under a planning condition.

The effects on known neighbouring private and licensed abstractions within 600m of the proposed extraction area have been assessed.

The ponds at Cockaynes Wood and the fishing lakes further south are likely to be in hydraulic continuity with the sand and gravel aquifer. This means that the water levels could be affected, and mitigation is proposed through monitoring of gauge boards and direction of dewatered water to the water bodies if necessary.

The Sixpenny Brook is also in hydraulic continuity, however depletion in flow is proposed to be compensated by discharge of dewatered water to the Brook.

Accidental spillages are unlikely, but could occur and are proposed to be mitigated through the use of oil absorbent materials and cessation of discharge during mitigation. A bunded compound for fuel storage is a usual planning condition.

Overall, the impacts on neighbouring abstractions and water quality have the potential to be major during operation, but are reduced to negligible with mitigation. This is to be agreed between the developer and the abstracter prior to operations. The impacts from quarry discharge and on ground settlement are negligible during operations.

The long term impacts have been assessed as negligible. A groundwater monitoring and action plan is proposed.

The impact on Cockaynes Wood and other designated sites is assessed as negligible.

Traffic/Transport and Public Access

The application proposes a new access/egress to/from the site, directly onto the B1027 Colchester Main Road.

Vehicle movements associated with mineral extraction (now 3.8 million tonnes over 19 years) and waste importation (1.2 million m³) have been assessed for around 200,000 tonnes per annum, as follows:

- sand and gravel extraction based at 200,000 tpa – 72 movements (36 in and 36 out); and
- inert materials importation based at 100,000 tpa – 640 movements (20 in and 20 out).

Staff and LGV movements will amount to 20 movements per day (10 in and 10 out).

There would be no material impact on the safety or operation of the adjacent highway network.

Footpath 24 is proposed to be retained on its current alignment. Mineral would be located on both sides of the footpath, hence a cutting is proposed to allow vehicular access under the footpath. During construction of the cutting, the footpath would need to be temporarily diverted on a circular route around the site.

There would therefore be a short term negative impact, mitigated by its temporary nature.

In the long term, there would be a beneficial effect of slight significance due to the proposed permissive route across the site.

Archaeology and Cultural Heritage

It is recognised that the site is located within an area of medium archaeological sensitivity. However, the reports and investigations, prepared and undertaken in support of this application, suggest that there are limited archaeological remains which would justify preservation the extension area.

Accordingly, it is proposed to implement a mitigation strategy in order that any archaeological deposits (conventional or Palaeolithic) that could possibly be affected by the mineral extraction are preserved by record in accordance with local and central government guidance.

There are listed buildings in the wider locality, none of which have any scope to be affected by the proposals, to any high level or significance.

Ecology

There are no designated sites within the application site, but there are designated ecological assets in proximity, including the Colne Estuary RAMSAR, SPA and SSSI. The faunal surveys identified suitable habitat for a range of protected species and confirmed Reptiles, Breeding and Wintering Birds, foraging Bats and Great Crested Newt and identified Bats are using the site.

No other protected species were identified at the site and, overall the protected species recorded and the suitability of the habitat present indicates that the proposed extension is of Local Level of ecological Importance.

The primary aim of the proposed scheme is to provide valuable contributions to local biodiversity objectives with low level water based nature conservation habitats, including open water; wetland and lowland meadow/grassland establishment; woodland planting; and hedgerow enhancement

The scheme will make a significant contribution of over 50 ha of "Priority Habitat", and has been identified as a flagship site by the County of Essex, meaning that it is key in achieving biodiversity objectives within the County.

Wherever possible the scheme has been designed to retain important hedgerow and mature/veteran tree specimens. One single tree may possibly be of veteran status and is proposed to be removed.

The scheme has been altered to retain some elements of hedgerow between phases 2 and 3, 6 and 7. Additionally, the stand off from the extraction area to Cockaynes Wood has been increased to 30m. East of the woodland, the scheme has been significantly reduced so that no extraction is proposed to the east.

During operations, a Construction Environment Management Plan is proposed to carefully control the scheme over 19 years. The establishment and long term maintenance of the scheme of restoration will be secured by a Biodiversity Enhancement Plan (BEP) and an Ecological Monitoring Framework (EMF)

In terms of impacts, habitat change is considered to be the largest direct impact of the proposed development. This impact was considered to be Negative (Significant) for arable and single veteran tree and Negative (Not Significant) for other habitats prior to any mitigation, but after completion of restoration will result in a Positive (Significant) effect.

Noise

A noise assessment has been undertaken to establish background noise levels in respect of the closest dwellings to the site. Calculated noise levels have been set against calculated noise limits.

Following an updated baseline noise survey, the south-east corner of the proposed extension was revised and the extraction boundary was moved further from the properties on Cockaynes Lane.

Appropriate noise limits can be achieved at all properties, including Furzedown if operations are managed as proposed.

Night time noise would be generated from a pump only, and would be less than the suggested site noise limit for night time.

Temporary operations are proposed as per relevant guidance.

Mitigation measures would be in the form of stand-off distances and screening bunds, as well as use of modern and silenced machinery, which is proposed to be controlled by conditions.

The impact on ecology and public rights of way has been assessed as within required limits.

Overall, it is concluded that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

CONSISTENCY EXERCISE
TENDRING DISTRICT LOCAL PLAN ADOPTED 2007

It is noted that Tendring District Council already acknowledges on its website that aspects of this Plan are considered to be out of date and not in accordance with national planning policy

Tendring District Local Plan 2007	NPPF	Comments
<p>Policy QL3 (Minimising and Managing Flood Risk)</p> <p>The Council will ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.</p> <p>Therefore for all proposed sites within Flood Zones 2 and 3, the sequential test (as outlined in Annex D of PPS25) must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area. The flood vulnerability of the proposed use must match the flood risk probability of the site. Higher vulnerability uses (defined in Table D2 of PPS25), must be located on the part of the site of the lowest probability of flooding. Following the application of the sequential test, where development is shown to be required in Flood Zone 2 or 3, compliance with the exception test (as outlined in Annex D of PPS25) should</p>	<p>Paragraph 163 states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. <p>Paragraph 165 requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.</p>	<p>PPS25 has been superseded by the NPPG; however the principles are the same.</p>

<p>be demonstrated for the required development types. PPS25 Table D3 specifies when the exception test will be required. Only where the exception test is passed will planning permission be exceptionally granted. A Flood Risk Assessment is required to be submitted with all planning applications for new development on land within Flood Zones 2 and 3 as shown on the proposals map. Within Flood Zone 1 proposals on sites of 1 hectare or more will be required to submit a Flood Risk Assessment to consider drainage and flooding from other sources.</p>		
<p>QL11 (Environmental Impacts and Compatibility of Uses) All new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if the following criteria are met:</p> <ul style="list-style-type: none"> i. the scale and nature of the development is appropriate to the locality; ii. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties; iii. the development will not lead to material loss or damage to important environmental assets such as buildings of architectural interest, the historic environment, water courses, important 	<p>Paragraph 127 states: Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of 	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>archaeological sites and monuments and areas of conservation, recreation, ecological or landscape value;</p> <p>iv. the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and</p> <p>v. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use.</p> <p>Where appropriate, compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.</p>	<p>development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	
<p>COM20 (Air Pollution/Air Quality)</p> <p>i. Planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>ii. Planning permission will not be granted for sensitive development in areas identified as suffering from high levels of existing air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>iii. Planning permission will not be granted for</p>	<p>The NPPG refers to the 2008 Ambient Air Quality Directives for setting legally binding limits for particulate matter and nitrogen dioxide.</p> <p>It requires Air Quality Management Areas to be taken into account in plan making and states there may be a need to consider cumulative impacts.</p> <p>Air quality is a consideration in Environmental Impact Assessment and Habitats Regulations Assessment.</p>	<p>The NPPG goes further than Policy COM20.</p>

development which leads to the making of an Air Quality Management Area.		
<p>COM21 (Light Pollution)</p> <p>Planning permission will not be granted for external lighting for any development if any of the following apply:</p> <ul style="list-style-type: none"> a. its use would cause unacceptable visual intrusion; b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife; c. its use would cause a danger to highway or pedestrian safety. <p>Where permission is granted, lighting schemes will be required to minimise pollution from glare and light spillage. This will be achieved through the use of good design, screening and deflection measures, and the nature, intensity and hours of operation of the lighting will be carefully controlled.</p>	<p>The NPPG states that light is beneficial but not always necessary. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.</p> <p>The NPPG suggests that local planning authorities and applicants should think about:</p> <ul style="list-style-type: none"> • where the light shines; • when the light shines; • how much light shines; and • possible ecological impact. 	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p>Policy COM22 (Noise Pollution)</p> <p>Planning permission will not be granted for noise sensitive developments such as hospitals, schools and housing unless one of the following conditions is met:</p> <ul style="list-style-type: none"> i. the development is located away from existing sources of noise; or ii. mitigation measures are proposed which will adequately mitigate the adverse effects of noise at all times and in all circumstances. 	<p>The NPPF states, at paragraph 170 that:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>They should also mitigate and reduce to a minimum potential adverse impacts resulting from</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.</p>	<p>noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.</p>	
<p>Policy COM23 (General Pollution)</p> <p>Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust.</p>	<p>The NPPF has a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. There is an environmental objective including minimising waste and pollution. Planning policies and decisions should aim to achieve healthy places Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; Paragraph 183 states that the</p>	<p>The NPPF supports the Policy stance, but makes it clear that policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>

	<p>focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p>	
<p>Policy COM31a (Sewerage and Sewage Disposal)</p> <p>Satisfactory provision must be made for the proper disposal of sewage waste and effluent from new development to avoid the risk of environmental, amenity or public health problems. Occupation of development will not be permitted until such adequate facilities are operational.</p> <p>b. Private sewage treatment facilities, in particular septic tanks and cesspools, will not be permitted if there is an existing public foul sewerage system. Wherever possible the provision or adoption of a new or extended foul sewer by the local sewerage undertaker will be sought. Where private sewage disposal facilities are proposed they will only be permitted where:</p> <p>i. ground conditions are satisfactory;</p> <p>ii. the plot is of sufficient size to provide an adequate</p>	<p>The NPPG states:</p> <p>Applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment.</p> <p>When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.</p> <p>The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until</p>	<p>DETR Circular 3/99 was replaced by the NPPG in March 2014.</p>

<p>subsoil drainage system; and</p> <p>iii. all of the requirements of DETR Circular 3/99 (or subsequently amended) on their installation can be met.</p>	<p>any necessary improvements to the public sewage system have been carried out. Read further information on conditions.</p> <p>Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated by a sewerage undertaker appointed under a new appointment or variation. The package sewage treatment plant must comply with the general binding rules, or a permit will be required. A package sewage treatment plant must be used if the treated effluent is being discharged to surface water.</p> <p>A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant. There may also be effects on amenity and traffic to be considered because of the need for sludge to be removed by tankers. Where a system will rely on the use of a drainage field consideration may be given to the need to periodically replace that drainage field in a new area of land in order for the sewerage system to continue to function properly.</p> <p>Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved</p>	
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	Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.	
<p>Policy EN1 (Landscape Character)</p> <p>The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following natural and manmade features which contribute to local distinctiveness:</p> <ul style="list-style-type: none"> a. estuaries and rivers, and the undeveloped coast; b. skylines and prominent views, including those of ridge tops and plateau edges; c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape; d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; e. native species of landscape planting and local building materials; and f. the traditional character of protected lanes, other rural lanes, bridleways and footpaths. <p>Where a local landscape is capable of accommodating</p>	<p>One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. Where appropriate, landscape character assessments should be prepared to complement Natural England's National Character Area profiles.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>development, any proposals shall include suitable measures for landscape conservation and enhancement.</p>		
<p>Policy EN4 (Protection of the Best and Most Versatile Agricultural Land)</p> <p>Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.</p>	<p>The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p>Policy EN6 (Biodiversity)</p> <p>Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.</p> <p>In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.</p> <p>Where appropriate, conditions or planning</p>	<p>Paragraph 170 requires: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.</p>	<p>wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p>	
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	<p>and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the</p>	
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	<p>features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	
<p>Policy EN6a (Protected Species)</p> <p>Planning permission will not normally be granted for development which would have an adverse impact</p>	<p>The NPPG states that Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.	applications. Natural England has issued standing advice on protected species.	
<p>Policy EN6b (Habitat Creation)</p> <p>Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.</p>	<p>Paragraph 175 of the NPPF cites the following hierarchy:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 58 and a suitable compensation strategy exists; and</p> <p>(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.	
<p>EN29 (Archaeology)</p> <p>i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.</p> <p>ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.</p> <p>Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define:</p> <p>a. the nature and condition of any archaeological remains within the application site;</p> <p>b. the likely impact of the proposed development on such features; and</p> <p>c. the means of mitigating the impact of the proposed development in order to achieve preservation “in situ” or, where this is not merited, the method of recording such remains prior to development.</p> <p>Where development is permitted on sites containing archaeological remains, any planning permission will</p>	<p>Para 189 states:</p> <p>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.		
Policy TR1a (Development Affecting Highways) Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.	Paragraph 110 states: Applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	The policy is considered to be consistent with the aims of the NPPF.
Policy TR1 (Transport Assessment)	Paragraph 111 of the National Planning Policy Framework sets	The policy is considered to be consistent with

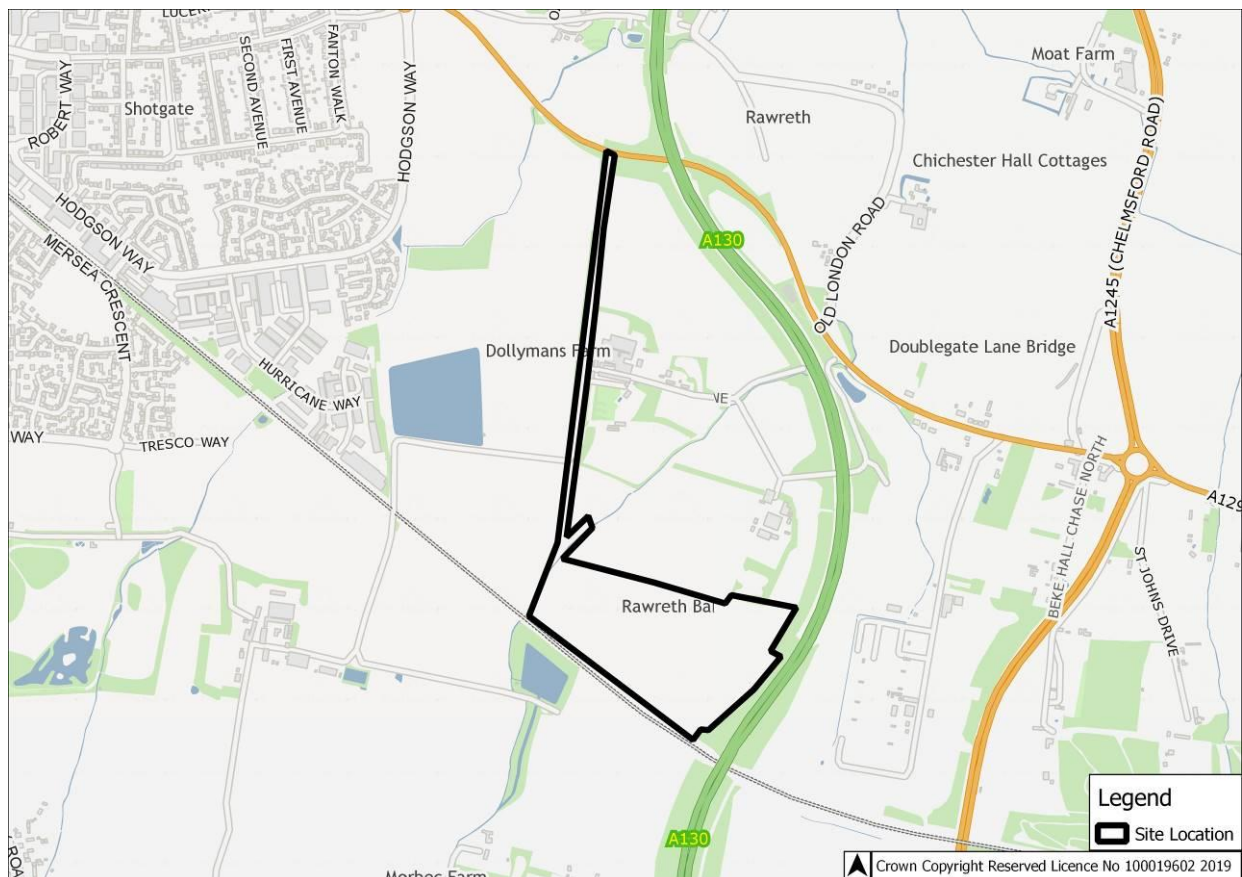
<p>Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications. Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.</p>	<p>out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.</p> <p>Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).</p> <p>Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>	<p>the aims of the NPPF.</p>
<p>Policy TR4 (Safeguarding and Improving Public Rights of Way)</p> <p>Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.</p> <p>Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.</p>	<p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	<p>high quality public space, which encourage the active and continual use of public areas; and</p> <p>(c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p>	
<p>Policy TR9 (Access of Freight to Transport Networks)</p> <p>Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.</p>	<p>Paragraph 110 states:</p> <p>Applications for development should:</p> <p>(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</p> <p>(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;</p> <p>(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;</p> <p>(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	
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DR/13/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT – Importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access

Ref: ESS/31/18/ROC**Applicant:** Sewells Reservoir Construction Ltd**Location:** Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at: <http://planning.essex.gov.uk/>

1. BACKGROUND

This application was originally presented to the Development & Regulation Committee in May 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement. There was a requirement for this legal agreement to be finalised within six months of the resolution. However, at the November 2019 Development & Regulation a further six month period to finalise the legal agreement was agreed.

For reference, the report as presented to Members in May 2019 is provided at Appendix 1.

2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT

Since the November 2019 committee meeting, discussions have been continuing with the applicant regarding the legal agreement. A financial guarantee was required pursuant to the development and negotiations to date, both in terms of the value of this guarantee and also its general set-up and management, have been lengthy. A draft of the agreement is now however on circulation and it is hoped that, potentially barring some minor amendments to text/terminology, this will be agreeable to all involved.

The six month extension period to complete/finalise the legal agreement, agreed in November 2019 by Members, expires on 22 May 2020. In the circumstances, a request has therefore been made for a further extension and an additional three months to complete the legal agreement.

Since this application was originally considered it is not considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that gives rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is in-principle remaining unchanged.

The Waste Planning Authority has been pro-actively engaged by the applicant to date and it is not considered the delay has not been caused for ill-reason. Accordingly, it is considered appropriate, particularly in the current circumstances (COVID-19 pandemic), to consent to the extension as requested.

3. RECOMMENDED

That subject to the completion, within three months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement;

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 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 approved plans: 'Location Plan', drawing no. M.17.149.D.001, dated April 2018; 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018; 'Initial Works', drawing no. M.17.149.D.004, dated April 2018; 'Phase 1 Restoration', drawing no. M.17.149.D.005, dated April 2018; 'Phase 2 Restoration', drawing no. M.17.149.D.006, dated April 2018; 'Phase 3 Restoration', drawing no. M.17.149.D.007, dated April 2018; 'Final Restoration', drawing no. M.17.149.D.008, dated April 2018; 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018; and 'Restoration Sections', drawing no. M.17.149.D.010, dated April 2018; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement, by which time the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

4. 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 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

5. Except in emergencies (which shall be notified to the 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
07:00 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 and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

6. The total number of heavy goods vehicle movements* associated with operations undertaken from the site shall not exceed the following limits:

60 movements (30 in and 30 out) per day (Monday to Friday); and
30 movements (15 in and 15 out) per day (Saturdays)

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

** 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 policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy

(2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

7. 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 Waste Planning Authority within seven days of written request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

8. All vehicle access and egress to and from the site shall be from Doublegate Lane, and the access road, as shown on drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routeing to the site. The aforementioned shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

10. Only non-contaminated, non-hazardous inert material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure appropriate restoration of the site, 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 policies 1, 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, NE4, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

11. The development hereby permitted shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. Operations shall commence in phase one and progress in numerical order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much material has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the 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 Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

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 with policies 6, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

14. The Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr
West of Dollymans Farm: 55dB LAeq, 1hr
Wethersfield Way, Wickford: 55dB LAeq, 1hr
Bersheda, north of A127: 55dB LAeq, 1hr
Electricity sub-station entrance, A129: 55dB LAeq, 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

15. For temporary operations, the Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties/locations referred in condition 14 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 Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

16. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at the five location points referred in conditions 14 and 15 and shown in Appendix B 1 (Site Location and Baseline Survey Locations) of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 29/08/2018. 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 Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

17. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation, remediation (as appropriate) and recording has been submitted to and approved in writing by the Waste Planning Authority. Should a remediation strategy be deemed required following the investigation (i.e. the need to preserve in situ) such a scheme together with updated working plans shall be submitted to the Waste Planning Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

Reason: To ensure that any archaeological interest on-site has been adequately investigated, preserved and/or recorded prior to the development taking place and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policies HE1 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

18. No development shall take place until a Construction Method and Initial Development Specification Statement has been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up;
- Areas proposed for the initial loading and unloading of plant and materials;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- The proposed construction of the access road to the site from

Doublegate Lane;

- The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
- The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
- Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and
- Statement of consideration of operational development issues raised within Network Rail's consultation response, dated 08/10/2018

That submitted, in respect of the access road, shall include details of construction; design (width, finish/surface and details of a bridge over Chichester Hall Brook watercourse); and any additional features proposed in respect of surface water run-off. The development shall subsequently be implemented in accordance with the details approved.

Reason: For the avoidance of doubt as to the specification of the initial works proposed, to ensure appropriate management of the start-up phase of the development, in the interests of highway and site safety, ecology and amenity and to comply with policies 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, and T1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27, DM28 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, H12, GB1, GB3, GB11, CC2, CC4, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

19. No development shall take place until a scheme of landscape and visual mitigation for the site access, weighbridge, office and parking has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the formation of temporary bunding in addition to advanced planting and furthermore detail proposed management and maintenance during operations. The development shall subsequently be implemented in accordance with the details approved.

Reason: On the basis that it is considered that additional mitigation could be provided to further offset impact, in the interest of visual amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM and, DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

20. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan for trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be

based on that suggested within the submitted 'Arboricultural Impact Assessment' but provide exact protection and working details/practices (including the 15m stand-off to the hedgerow) and the protection of the ground and watercourse below the access route. The method statement shall include measures to ensure that all removed timber, hedgerow arisings is utilised for habitat creation, such as habitat heaps, piles or log stacks. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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.

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 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

22. No development shall take place, other than the construction of the haul route/access road, until a Public Rights of Way signage scheme for highway users has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide drivers and pedestrians/users of the Public Right of Way network with signage from the start of the access road and repeated at all crossings/junctions. The signage shall be clear as to both the hazard and the right of the users. The development shall be implemented in accordance with the approved scheme with signs erected and 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 policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); policy DM31 of the Rochford District Council Development Management Plan (2014); and policies T1, T3, T6 and T7 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

23. No development shall take place until:

- a) A revised scheme showing the plant area at existing or a lower land level, rather than 12 AOD and, and/or bunded on its eastern and southern boundaries has been submitted to the Waste Planning Authority for review. The scheme submitted shall be considered deliverable by the applicant and if elements referenced above are not considered so appropriate commentary provided; and
- b) A detailed layout plan for the proposed plant site as detailed on 'Initial Works', drawing no. M.17.149.D.004, dated April 2018 has been submitted to and approved in writing by the Waste Planning Authority.

Should in the view of the Waste Planning Authority, the revised proposals for the plant area be considered an improvement, the development shall be implemented as such. If not, the existing details as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018 shall remain approved. In both scenarios, details submitted and approved pursuant to part b) which shall show the exact layout of plant and machinery (together with specification); and location and maximum heights for stockpiles shall be maintained for the duration of the development hereby permitted. For the sake of completeness, no materials shall be stockpiled on-site unless within the plant site as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018.

Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

24. 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 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 environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

25. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the 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 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV5 of the Rochford District Council Core Strategy (2011); policy DM29 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no. M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, in the interests of safe working and to comply with policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017).

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping (if proposed) and detail how imported materials will be handled, maintained and engineered;
 - b) The proposed specification of the infill/restoration profile (i.e. an engineering report with detailed cross sections showing proposed make-up or construction to the restoration surface including depth of top soil finish) which demonstrates that material deposited will bond and not give rise to structural problems and/or excessive water retention;

- c) The type or machinery to be used to strip the site and place infill material; and
- d) Confirm that soil will only be stripped, handled and/or placed when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or 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 re-use of the existing restoration layer, if considered appropriate, to minimise structural damage and compaction of soil to aid final restoration works, in the interests of amenity and to comply with policy policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1 and ENV3 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C5 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

28. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all existing trees and vegetation together with areas to be planted, in addition to those shown on the existing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018 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), to improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

29. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree(s) or shrub(s) to be agreed in advance in writing by the Waste Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

30. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide detailed drawings (including cross sections) of all water bodies proposed to be retained for ecological benefit and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Doublegate Lane and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To ensure the restored land is agriculturally versatile, agricultural operations are not impeded and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy GB11 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The

scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- If infiltration is proven to be unviable then discharge rates are to be limited to 45.61l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.
- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to flood risk, ensure the effective operation and maintenance of drainage features and to comply with policies 10 and 11 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV3 and EN4 of the Rochford District Council Core Strategy (2011); policy DM28 of the Rochford District Council Development Management Plan (2014); and policies CC1, CC2 and of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

33. No development shall take place (including groundworks or site clearance) until a Farmland Bird Method Statement has been submitted to and approved in writing by the Waste Planning Authority. This must be provided after the results of a breeding bird survey undertaken following the British Trust of Ornithology Guidelines. The content of the method statement shall include the following if mitigation measures are required to offset impacts to Farmland Birds:

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

Specifically, a Skylark Mitigation Strategy shall also be included as part of the Farmland Bird Method Statement submitted pursuant to this condition. This shall include provision for the evidenced number of Skylark nest plots, in nearby agricultural land, prior to commencement. The Skylark Mitigation Strategy shall seek to cover a 10 year period and include the following:

- a) purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird and Skylark mitigation strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the overall site restoration and aftercare period.

Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

34. 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 Waste Planning Authority no later than after completion of phase three. The submitted scheme shall accord with that suggested with the Planning Practice Guidance and:
 - a) provide an outline strategy for an aftercare period of five years. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme including the aims and objective of management from an agricultural, landscape and ecological perspective; and
 - b) provide for a detailed annual programme to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting, which shall in addition to covering agricultural matters also provide commentary on landscape planting, ecological and hydrological features; and the WWI memorials.

Whilst the formal aftercare period for the site shall be five years, the outline strategy shall, as a minimum, seek to cover a period of 10 years in respect of the management of on-site and boundary landscaping and ecological and hydrological features. The outline strategy should, in respect of this, include details of any legal and funding mechanism(s) by which the long-term management of the site will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives from a landscape and/or ecological perspective are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers long term net benefit.

Unless the Waste 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, safeguard for the long term and to comply with in in accordance with the details submitted and deemed to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

35. There shall be no retailing or direct sales of soils and/or aggregates to the public from the site.

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and in context of policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and

Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

LOCAL MEMBER NOTIFICATION

BASILDON – Wickford Crouch
ROCHFORD – Rayleigh North

**APPENDIX 1 – MAY 2019 COMMITTEE REPORT
(INCLUSIVE OF CHANGES MADE BY WAY OF THE ADDENDUM)**

DR/15/19

committee DEVELOPMENT & REGULATION

date 24 May 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access**

Location: **Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD**

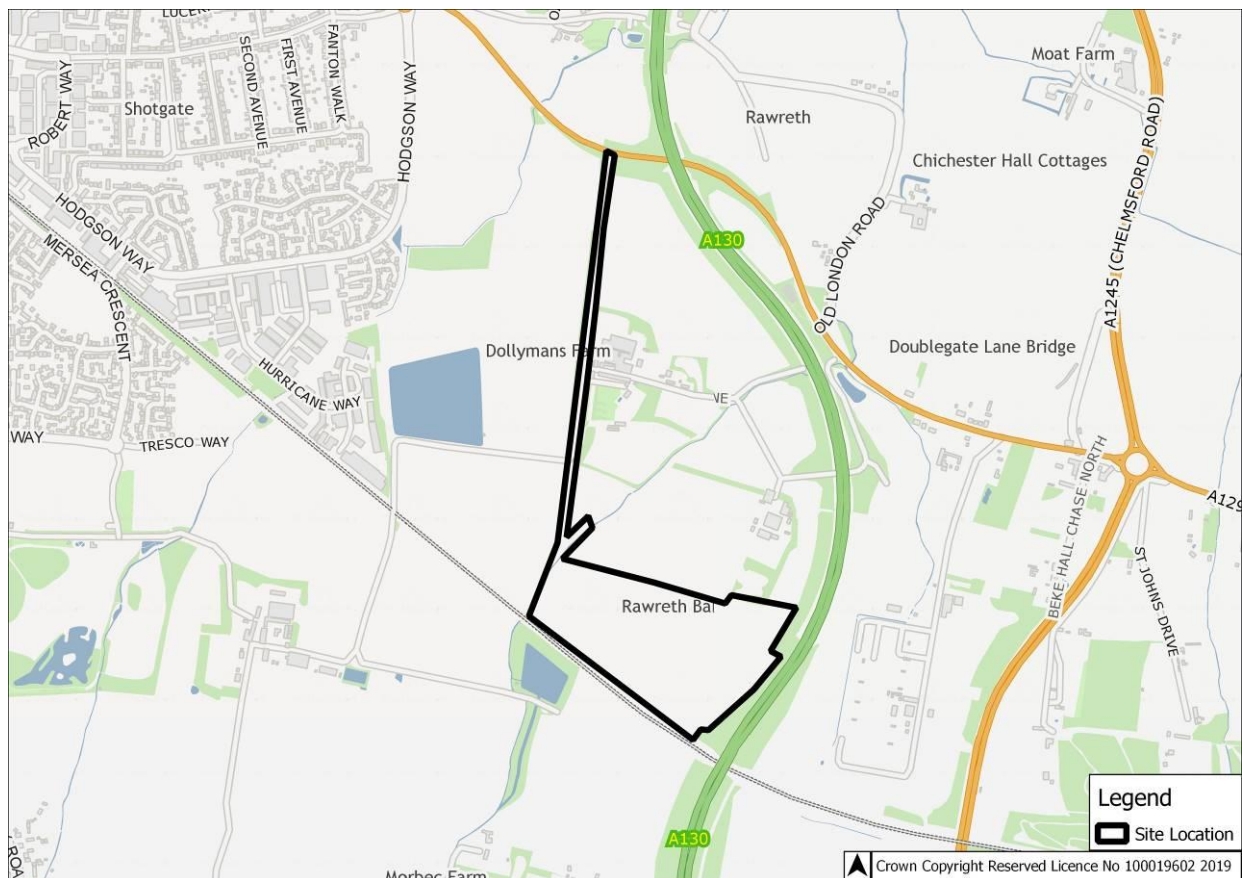
Ref: **ESS/31/18/ROC**

Applicant: **Sewells Reservoir Construction Ltd**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

The full application can be viewed at www.essex.gov.uk/viewplanning



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1. BACKGROUND & SITE

The area to which this application relates is a former borrow pit associated with the construction of the A130. The site, which extends to some 17.6ha, was restored at low level, following this, to its current concave landform and is managed as grassland (grazing paddock for horses).

Dollymans Farm is accessed off the A129 via Doublegate Lane. This access serves Dollymans Farm including the small industrial/employment area, the Treehouse Club Nursery and Fanton Hall and Sappers Farm and industrial/employment areas associated. The Lane to the south connects with the A127. The Lane forms a Bridleway (Bridleway 17) off which to the north of the railway line runs Footpath 62 which connects with Footpath 63 to run south to north to re-connect with the Bridleway at Rawreth Barn.

The site is bound by the A130 to the east and a railway line to the south. To the west and north is agricultural land. Whilst the site is rural/agricultural in character, visually these characteristics are impacted by the A130 and nearby electricity plant.

Photo looking east on Footpath 62 to the south of the site



The site, which is part in the administrative jurisdiction of Rochford District (northern part) and part within Basildon Borough (southern part), forms part of the Green Belt with part of the site also within flood zone 2 and 3. The site falls within the impact risk zone for Thundersley Great Common and Crouch and Roach Estuaries SSSIs and is also within the Southend Airport safeguarding area. However, for confirmation, the site itself is not located within a 'sensitive area' for the purposes of the EIA Regulations.

On site there are two World War I memorials. The memorials, one of which (Kynoch Memorial) is located along the southern boundary and the other (Stroud Memorial) located on the eastern boundary, were raised as a permanent testament to the sacrifices made by two pilots (Captain Alexander Bruce Kynoch and Captain

Henry Clifford Stroud) killed in service at this site. Both memorials, erected around 1920 are Grade II listed.

Whilst there are a few isolated residential properties, and sensitive uses within the Dollymans Farm complex, the nearest built up area to the site is Shotgate circa 500m as the crow flies.

Essex & Southend-on-Sea Waste Local Plan

This site was promoted through the call for sites for the Essex and Southend-on-Sea Waste Local Plan for inert waste recycling and landfill on the basis that it was suggested that the site was poorly restored and would provide additional inert waste management capacity whilst delivering several environmental benefits. The site was originally discounted (not taken forward as a preferred site) by ECC through the site selection process on Green Belt grounds. However, as part of the Examination in Public of the Waste Local Plan, following representations from the landowners planning agent, the Inspector whilst accepting that 'any proposal would still need to be considered on its individual merits, including whether it could satisfy local policies for the management of development in the Green Belt' considered that there was 'sufficient evidence at this stage to justify the allocation of this site, in order to identify its potential contribution to the management of waste and thus guide future decision-making.' The allocation within the WLP is however solely for inert landfill capacity (500,000 tonnes) with no recycling/processing.

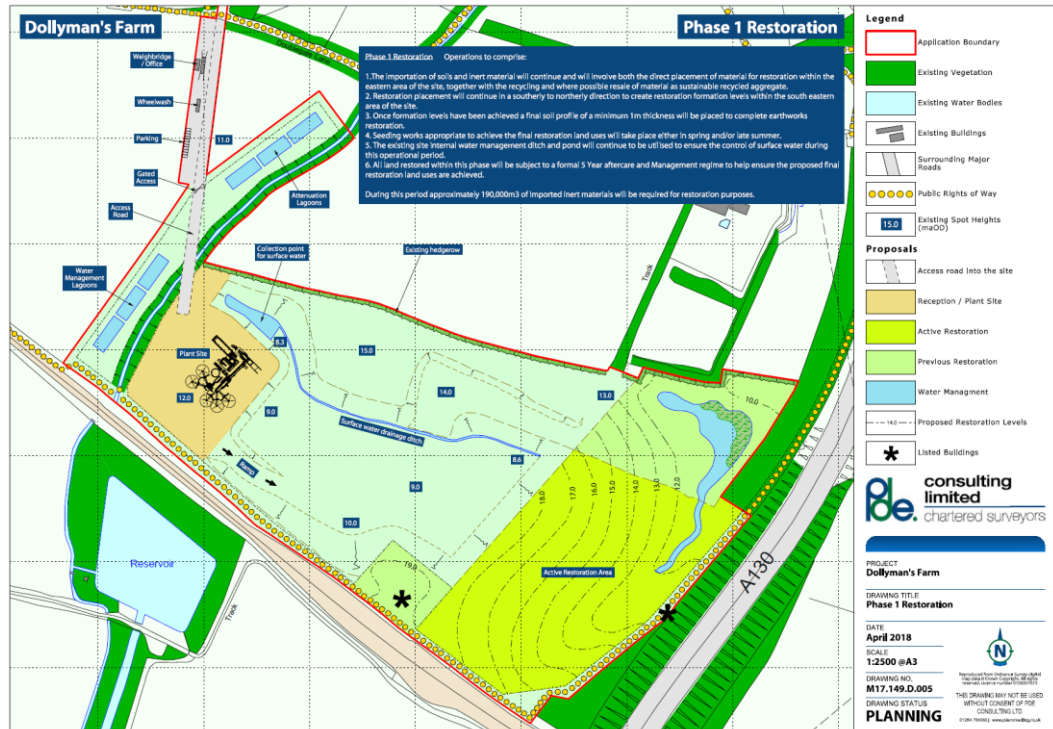
2. PROPOSAL

This application seeks the importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access.

The applicant suggests that to achieve a landform sensitive to the surrounding landscape a total of 580,000m³ of inert material needs to be deposited (980,000 tonnes). The applicant in seeking to attract a wider inert stream to deliver this project is proposing to install a recycling facility at the site which would allow the production of recycled aggregates from material imported. Removing this aggregate, which the applicant anticipates to represent 30% of material imported, would accordingly increase the overall amount of material required (to 1.4 million tonnes) to complete the development.

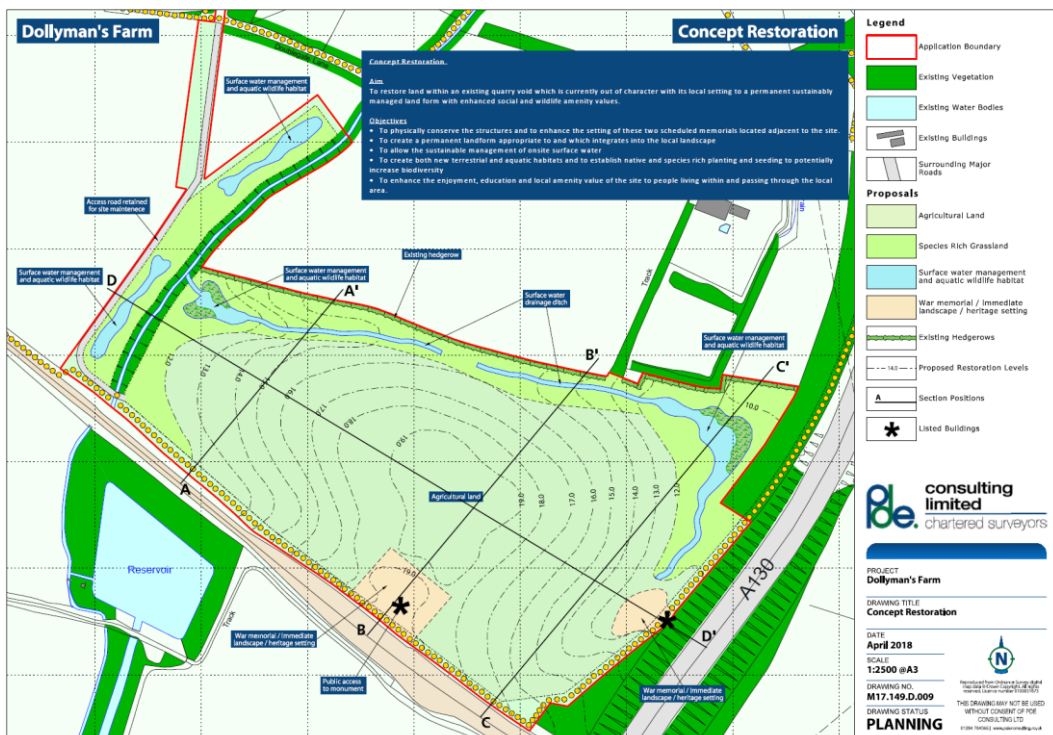
The applicant has suggested that the site would be worked in four main phases. Phase one would involve the establishment of the proposed temporary access; preparation of the plant area and reception, weighbridge and wheel wash along the access road; creation of the water management/attenuation ponds and lagoons; together with the commencement of works (landfilling) to the immediate setting of the southern memorial and east of the site.

Phase One – Drawing Number: M17.149.D.005, dated April 2018



Phases two and three would see the importation and infilling continue in an east to west direction, with phase four (final restoration) seeing the decommission and removal of the plant site and reprofiling of this area, final shaping of water bodies and planting and the site restored to agricultural use with biodiversity enhancements.

Final Restoration – Drawing Number: M17.149.D.008, dated April 2018



The applicant has suggested that the development would take 10 years to complete with the development predicted to give rise to 60 HGV movements a day (30 in and 30 out) in addition to 14 private (staff) vehicle/car movements (7 in and 7 out). Hours of operation of between 07:00-18:00 hours Monday to Friday; 07:00-13:00 hours Saturdays; with no working on Sundays or Bank Holidays are proposed.

3. POLICIES

The following policies of the Essex Minerals Local Plan (MLP), adopted 2014; Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; Rochford District Council Core Strategy (RCS), adopted 2011; Rochford District Council Development Management Plan (RDMP), adopted 2014; and Basildon District Local Plan (Saved Policies) (BLP), adopted 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan

S5 – Creating a Network of Aggregate Recycling Facilities

S12 – Mineral Site Restoration and After-Use

Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities

Policy 3 – Strategic Site Allocations

Policy 6 – Open Waste Facilities on Unallocated Sites or Outside Areas of Search

Policy 9 – Waste Disposal Facilities

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

Policy 13 – Landraising

Rochford District Council Core Strategy

GB1 – Green Belt Protection

ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites

ENV3 – Flood Risk

ENV4 – Sustainable Drainage Systems

ENV5 – Air Quality

T1 – Highways

T2 – Highway Improvements

Rochford District Council Development Management Plan

DM1 – Design of New Developments

DM5 – Light Pollution

DM25 – Trees and Woodlands

DM26 – Other Important Landscape Features

DM27 – Species and Habitat Protection

DM28 – Sustainable Drainage Systems

DM29 – Air Quality

DM31 – Traffic Management

Basildon District Local Plan

BAS GB1 – The Definition of the Green Belt

BAS C1 – Protected Areas

BAS C5 – Trees and Woodlands

BAS C13 – Water Wildlife

BAS BE12 – Development Control

The Revised National Planning Policy Framework (NPPF) published on 24 July 2018 (and updated on 19 February 2019) and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England have been produced. The strategy is framed by natural capital thinking and guided by two overarching objectives:

- To maximise the value of resource value; and
- To minimise waste and its impact on the environment

The strategy furthermore outlines five strategic principles:

- To provide the incentives, through regulatory or economic instruments if necessary and appropriate, and ensure the infrastructure, information and skills are in place, for people to do the right thing;
- To prevent waste from occurring in the first place, and manage it better when it does;
- To ensure that those who place on the market products which become waste to take greater responsibility for the costs of disposal – the 'polluter pays' principle;
- To lead by example, both domestically and internationally; and
- To not allow our ambition to be undermined by criminality.

With the aim of delivering five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable¹⁵ plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity¹⁶ by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

Rochford District Council are in the process of preparing a new Local Plan, which will set the strategy for future development of the District beyond 2025. Once adopted the new Local Plan will replace a number of the adopted policy documents. Rochford District Council held a public consultation in early 2018 on the first stage of its new Local Plan (an Issues and Options Document). Given the early stage at which the new Local Plan is it is not considered that this holds any weight in the determination of planning applications at the current time.

Basildon Borough Council submitted the Basildon Borough Local Plan 2014-2034 to the Secretary of State for Examination in Public (EiP) on 28 March 2019. Hearing dates have yet to be formally scheduled however as the Plan has been submitted it is considered that the policies within hold some weight in the determination of planning applications. That said the weight to be applied to relevant policies is restricted by the fact the Plan has not yet been through EiP and formally adopted.

The following policies of the Basildon Borough Revised Publication Local Plan 2014-2034 (BLP-18), dated October 2018 are considered relevant to this application:

- SD1 – Strategic Approach to Sustainable Development in Basildon Borough
- SD4 – Presumption in Favour of Sustainable Development
- T1 – Transport Strategy
- T2 – Improvements to Carriageway Infrastructure
- T3 – Improvements to Footpaths, Cycling and Bridleway Infrastructure
- T6 – Managing Congestion
- T7 – Safe and Sustainable Access
- H12 – Land South of Wickford

DES1 – Achieving Good Design
 GB1 – Strategic Approach to Green Belt Protection
 GB2 – Green Belt Extent
 GB3 – New Development in the Green Belt
 GB11 – Positive Uses of Land in the Green Belt
 CC1 – Responding to Climate Change
 CC2 – Flood Risk and Drainage Management
 CC4 – Managing Flood Risk in New Development
 NE4 – Development Impacts on Ecology and Biodiversity
 NE5 – Development Impacts on Landscape and Landscape Features
 NE6 – Pollution Control and Residential Amenity
 HE1 – Strategy for Conserving and Enhancing the Historic Environment
 HE3 – Listed Buildings
 HE4 – Schedules Monuments and Archaeology

4. CONSULTATIONS

ROCHFORD DISTRICT COUNCIL – No comments received.

BASILDON BOROUGH COUNCIL – The part of the site which falls within the administrative boundary of Basildon is located within the Green Belt. It is noted that this site is allocated within the WLP for inert landfill. However, this application proposes the importation of more material than suggested in the designation; proposes the installation of a recycling plant and a timeframe/duration of 10 rather than 5 years. The additional plant and machinery associated with the recycling, its appropriateness and subsequent impact on the openness of the Green Belt must be considered carefully. Furthermore, the additional importation of material would result in additional vehicular movements with associated impacts on air quality. ECC should satisfy themselves that the application demonstrates compliance with the proximity principle and the need to deal with waste closest to the source.

ENVIRONMENT AGENCY – No objection. Infilling as part of this proposal would require large amounts of deposits. The type of material used is likely to be waste and therefore testing must be conducted on the type of waste used to make sure it is suitable, uncontaminated and non-hazardous. The application says the applicants would be using a press. Testing of the soil gathered from the press need to be undertaken as the waste soil from this could contain limited value other than bulk. The platelets from this sort of recovered soil waste is not likely to easily bond and therefore soil slippage and water retention could be an issue. Undulation of existing land may mean if the correct material/waste is not used pools may gather and the land may not be remediated as required.

NATURAL ENGLAND – Standard advice provided. Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Offer no comments.

HIGHWAYS ENGLAND – No objection.

HIGHWAY AUTHORITY – No objection subject to conditions requiring submission of a construction management/method statement; and Public Right of Way scheme of signage seeking to identify both the hazard and right of users from the start of the access road and where the access road crosses the Public Right of Way.

ESSEX BRIDLEWAY ASSOCIATION – Mainly concerned with the final restoration scheme rather than the detail of the actual infilling. Concern is raised about the inevitable increase in HGV traffic and the impact on Bridleway 17 which runs alongside Doublegate Lane and it is requested that consideration be given to segregation. Furthermore, request is made that footpaths 62 and 63 are upgraded to bridleway status to form a circular route around the site for all users. It is also noted that the scheme does not appear to offer any further public access and it is suggested that if not definitive but permissive access to the site, post restoration, should be considered.

RAMBLERS ASSOCIATION – No comments received.

NETWORK RAIL – The developer must ensure that the proposal, both during construction and after completion of works on site, does not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; and/or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future. In respect of maintenance, the developer must ensure that this can be carried out solely on the applicant's land and in terms of drainage surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement. If not already provided, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail strongly recommends the developer contacts AssetProtectionsAnglia@networkrail.co.uk prior to any works commencing on site, and to agree an Asset Protection Agreement with us to enable approval of detailed works.

SOUTHEND AIRPORT – No objection. If a crane or piling rig to construct the proposed development is needed this would need to be safeguarded separately and dependant on location may be restricted in height. Any crane/piling rig application should be made to the Airport Authority directly.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction; and a maintenance plan for the surface waste drainage system.

THE COUNTY COUNCIL'S LANDSCAPE CONSULTANT – Concerns are raised about the loss and fragmentation of an ancient hedgerow with trees running along

the western boundary of the site which the site access road would dissect at a wide angle. The hedgerow would be defined as '*important*' under the criteria defined in the 1997 Hedgerows Regulations, this by virtue of its age, form (watercourse, banks, trees) and species make-up. The proposed access would create a significant detrimental landscape and visual impact and it is considered that an alternative means of access would be less intrusive. Conclusions formed in respect of landscape character and the site displaying 'elements and features which are out of character with its local setting' are disagreed with. Whilst the quality of the landscape clearly exhibits evidence of former excavations, by the presence of steep slopes and undulating landform, the character which has subsequently developed is not considered unattractive. It is also considered that the predicted visual effects during the operational period have been undervalued. The site access takes a very harsh alignment off the corner of Doublegate Lane and the operational activities (office, parking, weighbridge, wheel wash) would collectively create visual impact of an industrial nature. The visual impacts arising from the access road, proposed plant, movement of vehicles and re-profiling are considered to be significant and adverse particularly when experienced by users of the Public Rights of Way network. No proposals for landscape and visual mitigation or enhancement have been put forward. There are no specific proposals setting out how the WWI memorials would be enhanced despite the reference to this being proposed.

THE COUNTY COUNCIL'S ARBORICULTURE CONSULTANT – No objection subject to conditions. The submitted tree survey accurately identifies the trees within the hedgerow which would be impacted by the proposed access road. These have been suitably assessed although it is considered collectively that the trees do have a higher value than when viewed individually. Some Category B trees (BS 5837) would require removal however the impact of this would be more from a habitat and landscape perspective. From an arboricultural view, the mitigation proposed is considered acceptable, subject to final details of planting arrangements being secured by condition. In more general terms, it is nevertheless suggested the access should be by bridge rather than culvert and a detailed method statement and tree protection plan should be secured prior to any works commencing.

THE COUNTY COUNCIL'S ECOLOGY CONSULTANT – No objection subject to conditions requiring submission of farmland bird method statement and skylark mitigation strategy.

THE COUNTY COUNCIL'S HERITAGE CONSULTANT – No objection

THE COUNTY COUNCIL'S ARCHAEOLOGY CONSULTANT – No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The Essex Historic Environment Record show that the proposed attenuation pond/water body in an unexcavated part of the site. Excavated parts of the site have revealed multi-period archaeological features and there is therefore the potential for further features in this area.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to a condition limiting site attributable noise to 55dB L_{Aeq} 1hr and the requirement for

periodic compliance noise monitoring.

THE COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to a dust management plan being secured by condition.

RAWRETH PARISH COUNCIL – Concern regarding the amount of lorry movements in and out of the site over a 10 year period. It is considered that access to the site using the A127 would be preferable and safer. Traffic on the A129 can travel at the National Speed Limit and vehicles turning into and out of Dollymans Farm pose a significant risk. If use of the A129 is deemed acceptable, then slip roads should be secured/implemented to and from the A129 allowing only a left turn only exiting the site. It is also considered that the A129 should be restricted to 40mph from Carpenters Arms roundabout to Shotgate roundabout. It is also suggested that the A129 floods under the A130 bypass, closing the road at times, therefore drainage improvements should be sought. Questions are raised about water management and how and where water from balancing ponds would be released and concerns about increased flood risk and pollution control. In the event of approval, it is recommended that hours of operation of 07:00-16:00 Monday to Friday are more appropriate, than those proposed, with no weekend working.

LOCAL MEMBER – BASILDON – WICKFORD CROUCH – This site is on the borders of my division, close to the Shotgate area of Wickford. When the site was first promoted residents and the Parish Council objected although it was eventually agreed by the Inspector. It is acknowledged that the principle of development is therefore established, however specific concerns are raised as below:

- Consultation – Shotgate is a large residential area, neither the Parish Council nor residents were advised of the application in order to make comment/objections.
- Traffic movements - Residents are anxious to ensure that all HGV traffic is routed via the A130 and not through Southend Road, Wickford. A condition should be attached to any consent the committee is minded to grant to ensure compliance.
- Reprocessing works - The site was described as landfill for inert materials widely considered to be construction materials. Within the application is a wish to reprocess some materials into building blocks. This is Green Belt area unsuitable for such uses and I object to that element of the application.
- This is a relatively flat part of the County and (the development) would be visible and thus intrusive for a considerable radius damaging visual amenities for residents and travellers on the A130 and A127. Industrial activities should be conducted in areas designated for that use¹.

LOCAL MEMBER – BASILDON – WICKFORD CROUCH – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – RAYLEIGH NORTH – Echo concerns raised, by the Local Member for Wickford Crouch, about the consultation undertaken requesting the item is withdrawn from consideration until all parties have sufficient

¹ Specific references made to a 'stack' within the comments received have not been detailed as no stack is proposed.

time to evaluate their concerns. Also recommend the Local Member for Wickford Crouch observations are considered. It is considered that drivers drive too fast along this stretch of carriageway and if this development is passed it may increase the number of accidents, and possible add to more serious accidents. I would be against this development on the grounds of safety for all road users.

Officer comment

Solely in terms of the concerns raised about the consultation process, as per the Council's Statement of Community Involvement (Revised July 2018), direct neighbour notification was undertaken to all address points within 250m of the red line (33 properties). The application was also advertised by way of site notice and press advert (press advert published in the Basildon Evening Echo 27/09/18). The site sits within Rawreth Parish and Rawreth Parish Council were notified of the application. Shotgate as an adjacent Parish Council was not directly notified.

5. REPRESENTATIONS

33 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. Three letters of public representation have been received. These relate to issues covering the following matters:

Observation

Comment

Highway issues. The A129 is a very heavily used road and the speed limit is 60mph where the entrance/exit to Dollymans Farm is. Highway safety is a real concern.

See appraisal.

Should the application be approved, a long slip road should be installed on the A129 to allow vehicles to safely access the site. A line of mid road bollards should also be installed to ensure a left only turn out.

See appraisal.

Concerns raised about the junction on the A129 with Old London Road with reference made to a number of serious accidents in the last two or three years.

Noted. To confirm, the routing arrangement proposed, in support of this application, does not seek use of Old London Road. Vehicles would enter and leave the site from the A129 either via the A132 or A1245. See appraisal for further commentary.

Concerns about weekend accumulation with the football pitch and recreational use of fields in Old London Road.

See above.

Predicted vehicle movements of 35/40 per day are more likely to be 70/80 on the basis of what goes in, must come out.	The transport statement submitted in support of the application suggests 60 HGV movements per full working day (30 in and 30 out). Noting there would be seven staff on-site, and on the assumption that each of these would drive, this would add an additional 14 vehicle movements to the above total (7 in and 7 out). Albeit these would be private vehicles and not HGV movements.
Confirmation sought that the development would not increase current noise levels to the detriment of nearby residential amenity and health.	See appraisal.
Concerns raised about odour and air quality issues and associated health implications.	See appraisal. References made to Courtauld Road are noted albeit not considered relevant to this application.
Increased flood risk and contamination concerns.	See appraisal.
Ecological impact and that the site as existing supports much wildlife include egrets, geese and many garden birds including sky larks.	See appraisal.
Loss of property value and concerns about future development proposals if the site is subsequently considered 'brownfield'.	Property prices on their own are not a material planning consideration. Regarding future development proposals for the site, without prejudice, any such applications would be considered on their own individual merits on the basis of the development plan at the current time.
It has previously been suggested that this site should be used to store surface water. The A130 causes rapid runoff down to the Fairglen and subsequently flooding in Rawreth village.	See appraisal and comments provided by both the Environment Agency and Lead Local Flood Authority in terms of flood risk. To confirm, no such application to use this site as a reservoir or for flood attenuation has also ever been submitted for formal consideration/determination by the LPA.
Numerous requests have been made for traffic calming measures to be installed at the junction of Old London Road and the A129. We have been told this would	Noted. See appraisal and comments provided in respect of a similar representation in terms of the use of Old London Road.

be too costly and would only be considered should there be a fatality.

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development (and Green Belt)
- B. Landscape and Visual Impact
- C. Ecology
- D. Hydrogeology and Hydrology
- E. Heritage
- F. Amenity
- G. Transport

A PRINCIPLE OF DEVELOPMENT

Although this application is principally being considered/determined as a waste development it is considered that there is a crossover of policy and that the reference to policies S5 and S12 of the MLP is appropriate. Policy S5 relates to aggregate recycling (relevant as a processing plant is proposed as part of this application) and policy S12 relates to mineral site restoration and after-use, this site being a former mineral site (borrow pit) albeit restored.

As a waste site, Dollymans Farm is allocated as a strategic site for inert landfill within the WLP (policy 3). The allocation as per Table 12 of Appendix B of the WLP is for 500,000 tonnes of inert landfill capacity. This application proposes the importation of more material than this, as per the below comparison, and includes the proposed provision of a wash/recycling plant which is not part of the WLP allocation:

	Inert landfill capacity	Inert recycling capacity
WLP	500,000 tonnes over five years	None
ESS/31/18/ROC	980,000 tonnes over 10 years	420,000 tonnes over 10 year
Difference	+480,000 tonnes and +5 years	+420,000 tonnes / 42,000tpa for a 10 year period

Initially with regard to this, and landfill capacity, it is accepted that the figures and timeframes suggested within the WLP are indicative or estimates. This is of note in this case, as the site was originally discounted through the site selection process, and as such no detailed review/assessment of potential capacity took place. The 500,000 tonnes figure being the initial estimate provided by the landowner's agent promoting the site as a guide of the size of facility potentially available as part of the call for sites process.

In view of this, and in support of this development as proposed, the applicant has provided drawings showing what could be delivered/achieved with 500,000 tonnes of material spread across part and the whole of the site; and furthermore, what could be delivered/achieved with 1.5 million tonnes of material deposited for

comparison. The applicant in providing these scenarios has in their view demonstrated the requirement for 980,000 tonnes of material is the minimum necessary to deliver restoration, to near previous levels, in line the aims of the designation within the WLP and policy 13.

As detailed previously, the Inspector's report on the WLP whilst suggesting any such proposal at Dollymans Farm would need to be considered on its individual merits, concluded that there was sufficient evidence to justify the allocation of this site, to identify its potential contribution to the management of inert waste and thus guide future decision-making.

With regard to this, policy 1 of the WLP states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. The supporting text to this policy seeks to clarify that local construction, demolition and excavation waste arisings were 3.62mtpa in 2014 (including 0.31mt of waste imported from London) and it was identified that there was/is a need for additional 1.95mtpa (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permission.

Nonetheless, discounting that some permissions will expire/sites get completed/restored, the WLP acknowledges that there is a need for some 7.05mt additional capacity. And, since no other submitted sites have been deemed suitable for the management of inert waste in the Plan, locational criteria policies are to be used to assess any additional future inert waste management proposals.

The most recent published update by the Council on this (Minerals and Waste Authority Monitoring Report (AMR) 1 April 2016 to 31 March 2017) suggested that as of 2016 the shortfall in inert management stood at just over a million tonnes per annum. That said, since 2016 (and the last AMR) notable planning permissions granted for 'new' inert recycling facilities include Crown Quarry (application ref: ESS/07/17/TEN), Sandon Quarry (application ref: ESS/41/17/CHL); and Martells Quarry (application ref: ESS/32/18/TEN). In addition, there is also a resolution to grant planning permission subject to Legal Agreement for infill and recycling at Newport Quarry (application ref: ESS/38/18/UTT) – at a greater level than allocated within the WLP. A more up to date picture of capacity will be available when the 2017-18 and 2018-19 AMRs are published, although as noted in previous AMRs obtaining reliable construction, demolition and excavation data can be difficult.

Policy 6 of the WLP relates to proposals for open waste facilities on unallocated sites or outside Areas of Search (which is considered applicable to the proposed recycling/wash plant). This states proposals for open waste management facilities will be permitted where: 1) the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development; 2) although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and 3) it is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology.

Whilst continuing the policy suggests that proposals should also be located at or in: existing permitted waste management sites or co-located with other waste management development; mineral and landfill sites where waste material is used in conjunction with restoration, or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation (only criteria relevant to this application provided) initially concern about compliance with policy 6 is raised in context that the site was originally discounted through the WLP site assessment methodology because of the Green Belt designation.

The National Planning Policy for Waste does however seek to suggest that it should be recognised that there are locational needs for some types of waste management facilities. Whilst acknowledging waste management facilities in the Green Belt would be inappropriate development, it is suggested it is necessary to weigh up degree of conflict with Green Belt policy against individual merits of a scheme or site for waste management purposes.

Accordingly, in the interests of seeking to assess the acceptability of this development a review of Green Belt policy and the development can be found below.

Green Belt

Waste development is an inappropriate form of development within the Green Belt, in so much that waste uses are not one of the identified forms of development which are not inappropriate, by definition, within the Green Belt. Case law has confirmed that the lists of development that is 'not inappropriate', as detailed in the NPPF, are closed ones i.e. if a form of development does not feature in the lists, it cannot be regarded as appropriate.

As detailed in the NPPF the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.

Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Openness has been defined, through the courts, as the absence of development and as noted in the case of *Timmins*² (paraphrased) there are clear distinctions between openness and visual impact. In principle it is wrong to arrive at a specific conclusion as to openness by reference to visual impact alone – this is just one of the considerations that forms part of the overall weighing exercise with openness as such having both spatial and visual considerations.

² *Timmins v Gedling BC* [2014] EWHC 654 (Admin), Green J

As per paragraph 144 of the NPPF very special circumstances, to approve inappropriate development in the Green Belt, will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the RCS states that development will be directed away from the Green Belt as far as practicable with protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. With policy GB1 of the BLP and policies GB1, GB2 and GB3 of the BLP-18 seeking to define the Green Belt boundary, protect the permanence and openness of land designated as Green Belt and outline the need for very special circumstances to approve inappropriate development. Policy GB1 of the BLP-18 does nevertheless state, in a similar vein to the NPPF, that opportunities that enhance the environmental quality and beneficial use of the Green Belt will be supported. With policy GB11 specifically expanding on this to state that a proposal that seeks to positively enhance the beneficial use of the Green Belt will be supported, where it is compliant with all other relevant policies of this plan and where it fulfils the following criteria:

- a) It does not harm the openness of the Green Belt or conflict with the purposes for including land within it;
- b) it is sited in an appropriate location which is not visually intrusive;
- c) the design and materials are of a high quality and sympathetic to the surrounding built form and the character of the area;
- d) it will not result in unacceptable generation of traffic, noise, or other forms of disturbances; and
- e) provides opportunities for one or more of the following:
 - improved access;
 - improvements to nature conservation;
 - improvements to the historic characteristics of the landscape;
 - improve the attractiveness of the landscape;
 - outdoor sports and recreation; and
 - improvements to damaged and derelict land.

Inappropriate Development and Very Special Circumstances

Initially the applicant has sought to suggest that the restoration of the site cannot be achieved without the addition of the recycling/soil washing plant. In their view this is 'fundamental to achieving the proposed development and meeting the aspirations of the WLP'. In taking this view, the applicant considers that the development should be considered as one and that an assessment in isolation of the different elements of the proposal is inappropriate as the elements are intrinsically linked and necessary for the development to be viable.

However, it is suggested by the applicant that, if the development was considered in elements that the landfilling operation would constitute an engineering operation as per paragraph 146 of the NPPF and therefore should not be viewed as inappropriate development, on the basis that it is considered that the development would preserve openness and not conflict with the purpose of the Green Belt.

The applicant has furthermore highlighted that the WLP seeks to push waste up the waste hierarchy and the installation and use of a washing plant would maximise the recovery of recycled aggregate from the waste stream. Expanding on this, it is

suggested the wash plant would allow flexibility to generate suitable waste for use in restoration and this flexibility would also ensure suitable materials are available to complete the project in accordance with the proposed timeframe. If the site was only to accept material, without the ability to process it, it is suggested there could be delays because of sourcing material and potentially a compromised restoration quality.

In respect of the recycling/wash plant as built development, and this being inappropriate or harmful to openness and the purposes of the Green Belt, the applicant has suggested that the site should be considered previously developed land, since the former extraction and restoration and the plant viewed as limited infilling. This is disagreed with and considered an incorrect interpretation of previously developed land as per the definition within the NPPF: 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes:** land that is or was last occupied by agricultural or forestry buildings; **land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;** land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' (bolding added for emphasis/ease of reference).

Commentary/circumstances advanced in respect of this being previously developed land, and the recycling/wash plant being 'limited infilling' are therefore not considered relevant and have not been considered further as part of the argument put forward by the applicant with regard to this being appropriate development.

References to paragraph 141 of the NPPF and that local planning authorities should plan positively to enhance their (Green Belts) beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land are nevertheless acknowledged in so much as this potentially being classed as damaged land.

The circumstances advanced by the applicant, in this case, are considered largely to stem from a policy perspective in so much as the identified need in the WLP, the policy support for co-existing waste facilities, the policy support for moving waste up the waste hierarchy and delivering a network of secondary processing sites and secondary aggregates and that it is proclaimed that the recycling would provide a better and more timely restoration. Policy compliance for a type of development on its own is not however a positive benefit and as such unlikely to amount to very special circumstances. Accordingly, request was made to the applicant to elaborate on these circumstances at a more local/project specific level.

The additional statement received from the applicant sought to review other active inert recycling facilities within a 20 mile radius, with the aim of demonstrating that within the vicinity there are only a limited number of facilities (two suggested: Pitsea landfill and JKS on Purdeys Industrial Estate, Rochford) that would be able

to provide or handle the quantity of restoration material needed per annum to deliver this project over 10 years. It is however submitted that restrictions on permissions at these sites, HGV miles and in the case of JKS existing contracts demonstrate that there are no existing sites within the vicinity of the site that would be able to process and/or supply material on the scale required.

The applicant suggests that the site is surrounded by a number of urbanisations and with additional planned growth³ the provision of a recycling plant on-site, for a temporary period in conjunction with landfilling, is logical and complies with the proximity principle. References are also made to some applications for recycling/wash plants in the Green Belt accepted both in Essex and nationwide for similar reasons to that put forward here.

To confirm, it is considered that this development represents inappropriate development in the Green Belt. The infilling is considered to represent waste disposal rather than large scale engineering and the recycling/waste plant a waste use albeit linked to restoration of the site. It is accepted that the applicant has put forward a series of circumstances which support this development. Furthermore, it is noted that the recycling/wash plant is only proposed temporarily (for the life of the operations) and this is not proposed as a permanent land use or development which does limit long term inappropriateness. That said during operations (so for a 10 year period) there would be an impact on openness through the stationing and use of plant and machinery, installation of the access road, office and weighbridge and general site activity including the stockpiling of material – impacts both from a spatial and visual perspective. To some degree it could be argued that 10 years is also not temporary and as such the development is undermining the purpose of the Green Belt as the development is not safeguarding the countryside from encroachment (noting the built form proposed to be introduced to the site as part of the development).

As established in *Lee Valley Regional Park Authority v Broxbourne Borough Council*⁴ a ‘the lower quality of an area of Green Belt land does not reduce the harm done by inappropriate development, and though it may or may not affect any particular specific harm...’. Accordingly, it is considered necessary to fully assess the potential harms resulting from the development with a view to concluding if there are any other harms, and if overall these harms together with the definitional harm caused by reason of inappropriate development in the Green Belt are clearly outweighed, in this case, by other considerations including need for inert waste management capacity as previously discussed.

B LANDSCAPE AND VISUAL IMPACT

Policy 10 of the WLP covers a number of issues relevant to this application, some of which are also discussed in the forthcoming sections of this report in greater detail. The policy states proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on: local amenity; water resources; the capacity

³ Policy H12 of the BLP-18 relates to a strategic housing allocation on land south of Wickford (circa 400m west of the site, at its closet point, as the crow flies) for 1,100 new dwellings.

⁴ *Lee Valley Regional Park Authority v Broxbourne BC* [2015] EWHC 185 (Admin), Ouseley J

of existing drainage systems; the best and most versatile agricultural land; farming, horticulture and forestry; aircraft safety due to the risk of bird strike and/or building height and position; the safety and capacity of the road and other transport networks; the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness; the openness and purpose of the Metropolitan Green Belt; public open space, the definitive Public Rights of Way (PRoW) network and outdoor recreation facilities; land stability; the natural and geological environment; the historic environment; and the character and quality of the area in which the development is situated.

Specifically, in terms of potential landscape impact, but similarly being a catch-all policy, DM1 of the RDMP inter-alia states that proposed development should provide adequate boundary treatment and landscaping with the development; and retain trees, woodland and other landscape features. Policies DM25 and DM26 then specifically expand on this to the point that development which adversely affects (directly or indirectly) existing trees and/or woodland will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the features and that mitigating measures can be provided for, which would reinstate nature conservation value. Policy DM26 specifically referencing the protection of fauna and flora and (i) hedgerows.

Policy NE5 of the BLP-18 seeks to protect, conserve and where possible enhance landscape character and local distinctiveness stating development will be permitted provided:

- a) the landscape character and local distinctiveness of the area including its historical, biodiversity and cultural character, its landscape features, its scenic quality, its condition and its tranquillity;
- b) the distinctive setting of, and relationship between, settlement and buildings and the landscape including important views, landmarks and the degree of openness;
- c) the nature conservation value of the area including the composition, pattern and extent of woodland, forests, trees, field boundaries, vegetation and other features;
- d) the recreational value of the landscape;
- e) the special qualities of rivers, waterways, wetlands and their surroundings; and
- f) the topography of the area including sensitive skylines, hillsides and geological features.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application. This identifies that at a national level the site forms part of the Northern Thames Basin character area. Characteristics of this area are land rising above low-lying marshy landscapes adjoining the coast and estuaries of the Greater Thames Estuary. The landscape becomes extensively urbanised toward Inner London and includes major transport links from outside that area. The landform is described as varied with wide plateau divided by river valleys. Opportunities and management for the area include managing river valleys to protect and improve water quality and help alleviate flooding; conserving the riparian landscapes and habitats, for their recreational and educational amenity and for their internationally significant ecological value; managing the agricultural landscape; protecting and appropriately managing the historic environment for its contribution to local character and sense of identity...ensuring high standards of design (particularly in the Green Belt) with respect to the open and built character of the Thames Basin.

At a regional level the area is of a Lowland Settled Claylands typology. The typology being characterised by low-lying, gently rolling topography, associated with London Clay, criss-cross pattern of drainage ditches, a relative well protected presence of wetland habitat and a high proportion of designated sites, arable land use with some areas of peri-urban landscape, urban development and road infrastructure undermining area tranquillity.

At a local level, the site is principally located within the South Essex Coastal Towns landscape character area. Key characteristics of this area are large areas of dense urban development, rolling hills with steep south and west facing escarpments covered by open grassland or a mix of small woods, pastures and commons; extensive flat coastal grazing marshes in the south adjacent to the Thames Estuary; large blocks of woodland; narrow bands and broader areas of gently undulating arable farmland, with remnant hedgerow pattern, separating some of the towns; a particularly complex network of transportation routes; and pylon routes visually dominate farmland in the A130 corridor. The landscape condition of the woodlands and hedgerows in the area is considered moderate with the sensitivity to waste disposal stated as a moderate with key issues being inter-visibility and landform character. The northern extremity of the site forms part of the Crouch and Roach Farmland landscape area. Whilst not seeking to detail key characteristics of this character type, given the limited extent of the site falling within it, for reference the landscape condition for the area suggests hedgerows are fragmented with the sensitivity for waste disposal moderate.

The LVIA has sought to assess the effect of the site as existing on the landscape; and then the development over two phases: during operations; and post operations stage (i.e. once restored). In general terms, the sensitivity of change to the development in respect of both local character areas is considered medium. However, site specific the sensitivity to change is considered to be low. Reasoning for this is the site, in isolation, is considered degraded and out of character with the key characteristics of the landscape designations of these areas. The presence of the two listed monuments on-site are nevertheless deemed to be of high sensitivity to change, albeit the current environment in which these sit (adjacent to a railway line and major road) is not as existing considered high.

Assessment of effect on Local Landscape Character from submitted LVIA

Table 3: Current Site's effect on Local Landscape Character

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Current Site form/ Land use magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	Medium (Adverse)	Moderate (Adverse)
Crouch and Roach Farmland Landscape Area F2	Medium	Medium (Adverse)	Moderate (Adverse)
Site itself	Low	High (Adverse)	High (Adverse)

Table 4: The Proposed Development Effect on Local Landscape Character during the Temporary Operational Period

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Proposed Operational Development Magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	Low (Adverse)	Slight Adverse
Croach and Roach Farmland Landscape Area F2	Medium	Low (Adverse)	Slight Adverse
Site itself	Low	Low to Medium (Adverse)	Very Slight to Slight (Adverse)

Table 5: The Proposed Developments Effect on Local Landscape Character during the Post Restoration Period

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Post Restoration Magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	High (Beneficial)	Moderate to High (Beneficial)
Croach and Roach Farmland Landscape Area F2	Medium	Medium (Beneficial)	Moderate (Beneficial)
Site itself	Low	High (Beneficial)	High (Beneficial)

As per the above, as existing the Assessment considers that the proposals will have a moderate adverse landscape impact on the wider character of the locality and high adverse impact in immediate context. During the operations, so for a 10 year period, noting that Guidelines for Landscape and Visual Impact Assessment defined 5-10 years as medium term and after 10 years as long term, the impact is predicted to be slight adverse and very slight to slight adverse. With long term (post restoration) impact considered to be moderate to high beneficial.

Noting that this is just a landscape character assessment, an assessment of visual impact has also been undertaken and this seeks to suggest up to a medium to moderate level of visual impact, in some locations/to some users during operations with low level post restoration. This has been based on zones of visual influence which identified residential visual receptors in private properties, public viewpoints including public rights of way and public open spaces, places of work, and transport routes where views exist from vehicles. The assessment sought to predict visual impact based on the continued maintenance and management of site vegetation to provide screening, temporary placement of soil screening bunds, further establishment of planting associated with the raised section of the A130, progressive restoration on an east to west basis and a restoration profile which seeks to replicate similar local topography and return the site to former level.

The conclusion of the assessment is that the main visual elements and features which would be introduced as part of the operational stage of the development would be the site access, the recycling/wash plant and the progressive placement of inert materials. All these elements would nevertheless be temporary (subject to completion within a 10 year medium term period), which gives rise to the prediction of no long term visual impact with notable beneficial visual enhancement to the setting of the Listed memorials.

The conclusions formed by the submitted LVIA appear to align with that suggested by the Inspector within the report produced to accompany the WLP: '...this site has been left at the extracted base levels and that the sculpted landform, steep sided slopes and engineered profile contrast with the gentler rolling profiles of adjacent farmland. Thus, the condition of this site and its potential to improve landscape quality...'. The Council's landscape consultant nevertheless considers that the LVIA has under assessed the landscape impacts in terms of loss of hedgerow landscape feature and changes to landform and exaggerated the benefits arising from the scheme. The Council's consultant considering that '...whilst the quality of the landscape clearly exhibits evidence of former excavations, by the presence of some steep slopes and undulating landform, the natural character which has subsequently developed is not unattractive'. Expanding on this it is suggested that 'the poorer quality soils and landform may mean that agricultural production is limited and that horse grazing is currently the most viable land use option, however this use does not create an unattractive or degraded scene.'

As a restored site, principally there is a reluctance to acknowledge the site as unattractive despite some elements being degraded. That said, the site was put in the WLP because of the potential to improve landscape quality, so it is considered maintaining or attempting to defend a view that the site is of a quality which is not degraded in its current form would be difficult. Paragraph 141 of the NPPF, as referred previously, does also detail that local planning authorities should plan positively to enhance their (Green Belts) beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

In terms of attractiveness, it is not considered that the low level restoration and form of the site is particularly in keeping with the character area and therefore whilst it could be argued that the impact of this, as existing, is not highly adverse, it is considered it would be difficult to defend a position which seeks to suggest there would not be benefits to a restoration project coming forward. Originally this site scored an 'Amber 2' on landscape and visual effects, as part of the WLP site assessment methodology, with it considered the proposals would cause some damage to views from the Public Right of Way network with the operations also likely to be a readily discernible element in the view. An Amber 2 score whilst suggesting moderate landscape and/or visual effect(s) acknowledges that mitigation may however be able to make the impact/effects acceptable in the balance.

Whilst there is a slight difference of opinion between the Council's consultant, previous Assessments undertaken by the Council and the Inspector in terms of the value of the landscape as existing, and whether the site does represent degraded or damaged land, it is agreed that there is potential to improve landscape quality.

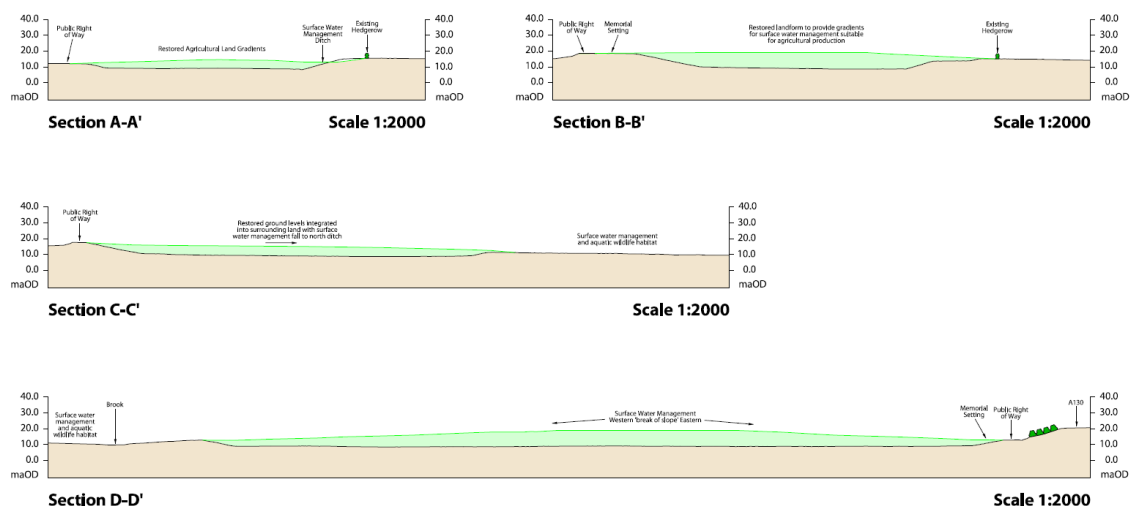
This is an important distinction as, as noted within an appeal decision relating to proposed engineering works (landraising) at a Green Belt site in the London Borough of Havering⁵, when an Inspector did not consider the site (Ingrebourne

⁵ Ingrebourne Valley Ltd v London Borough of Havering [2016] Appeal Ref: APP/B5480/W/15/3023015, Peerless K

Hill) an 'eyesore' nor 'neglected or derelict' the appeal against the refusal of planning permission was dismissed. In coming to this conclusion, the Inspector stated 'all the factors contributing to the Green Belt harm caused by the proposal, both temporary and permanent, must be accorded substantial weight...*and*...when considering the benefits of the scheme, I find them to be limited and that there is nothing that, either individually or cumulatively, would outweigh this harm or amount to very special circumstances indicating that planning permission should be granted.'

Accepting the potential to improve landscape quality, questions could be asked as to whether a different or lower level restoration profile (which requires less material) would be more acceptable in isolation or in the balance? The applicant has, in this regard, submitted a study of alternative options which involve the importation of less and more material, in support of the option/proposal put forward. And, as demonstrated by these, the importation of less material would mean that part of the site would remain at existing or at a lower level than the adjoining land which in turn would not improve the sites relationship with its context and landscape character designation.

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Accordingly, the proposed restoration profile and land levels (as shown above) are considered acceptable in principle. It is however, in addition to this, necessary to consider/appraise the impacts resulting from the operational phase of the development and the significance of these. Spatially and visually it is considered that the proposed access, office, weighbridge and recycling/wash plant would give rise to the greatest landscape (and openness) impact and the assertion that this impact would only be slightly adverse is disagreed with.

Saying that the applicant has sought to review three different access arrangements into the site (CP1, CP2 and NEAP). Access CP1 which proposed a hard turn off Doublegate Lane heading in an east direction into the northern field and then down into the site, adjacent to the Brook; CP2 which followed the line of the proposed access but entered the site along the southern boundary with the Bridleway; with NEAP providing an access around Dollymans Farm and Rawreth Barn entering the site in the north-west. All these proposals would involve the partial creation or

enlargement of an existing roadway/path so spatially this impact would be consistent, visually it is nevertheless considered that all these options are less intrusive than that proposed. This conclusion is drawn because CP1 would align tightly with the field boundaries and not dissect the field to the south of Doublegate Lane as the current proposal would; CP2 would not give rise to the need to dissect the Brook; and NEAP would similarly follow field boundaries and existing highways⁶.

Whilst visually these options may be less intrusive or harmful, the applicant has sought to suggest that these are less suitable than the access proposed because CP1 would require significant invasive activity in a second agricultural field, the access would travel/encroach upon root protection areas adjacent to the Brook and the extant crossing point into the adjacent field is unlikely to be sufficiently sized for the development and would therefore need to be re-engineered which in turn would likely lead to the loss of more hedgerow. CP2 was discounted on the basis that the proposed access point is the only way users of the PRow network can cross the Brook and it is not considered this would be satisfactory or safe for users of the network. NEAP was discounted on the basis that this route was significantly longer and would require the site to be worked in reverse (to avoid vehicles travelling across the site) which was considered to be a negative in terms of visual impact. Part of the existing track which would be utilised as part of NEAP would also need to be widened and concerns about joint use (as the track is a Footpath in places) and overhead electricity cables (and clearance) were suggested as reasons as to why this route was not furthermore not suitable.

Acknowledging this it was subsequently requested that a survey of the trees and hedgerows adjacent to the Brook be undertaken – as to understand, if in addition to any visual impact result from this, there were any arboricultural concerns through for example the loss of fine specimens. The Arboricultural Impact Assessment submitted showed that 10 trees adjacent to the Brook would need to be removed to facilitate the creation of the access point consisting of six semi-mature willows and four semi-mature field maples. Of the ten trees, eight have classified as category B trees with the other two specimens unclassified or diseased/dead. Two further trees' (also category B specimens) root protection areas would be encroached with the incursion into one of the root protection areas to such a degree that although remove is not required it is recommended that the tree be coppiced to ground level. This would be in addition to the hedgerow plants that coincide with this section of the watercourse.

Post completion of the development the hedgerow corridor is, to confirm, proposed to be replanted to replicate and enhance the existing vegetation structure. And, as part of the mitigation package offered, and as an additional benefit, the entire western hedgerow is proposed to be gapped-up and enhanced, not just the section impacted by the access.

The Council's arboricultural consultant purely from an arboricultural point of view has raised no objection to the development and loss of trees, subject to conditions. However, the consultant has suggested that collectively the loss of the group of the trees is likely to be higher than the individual category/quality of the specimens. Whilst the mitigation and compensatory planting is acceptable in principle from an

⁶ 'Highway' including the Public Right of Way network

arboricultural perspective, it is recommended that further advice be sought from both a landscape and ecological perspective as to whether a) the impact of the collective loss is significant and b) whether the mitigation satisfactory offsets the impact from a landscape and ecology perspective.

Overall, in terms of landscape and visual impact, it is considered that this development would, for the duration of operations, adversely impact on openness and landscape character. The site is readily visible to the public from the PRow network and from the A130 and mitigation-wise there is little which could be done to completely screen the site. Working the site east to west would as the development progresses to some degree screen the plant site. However, the continual movement of vehicles and site activity, whilst transient, would change the visual character of the site and introduce new activities and a use into the Green Belt. The combined impact of all development and activities during the operational phase of the project is therefore deemed to be quite high.

Long term it is not however considered that the restored site would fundamental conflict with the purposes of the Green Belt or unduly impact on openness (the site remaining open simply restored to a higher land level). The question could therefore be asked as to whether the scheme would deliver any long term landscape benefits which may counter or outweigh temporary harms? This is subjective, especially in context of the Inspector's report on the WLP and that suggested at paragraph 141 of the NPPF. However, on balance, it is not considered that purely from a landscape perspective that the improvements or benefits to the site, and its restoration to former levels in the long term clearly weigh in favour of approval. Saying that it is considered that a refusal on visual and landscape impact during the operational phase of the development would also be difficult to substantiate on the basis that impacts would only be temporary for a medium term, could be satisfactory mitigated long term and the site is allocated in the WLP for the reason of being degraded or derelict land. Landscape and visual impacts are considered neutral in the balance of harm and benefits, subject to completion of works within the ten year period.

To confirm, it is however not considered that the development is contrary to relevant policies of the development plan subject to the imposition of suitable conditions to secure consideration of additional visual mitigation to the site access and plant site, and an enhanced scheme of landscaping/planting and the long term management (10 years) of proposed landscape improvements. In this regard it is considered that the aforementioned would specifically seek to ensure a bridge is installed across the Brook rather than a culvert; a scheme of additional (to that currently proposed) bunding and planting around the access and plant site (inclusive of a review of proposed plant site land level); enhancement of the submitted landscape scheme with additional planting and timetable of planting and landscape and ecological management plan. There will be a need for advance landscape mitigation by way of bunding and planting to the west of the access and a revised restoration scheme showing the complete removal of the access track from Doublegate Lane post completion of the development.

C ECOLOGY

Potential ecological impacts are covered within policy 10 of the WLP (previously referred) but also by policy ENV1 of the RCS; policies DM1 and DM27 of the RDMP; policies BAS C1 and BAS C13 of the BLP; and policy NE4 of the BLP-18.

As open grazing land this site is generally unsuitable for most statutorily protected or other notable species. However, grazing land does have potential to support protected species of reptile and in view of the number of reservoirs near there is considered a small possibility of habitat for great crested newts. The proposals and proposed access into the site would also, as previously referred, affect a section of the Chichester Hall Brook and associated hedgerow/tree belt which may provide habitat for protected species.

Following identification and assessment of site features, it is not considered as part of the Ecological Assessment submitted with this application that there would be any direct loss of habitat or direct effects of any notified sites within the vicinity of the site in either the short or long term because of the proposal. There would be some short-term disturbance/loss of vegetation, during the operational phase of the development, but in general the impact is considered to be low and of no more than local interest. Albeit it is acknowledged that the loss of some vegetation may result in some habitat loss within Chichester Hall Brook.

In respect of this, a series of mitigation measures are proposed which include no vegetation clearance during the bird nesting season, a 15m buffer either side of Chichester Hall Brook and associated tree belt, early and/or phased planting as part of the landscaping scheme which would seek to build on existing peripheral hedgerows, tree belts and other vegetation and the creation and maintenance of a strategy to encourage more widespread breeding bird use of the site. With the aforementioned secured, the Assessment concludes that the proposal and restoration of the site provides substantial opportunity for positive impact on biodiversity in the long term.

The Council's ecological consultant has raised no objection in principle to the development coming forward. The Council's consultant furthermore screened out the development for Appropriate Assessment on the basis that it was considered highly unlikely that the development would give rise to significant impact to any notified features associated with the nearby SAC, SPA and Ramsar site.

Whilst, overall, there would be some ecological harm during the initial start-up of the development; these would be 'single-hit' impacts rather than continual impacts during the life of the development. Mitigation proposed as part of the restoration scheme furthermore satisfactorily replaces features of potential value with wetland features proposed as part of the restoration scheme considered additional benefits. Subject to the imposition of suitable conditions to ensure mitigation measures are delivered the development is considered to comply with the requirements of relevant ecological-based policies of the development plan and give rise to biodiversity gains.

D HYDROGEOLOGY AND HYDROLOGY

The NPPF at paragraph 163 states local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Supporting this position policies 10 and 11 of the WLP; policies ENV3 and ENV4 of the RCS; policy DM28 of the RDMP; and policies CC1, CC2 and CC4 of the BLP-18 all in part relate to or cover climate change, flood risk and sustainable urban drainage. Noting the southern part of the site falls within the jurisdiction of Basildon, policy CC2 states that in order to ensure that new development does not increase the number of people and properties at risk of flooding, the Council will:

- a) apply a sequential risk based approach to the allocation of land for new development, and when considering development proposals, in order to guide development to areas with the lowest risk of flooding. In doing so, the Council will take into account the flood vulnerability of the proposed use. The Exception Test will be applied, if required;
- b) ensure that new development does not increase the risk of flooding elsewhere, and that pluvial flood risk is managed effectively on site. In appropriate circumstances, the use of attenuation based Sustainable Drainage Systems (SuDS) will be required to achieve this;
- c) expect developers to fund in full flood defence and/or mitigations schemes predominantly required to make a new development acceptable in planning terms; and
- d) identify opportunities for new development to make a proportional contribution to off-site flood risk management infrastructure and/or surface water management measures as identified in the Surface Water Management Plan Action Plan, where they will provide benefits and/or protection to the development proposed.

Ground level on the rim of the landform (bowl), as existing, resides as a maximum at 18.5m AOD with floor level generally sloping from south (10m AOD) to north (8-9m AOD). There is a drainage grip running from east to west along the toe of the embankment at the northern margin of the floor. This leads to a low point in the north-west corner of the site, from where a drainage pipe is directed under the embankment into the adjacent watercourse. The site lies within the catchment of the Chichester Hall Brook, a tributary of the River Crouch. The River Basin Management Plan for the closest stretch of the Crouch is reported as having moderate potential while the chemical quality is good.

The Chichester Hall Brook runs along the western edge of the site, flowing from south to north. The Brook channel is typically 1.5m wide at its base, and 1.8m

deep, with shallow (2-3cm) flowing water. The drainage pipe, which comes from the site, is equipped with a non-return valve so rainfall runoff can be discharged from the site into the stream but stream flow cannot enter the site.

Prior to the extraction of the clay from the site, it has been suggested that the eastern half of the site would have drained in a north-easterly direction, on to the low-lying field between Rawreth Barn and the A130. With the western and northern boundaries are delineated by a drainage ditch which heads northwards alongside the A130 to confluence with Chichester Hall Brook at a culvert under the A130.

In context of the nature of operations proposed it is considered that impacts upon groundwater levels; existing groundwater quality; surface water quality; flood risk; and in turn existing abstraction and flora and fauna habitat are all possible. Regarding this as the development would not however involve sub-water table working or dewatering so it is not considered that there would be an impact upon existing groundwater levels. And, in terms of groundwater quality, the operation of plant does pose the potential for pollution. However, such to standard working practices and management this risk is not considered unduly high. Furthermore, subject to only inert material being used as part of the restoration the risk of contamination is only considered low.

From a flood risk perspective, part of the site is within Flood Zone 2 and part with Flood Zone 3, as per the Environment Agency's generalised modelling undertaken in 2004. More recent detailed modelling has been undertaken albeit this has yet to be used by the Agency to update the flood zone maps. In the circumstances, the applicant has utilised the updated information and sought to reevaluate the flood zone/risk for the site and in doing so sought to suggest that the current allocation might be inappropriate with the more recent modelling, inclusive of climate change, only putting part of the access road in the 1:1000 + 20% climate change flood event risk (Flood Zone 1 equivalent). The Environment Agency is content with this appraisal and the conclusions formed and as such consider the development appropriate or acceptable in flood risk terms (i.e. no need to apply the exception test).

The scheme does not seek to formally provide additional or compensatory floodplain storage, as per that that would be required for a Flood Zone 3 development. Albeit additional attenuation to the west of the Brook is provided as an additional benefit to the scheme, mindful of local concerns and risk which does exist downstream.

The restoration profile of the site is proposed as a dome which does however have the potential to increase run-off rates within receiving catchments compared to existing as a bowl, albeit a new maximum AOD height is not proposed (i.e. the restoration is to former levels not greater than former or adjacent ground levels). Attenuation in the form of balancing ponds and drainage channels are proposed, in this regard, around the northern boundary of the site to nevertheless ensure runoff remains at pre-development rates. The Lead Local Flood Authority has raised no objection to the development subject to conditions which confirm exact details, management and maintenance of the surface water drainage scheme.

E HERITAGE

With regard to heritage impact, the red line area includes two grade II listed World War I memorials. Whilst within the red line these memorials would be in themselves be unaffected, albeit their wider setting changed. As per the Historic England listings, the memorials provide as an eloquent witness to the tragic impact of world events on local communities and the sacrifices made by these two British pilots who died in service during the WWI. They are rare examples of memorials to British servicemen who died in training or service in Britain during WWI. For reference, and for confirmation, the listings relate solely to a two blade propeller mounted on a detached metal post and granite plinth (Stroud) and plinth and kerb stones (Kynoch). The timber posts and railings (Stroud) and concrete posts and rails (Kynoch) are not of special architectural or historic interest.

Policies HE1 and HE3 of the BLP-18 relate to conserving and enhancing the historic environment. Policy HE1 states that the Council will seek to protect, conserve and enhance the Borough's historic environment. This includes all heritage assets including historic buildings and structures, Conservation Areas, landscapes and archaeology. Development proposals should be sensitively designed and should not cause harm to the historic environment. All development proposals which would have an impact on the historic environment, or any features of the historic environment, will be expected to:

- a) safeguard, or where appropriate enhance, the significance, character, setting and local distinctiveness of heritage assets;
- b) make a positive contribution to local character through high standards of design, which reflect and complement its significance, including through the use of appropriate materials and construction techniques;
- c) ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and significance of the asset; and
- d) submit a Heritage Statement as part of the application.

In terms of listed buildings, policy HE3 states proposals for development, including change of use, that involve any alterations to a Listed Building or within its curtilage, will be supported where they:

- a) do not lead to substantial harm to, or total loss of, the significance of the building, including its setting, unless exceptional circumstances can be demonstrated;
- b) harmonise with the period, style, materials and detailing of the building;
- c) retain and repair existing features and fabric, or, if missing, replace them in a sympathetic manner;
- d) not harm the structural integrity or stability of the building, or that of adjoining buildings or structures; and
- e) relate sensitively to the original building and not adversely affect the internal or external appearance or character of the building, curtilage or its setting.

Proposals affecting the significance of a Listed Building will be required to:

- a) be supported by a Historic Building Survey carried out in accordance with Historic England guidelines, which demonstrate an understanding of the significance of the Listed Building and its setting by describing it in sufficient detail to determine its historic or architectural interest to a level proportionate with its

importance;

b) justify any harm proposed to the Listed Building and demonstrate the overriding public benefits which would outweigh the harm to the Listed Building or its setting. The greater the harm to the significance of the Listed Building, the greater justification and public benefit that will be required before the application could gain support; and

c) minimise any identified harm or loss to the Listed Building through mitigation.

The Heritage Assessment submitted in support of this application identifies that during the operational phase of the development there would be an impact on the setting of the memorials. This significance is however considered slight (less than substantial) on the basis that the impact would only be for a temporary period and the memorials themselves would not be impacted. Post restoration, the impact is suggested to be positive and significant as the restoration would provide a permanent improved setting for the monuments and provide a better context in terms of land levels and sightlines.

Paragraph 192 of the NPPF states that local planning authorities when considering heritage assets should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 expands that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Historic England has raised no comments in respect of the proposals with the Council's heritage consultant raising no objection. Accordingly, it is not considered that any harm would result to the listed memories, albeit accepting a less than substantial harm to setting only during the operational phase of the development which would not require specific temporary mitigation and/or support refusal of planning permission.

Paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development...with the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Neither Historic England or the Council's consultant have specifically sought to support the development because of the proposed enhancements being made to the setting of the memorials, post restoration. That said, in context of paragraph 200, it is considered that the improvement landscape relationship between the memorials is a benefit which needs to be considered as part of the planning balance and very special circumstances advanced.

For confirmation, the proposals do not specifically seek any alterations to the memorials (or the features: plinths and blades which form the listing/protection) and whilst improvements to the fencing/railings surrounding them and/or information signage would have likely be viewed favourably (as an additional benefit or offer to this proposal – noting the opportunity outlined with Table 12 of the WLP) it is understood that funding has already been secured by the Rayleigh Town Museum to undertake some improvements separately.

Overall, no objection is raised from a heritage/listed building perspective. Albeit it is considered that details of proposed fencing around the site perimeter would need to be secured by condition, should planning permission be granted, to ensure that post restoration better opportunity for public access to the southern memorial is provided.

In terms of archaeology, given the construction of the access road from Doublegate Lane and an area of lagoons, comprising approximately 2ha of land has not previously been extensively disturbed/disturbed (albeit subject to regular ploughing), it has been recommended by the Council's archaeology consultant that a scheme of archaeological investigation be secured by condition, to be undertaken before commencement of the development, in the event that planning permission is granted, to comply with policy HE4 of the BLP-18. Subject to the imposition of such a condition, and remediation strategy in the event that something is found, no in principle objection to the development coming forward is considered to exist from an archaeological stance.

F AMENITY

Policy 10 of the WLP, as previously detailed, states waste management development will only be permitted if, amongst other things, it does not give rise to unacceptable impacts on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and/or vibration). Similarly, policy ENV5 of the RCS states proposed development will be required to include measures to ensure it does not have an adverse impact on air quality; with policy DM29 of the RDMP specifically covering air quality from a vehicle emission perspective. Policy BAS BE12 whilst referring to residential development does outline consideration of noise or disturbance with policy NE6 of the BLP-18 requiring all development proposals to be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.

Noise

The National Planning Practice Guidance in respect of noise suggests that noise limits should be established, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (07:00-19:00). Where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-

2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22:00-07:00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with the other permissions granted for similar developments. The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays. And, in principle no concerns are therefore raised to these.

With regard to potential noise impact, the application has undertaken a noise assessment, which has sought to establish background noise levels at nearby sensitive locations. The levels evidenced are provided below, with a proposed maximum working limit to comply with that suggested in the NPPG:

Location	Average Background Noise Level (dB LA90, T)	Proposed Free Field Working Limit (dB LAeq, 1hr)
East of Cottages, Doublegate Lane	50	55
West of Dollymans Farm	45	55
Wethersfield Way, Wickford	49	55
Bershada, north of A127	46	55
Electricity sub-station entrance, A129	54	55

The Council's noise consultant in view of the above has raised no objection, considering that subject to the imposition of appropriate noise limits by way of condition that the development should not give rise to significant noise nuisance.

Air Quality

On the basis of mean mapped background PM₁₀ concentrations it is not considered that this development during construction and/or operation poses air quality concerns. The Council's air quality consultant notes highest annual mean concentrations in this area are well below air quality objectives and emissions from plant, machinery and vehicles would not cumulatively give rise to such an exceedance.

The dust assessment submitted with this application does nevertheless acknowledge that the proposal has the potential to cause air quality impacts at sensitive locations in the vicinity of the site. That said it is considered unlikely that nuisance dust would have a significant effect on human health or ecosystems with a suitable dust management plan in place. This opinion has been supported by the Council's consultant who subject to the securement of a dust management plan

has raised no objection to the development coming forward.

Lighting

No details of external lighting proposed to support the development have been submitted albeit it is considered that lighting would be required around the office and weighbridge and plant site. Whilst an aspect of lighting is likely to be considered acceptable, to allow full assessment and ensure no undue impact resulting it is considered appropriate to impose a negatively worded condition, should planning permission be granted, which restricts any external lighting being installed until a scheme of lighting has been submitted to any approved in writing by the WPA. The imposition of such a condition would specifically ensure compliance with policy DM5 of the RDMP.

G TRANSPORT

A Transport Statement has been submitted in support of this application. This confirms that that Dollymans Farm is served by Doublegate Lane, which connects to the A129 (Southend Road) at a priority T junction. The bellmouth is formed by kerbed radii, with kerbs extending approximately 11.5m to the west and 10m to the east. The radii reduce the width of Doublegate Lane to 7m up to the gateway which is set 102.5m from the A129. Doublegate Lane is surfaced in macadam with kerbs and double yellow lines along the initial section to the gateway. There is a clear opening width of 5.7m. The access serves Dollymans Farm including the industrial/employment uses located here, the Treehouse Club Nursery and Fanton Hall and Sappers Farm and industrial/employment areas associated.

Signage of Doublegate Lane confirms this initial length is also a public bridleway (Bridleway 17) which heads west immediately south of the gateway continuing south to the west of a gravelled area and planted area, running parallel with Doublegate Lane. The southern continuation of Bridleway 17 extends approximately 630m where it then connects with Bridleway 55. Bridleway 55 runs generally on an east/west alignment.

Visibility at the junction between Doublegate Lane and the A129 was measured to extend beyond 215m to the left (northwest) to the near edge of the carriageway for a 2.4m set back along the centreline of the access from the near edge of the priority route. When approaching from the west, on the eastbound approach, there is a warning sign immediately to the east of the signal controlled Bridleway crossing, beyond which there is a further warning sign altering oncoming vehicles to the double bend ahead, with an advisory 40mph speed limit. A local flag sign at the junction confirms the access route to 'Dollymans Farm access only'. Visibility to the right (east) was measured to extend 170m to the near edge of the carriageway. The restriction (from default 215m) was a result of vegetation within the highway verge.

Annual Average Daily Traffic (AADT) flow information obtained from the Department for Transport suggests that in 2017 14,675 vehicles including 747 HGVs travelled to the east of Doublegate Lane on the A129. To the west of Doublegate Lane, near Hodgson Way junction, data suggests 11,116 vehicles including 221 HGVs. In terms of actual use of Doublegate Lane, in the absence of

data from the Department of Transport (no counter located on Doublegate Lane) an Automatic Traffic Counter (ATC) was installed by the applicant's transport consultant to record vehicle movements between 14-24 April 2018. This revealed that the average daily flow of vehicle movements was 1,115. Excluding weekend periods from this (where movements were lower) the average was 1,387 (the peak being 1,435 vehicle movements recorded over one day). In terms of the type of vehicle movements, Monday to Friday this ranged between 154 to 182 HGV movements per day on Doublegate Lane. The weekday AM peak was found to be 08:00-9:00 with the PM peak being 15:00-16:00.

The Transport Assessment also suggests that there have been no recorded injury accidents along Doublegate Lane or at its junction with the A129. Eight incidents are noted to have occurred within the vicinity of the site, involving goods vehicles, however the fact that these incidents have all occurred in different locations in the view of the applicants suggests that this is not because of unacceptable highway safety or principally HGV traffic.

In respect of this and the vehicle movements associated with this development, based on 1.4 million tonnes of material being imported over a 10 year period (140,000tpa), a 17 tonne payload and 5.5 day working week (275 working days per annum) the development would give rise to 60 movements per day (30 in and 30 out). When distributed throughout a working day, this equates roughly to 6 movements (3 in and 3 out) per hour.

All HGV traffic would travel to/from Doublegate Lane to the A129 where it would be disturbed east and west. Based upon its superior links to the primary road network it is considered that most traffic would travel to/from the east of the Doublegate Lane junction. In respect of impact, disregarding the negligible impact of staff trips, the additional 60 HGV movements does exceed the observed day to day variation of HGV movements on the route. However, it is pointed out that when assessing the existing day to day variation during peak hours (14 movements) the forecast 6 movements falls within this existing variation.

When considering AADT flows, 74 movements (so 60 HGV movements and 14 staff movements) equates to 0.5% to the east and 0.8% to the west of the most recent counted flow off the junction with Doublegate Lane. In respect of the joint use of Doublegate Lane as a Bridleway the Assessment seeks to suggest that this development is not introducing anything that could not and does not already occur and based on predicted vehicle movements it is not considered that Bridleway users would be unacceptable affected.

The Highway Authority has raised no objection to this development coming forward on highway safety or efficiency grounds. Conditions have been recommended from a construction management perspective and for a scheme of signage to make drivers aware of the PRoW network. However, no improvement to the PRoW network has been requested and/or any mitigation within or to the access junction. With regard to this, it is not therefore considered that improvements/modifications to the highway would be necessary or justifiable in the case. In terms of the comments received from the Bridleway Association in respect of updating the status of Footpaths 62 and 63 such a proposal has not been suggested by the Highway Authority and accordingly it is not considered that this

could be secured by way of this application. That said, through the submission of the hard and soft landscaping scheme (inclusive of fencing) it can be ensured that should in the future such an improvement be supported/proposed that land is appropriately safeguarded

Overall from a highway perspective, subject to suitable conditions limiting the maximum number of HGV movements per day, securing a routeing agreement (to prevent access or exit via the A127), the prevention of mud and debris being deposited onto the highway, details of construction management and a scheme of advisory signage for Footpath/Bridleway users it is considered that the development would comply with the relevant highway aspects of policies 10 and 12 of the WLP, policies T1 and T2 of the RCS, policy DM31 of the RDMP and policies T1, T2, T3, T6 and T7 of the BLP-18.

7. CONCLUSION

This application is considered to represent inappropriate development in the Green Belt. As per the NPPF inappropriate development should only be approved in very special circumstances and such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The definitional harm caused by this development would be time-limited and long term it is not considered that the development and/or after-use poses particular conflict with the purposes of the Green Belt. Albeit the proposed after-use would not in itself (as agriculture) provide additional access or public benefit to/of the Green Belt. The development, particularly during the operational phase, would however give rise to a number of harms or impacts. The majority of these (harms or impacts) could be mitigated through the imposition of safeguarding conditions. However, there would be an adverse impact of the landscape and openness of the Green Belt (visually and spatially) for the life of the operations and until such a time that the landscaping restoration establishes.

Mindful of the longer term benefits resulting from the restoration scheme and mitigation proposed from a landscape and ecology perspective, in addition to the benefits resulting to the setting of the WWI memorials and improved drainage/flood attenuation provision on-site, on balance, it is considered that the harm by reason of inappropriateness, and others harm, in this instance are nevertheless outweighed by other factors. The very special circumstances, in this instance, are considered to include the need for additional inert waste management capacity; the fact that this is a strategic site allocated for inert landfill within the WLP; that the development would enable a more productive agricultural use of the site; the benefits which would be secured to the landscape quality through the restoration of site to former levels and additional planting; the ecological enhancements which would be delivered through the creation of wetlands and ponds and also through additional planting; the improvements which would be made to on-site drainage and flood risk associated with surface water run-off; and the improved landscape context which would better reveal and allow understanding of the WWI memorials.

In coming to this view, a pragmatic view has been taken that the recycling/wash plant embodies the principles of sustainable development. Whilst there is an obvious reluctance to allow unnecessary built form in the Green Belt, in this instance as an ancillary operation which would support a better quality restoration and also offer additional assurances over the life of the project, it is not considered that sufficient specific harm resulting solely from this element of the proposal would support a refusal or the WPA taking a firm view on the allocation as per the WLP.

In this context, it is considered that the proposal would represent sustainable development, as per the NPPF, subject to the imposition of conditions discussed, without prejudice, throughout the appraisal section of this report and a Legal Agreement covering the duration (timeframe) of the development and a financial guarantee surrounding its restoration.

A financial guarantee is considered justified in this case, mindful of guidance contained within the Planning Practice Guidance, given the subjective nature of the recommendation and that a prolonged use (i.e. beyond 10 years) may likely tip the planning balance the other way (i.e. impacts or harms which are not clearly outweighed and supported by very special circumstances). The application is furthermore not specifically the restoration of a mineral site so whilst the applicant is a Member of the Mineral Products Association it is not necessarily considered that the Waste Planning Authority could call on the MPA Restoration Guarantee Fund in the event of partial restoration.

The balancing exercise undertaken as part of this report has involved some subjective judgements. It is not considered that the scales are significantly tipped in this case, albeit a clear distinction in favour of the development has been concluded. For reference and confirmation, in terms of potential precedent, it is considered that had the site not been considered damaged land or there not been an in principle need for additional inert waste management capacity that the definitional and other harms identified to the Green Belt, albeit temporary, would not have likely been clearly outweighed by the resulting benefits of the development.

8. RECOMMENDED

That subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement;

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 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 approved plans: 'Location Plan', drawing no. M.17.149.D.001, dated April 2018; 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018; 'Initial Works', drawing no. M.17.149.D.004, dated April 2018; 'Phase 1 Restoration', drawing no. M.17.149.D.005, dated April 2018; 'Phase 2 Restoration', drawing no. M.17.149.D.006, dated April 2018; 'Phase 3 Restoration', drawing no. M.17.149.D.007, dated April 2018; 'Final Restoration', drawing no. M.17.149.D.008, dated April 2018; 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018; and 'Restoration Sections', drawing no. M.17.149.D.010, dated April 2018; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement, by which time the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

4. 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 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

5. Except in emergencies (which shall be notified to the 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
07:00 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 and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

6. The total number of heavy goods vehicle movements* associated with operations undertaken from the site shall not exceed the following limits:

60 movements (30 in and 30 out) per day (Monday to Friday); and
30 movements (15 in and 15 out) per day (Saturdays)

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

* 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 policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

7. 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 Waste Planning Authority within seven days of written request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

8. All vehicle access and egress to and from the site shall be from Doublegate Lane, and the access road, as shown on drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

10. Only non-contaminated, non-hazardous inert material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure appropriate restoration of the site, 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 policies 1, 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies

BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, NE4, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

11. The development hereby permitted shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. Operations shall commence in phase one and progress in numerical order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much material has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the 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 Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of

restoration and aftercare.

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 with policies 6, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

14. The Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr
West of Dollymans Farm: 55dB LAeq, 1hr
Wethersfield Way, Wickford: 55dB LAeq, 1hr
Bersheda, north of A127: 55dB LAeq, 1hr
Electricity sub-station entrance, A129: 55dB LAeq, 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

15. For temporary operations, the Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties/locations referred in condition 14 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 Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

16. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at the five location points referred in conditions 14 and 15 and shown in Appendix B 1 (Site Location and Baseline Survey Locations) of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 29/08/2018. 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 Waste Planning

Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

17. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation, remediation (as appropriate) and recording has been submitted to and approved in writing by the Waste Planning Authority. Should a remediation strategy be deemed required following the investigation (i.e. the need to preserve in situ) such a scheme together with updated working plans shall be submitted to the Waste Planning Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

Reason: To ensure that any archaeological interest on-site has been adequately investigated, preserved and/or recorded prior to the development taking place and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policies HE1 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

18. No development shall take place until a Construction Method and Initial Development Specification Statement has been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up;
- Areas proposed for the initial loading and unloading of plant and materials;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- The proposed construction of the access road to the site from Doublegate Lane;
- The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
- The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
- Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and
- Statement of consideration of operational development issues raised

within Network Rail's consultation response, dated 08/10/2018 That submitted, in respect of the access road, shall include details of construction; design (width, finish/surface and details of a bridge over Chichester Hall Brook watercourse); and any additional features proposed in respect of surface water run-off. The development shall subsequently be implemented in accordance with the details approved.

Reason: For the avoidance of doubt as to the specification of the initial works proposed, to ensure appropriate management of the start-up phase of the development, in the interests of highway and site safety, ecology and amenity and to comply with policies 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, and T1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27, DM28 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, H12, GB1, GB3, GB11, CC2, CC4, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

19. No development shall take place until a scheme of landscape and visual mitigation for the site access, weighbridge, office and parking has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the formation of temporary bunding in addition to advanced planting and furthermore detail proposed management and maintenance during operations. The development shall subsequently be implemented in accordance with the details approved.

Reason: On the basis that it is considered that additional mitigation could be provided to further offset impact, in the interest of visual amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM and, DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

20. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan for trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Arboricultural Impact Assessment' but provide exact protection and working details/practices (including the 15m stand-off to the hedgerow) and the protection of the ground and watercourse below the access route. The method statement shall include measures to ensure that all removed timber, hedgerow arisings is utilised for habitat creation, such as habitat heaps, piles or log stacks. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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.

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 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

22. No development shall take place, other than the construction of the haul route/access road, until a Public Rights of Way signage scheme for highway users has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide drivers and pedestrians/users of the Public Right of Way network with signage from the start of the access road and repeated at all crossings/junctions. The signage shall be clear as to both the hazard and the right of the users. The development shall be implemented in accordance with the approved scheme with signs erected and 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 policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); policy DM31 of the Rochford District Council Development Management Plan (2014); and policies T1, T3, T6 and T7 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

23. No development shall take place until:
- c) A revised scheme showing the plant area at existing or a lower land level, rather than 12 AOD and, and/or bunded on its eastern and southern boundaries has been submitted to the Waste Planning Authority for review. The scheme submitted shall be considered deliverable by the applicant and if elements referenced above are not considered so appropriate commentary provided; and
 - d) A detailed layout plan for the proposed plant site as detailed on 'Initial Works', drawing no. M.17.149.D.004, dated April 2018 has been submitted to and approved in writing by the Waste Planning Authority.

Should in the view of the Waste Planning Authority, the revised proposals for the plant area be considered an improvement, the development shall be implemented as such. If not, the existing details as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018 shall remain approved. In both scenarios, details submitted and approved pursuant to part b) which shall show the exact layout of plant and machinery (together with specification); and location and maximum heights for stockpiles shall be maintained for the duration of the development hereby permitted. For the sake of completeness, no materials shall be stockpiled on-site unless within the plant site as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018.

Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

24. 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 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 environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

25. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the 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 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV5 of the Rochford District Council Core Strategy (2011); policy DM29 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no. M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, in the interests of safe working and to comply with policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017).

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- e) Be submitted at least three months prior to the expected commencement of soil stripping (if proposed) and detail how imported materials will be handled, maintained and engineered;
 - f) The proposed specification of the infill/restoration profile (i.e. an engineering report with detailed cross sections showing proposed make-up or construction to the restoration surface including depth of top soil finish) which demonstrates that material deposited will bond and not give rise to structural problems and/or excessive water retention;
 - g) The type or machinery to be used to strip the site and place infill material; and
 - h) Confirm that soil will only be stripped, handled and/or placed when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or 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 re-use of the existing restoration layer, if considered appropriate, to minimise structural damage and compaction of soil to aid final restoration works, in the interests of amenity and to comply with policy policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1 and ENV3 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C5 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

28. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all existing trees and vegetation together with areas to be planted, in addition to those shown on the existing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018 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), to improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

29. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree(s) or shrub(s) to be agreed in advance in writing by the Waste Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and

policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

30. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide detailed drawings (including cross sections) of all water bodies proposed to be retained for ecological benefit and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Doublegate Lane and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To ensure the restored land is agriculturally versatile, agricultural operations are not impeded and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy GB11 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- If infiltration is proven to be unviable then discharge rates are to be limited to 45.6l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Final modelling and calculations for all areas of the drainage system.
- Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.
- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to flood risk, ensure the effective operation and maintenance of drainage features and to comply with policies 10 and 11 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV3 and EN4 of the Rochford District Council Core Strategy (2011); policy DM28 of the Rochford District Council Development Management Plan (2014); and policies CC1, CC2 and of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

33. No development shall take place (including groundworks or site clearance) until a Farmland Bird Method Statement has been submitted to and approved in writing by the Waste Planning Authority. This must be provided after the results of a breeding bird survey undertaken following the British Trust of Ornithology Guidelines. The content of the method statement shall include the following if mitigation measures are required to offset impacts to Farmland Birds:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works; and
 - f) initial aftercare and long-term maintenance (where relevant);

Specifically, a Skylark Mitigation Strategy shall also be included as part of the Farmland Bird Method Statement submitted pursuant to this condition. This shall include provision for the evidenced number of Skylark nest plots, in nearby

agricultural land, prior to commencement. The Skylark Mitigation Strategy shall seek to cover a 10 year period and include the following:

- a) purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird and Skylark mitigation strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the overall site restoration and aftercare period.

Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

34. 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 Waste Planning Authority no later than after completion of phase three. The submitted scheme shall accord with that suggested with the Planning Practice Guidance and:
- c) provide an outline strategy for an aftercare period of five years. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme including the aims and objective of management from an agricultural, landscape and ecological perspective; and
 - d) provide for a detailed annual programme to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting, which shall in addition to covering agricultural matters also provide commentary on landscape planting, ecological and hydrological features; and the WWI memorials.

Whilst the formal aftercare period for the site shall be five years, the outline strategy shall, as a minimum, seek to cover a period of 10 years in respect of the management of on-site and boundary landscaping and ecological and hydrological features. The outline strategy should, in respect of this, include details of any legal and funding mechanism(s) by which the long-term management of the site will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives from a landscape and/or ecological perspective are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers long term net benefit.

Unless the Waste 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, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

35. There shall be no retailing or direct sales of soils and/or aggregates to the public from the site.

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and in context of policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development falls within the Zone of Influence (Zol) of the following Habitats Sites: Blackwater Estuary Special Protection Area (SPA) and Ramsar site; Crouch & Roach Estuaries Special Protection Area (SPA) and Ramsar site; Essex Estuaries Special Area of Conservation (SAC). The proposed development would not be directly connected with or necessary for the management of the aforementioned sites/designations.

Following consultation with Natural England and the County Council's Ecologist, this proposal has been screened for HRA and it has been concluded that the development would not likely have a significant effect on any European site, either alone or in combination with any other plans or projects. Accordingly, it is not considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is required.

EQUALITIES IMPACT ASSESSMENT

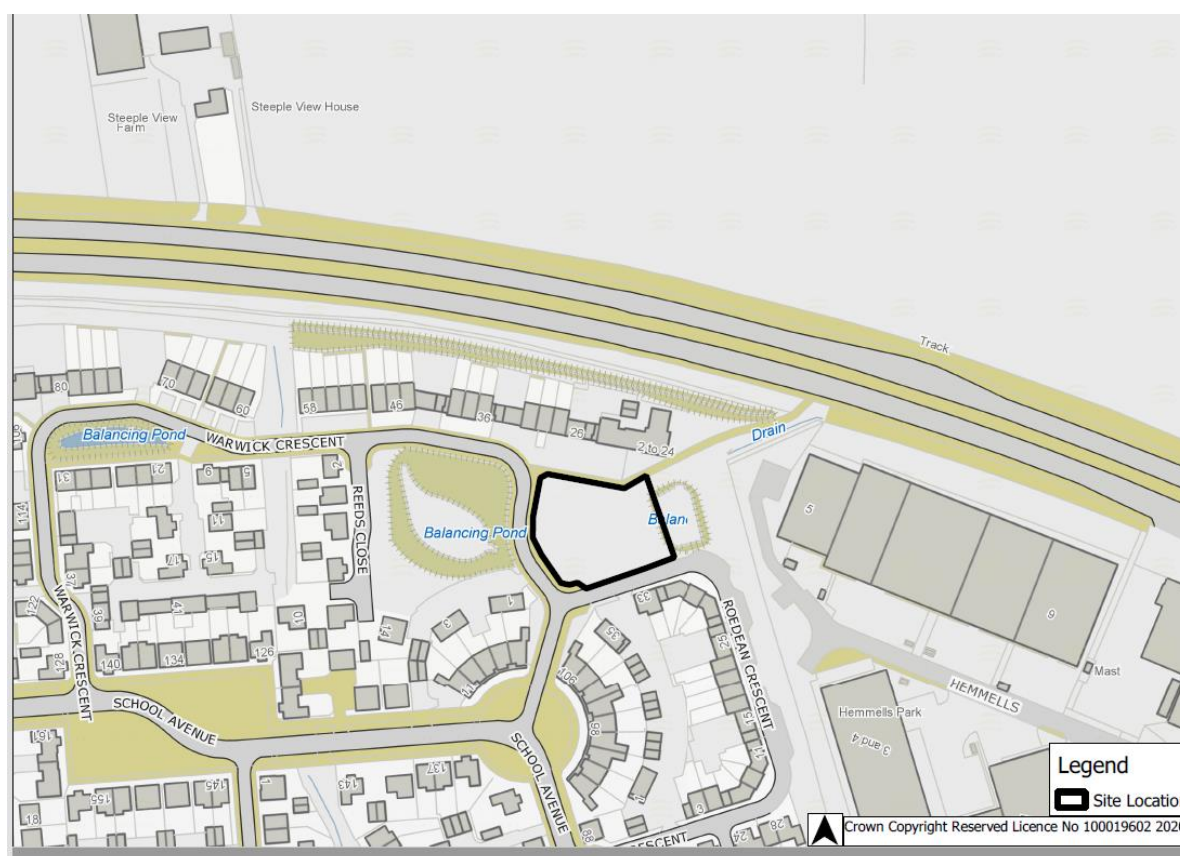
This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

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

LOCAL MEMBER NOTIFICATION

ROCHFORD – Rayleigh North
BASILDON – Wickford Crouch

DR/14/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)**Proposal:** COUNTY COUNCIL DEVELOPMENT - The construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure**Ref:** CC/BAS/33/20**Applicant:** Essex County Council**Location:** Dunton Fields Early Years Centre, Land off Warwick Crescent, Laindon, Basildon, SS15 6LW**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Rachel Edney Tel: 03330 136815The full application can be viewed at <https://planning.essex.gov.uk>

1. BACKGROUND

The site was originally identified as employment land for the Ford Research and Development Centre. However, following the granting of planning permission for residential development in 2013 the site was removed from the employment zone designation in the emerging local plan.

2. SITE

Dunton Fields is a new housing estate (granted planning permission by Basildon Council in March 2013 Ref: 12/00951/FULL) of 450 residential dwellings, new roads and open space, including an extension to Victoria Park. Within this site is an area reserved for the development of an 'early years centre'.

The site of the proposed facility is currently an area of grassed open space in the centre of the Dunton Fields estate. There are residential properties to the north and south west in Warwick Crescent and south in Roedean Crescent. To the east of the site is an industrial estate with the A127 Southend Arterial Road beyond. Close to the eastern boundary of the site is a storm overflow pond.

3. PROPOSAL

The application is for a new 56 place nursery facility. It would include outdoor play areas for different age groups, 14 car parking spaces for staff (including 1 disabled space), an on-site drop off/pick up zone, 8 cycle parking spaces and hard and soft landscaping.

The single storey building, approximately 3.5m in height, would be located to the north west of the site with play areas extending towards the northern and western boundaries. The car parking area would be located to the eastern boundary. A drop off/pick up zone would be created close to the front entrance of the building.



Vehicular access would be from Warwick Crescent to the south west corner of the

site. There would be an 'in' gate and an 'out gate', effectively forming a one-way system for vehicles accessing/exiting the site. The pedestrian access would also be from Warwick Crescent adjacent to the vehicular access.

4. POLICIES

The following policies of the Basildon District Local Plan Saved Policies 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

Basildon District Local Plan Saved Policies 2007

Policy BAS BE12 – Development Control

There is not an adopted neighbourhood plan for the area.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan Saved Policies 2007 is considered further in the report.

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

The Revised Publication Local Plan October 2018 was submitted to the Secretary of State on 28 March 2019. On 18 June 2019 the Council received a Direction from the Minister for the Environment requiring it to improve air quality in locations around the A127 in the shortest possible time consistent with the requirements of the European Air Quality Directive. On 27 June 2019, the Council agreed to ask the Planning Inspectorate and the appointed Inspector for a short suspension of the Local Plan Examination in Public to investigate any implications this Direction may have for the Local Plan.

A letter requesting this suspension was sent to the Inspector on 28 June 2019. The Inspector agreed to suspend the Examination for a period of 3 months but requested confirmation of the main requirements of the Direction and an indication of the potential impacts the Direction might have on the Plan's sustainable development strategy.

Basildon Council responded to the Inspector's request for additional information on 24 July 2019.

On 6 November 2019, the Council was advised by the Department for the Environment, Food and Rural Affairs (Defra) that no decisions would be issued in respect of the information provided in accordance with the Ministerial Direction on Air Quality until January 2020. A letter requesting a further pause in the Examination in Public in respect of the Local Plan, until those decisions were issued, was therefore sent to the Inspector on 8 November 2019. The Inspector responded he is content to further pause the examination until 31 January 2020.

On 7 February 2020, the Council wrote to the Inspector regarding the progress the Council has made in addressing the requirements of the Air Quality Direction issued by Defra and to advise how the transport evidence for the Local Plan has been updated in light of the air quality challenge and other matters arising. The letter requested that, on the basis of the progress made and in agreement with those at Essex County Council and Essex Highways working on the Air Quality Direction, it proceed towards establishing a programme for examination of the Basildon Borough Revised Publication Local Plan.

It is therefore considered that the emerging Plan holds limited weight in decision making.

Revised Publication Local Plan October 2018

Policy HC3 – Strategic Approach to Education, Skills and Learning
Policy HC10 – New and Enhanced Community Facilities
Policy T8 – Parking Standards
Policy DES4 – High Quality Buildings
Policy NE1 – Green Infrastructure Strategy

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL – No objection in principle

BASILDON BOROUGH COUNCIL (Environmental Health) – Area should be assessed with respect to noise and air quality impacts. Due to close proximity of residential receptors recommend standard conditions with respect to construction hours, dust and burning.

ESSEX COUNTY FIRE & RESCUE – No objection

ESSEX POLICE – Recommends a condition requiring the developer to seek the Secured by Design Award

HIGHWAY AUTHORITY – No objection subject to conditions including a Construction Management Plan, provision of visibility splays, inward opening gates, construction of the vehicular access, provision of car parking spaces, provision of secure cycle parking

PLACE SERVICES (Urban Design) No objection. Comments as follows:

- The proposals have been developed further where alternative parking arrangements have been made and further considerations around the site topography since pre-app stage
- Appreciate projects of this scale have limitations with regard to budgets and methods of construction
- Further design development rational and justification around materials, siting and open space to the building required
- Built form proposed on site holds little relation to its surrounding built context
- Shallow roof is contrasting to the existing buildings around the site
- Overall material strategy should be reviewed to ensure suitability and high quality appearance
- Use of brick as a predominant material as opposed to proposed render finish would not only contribute to a more durable building but also create a better quality finish to the final form.
- Unclear how the south-western corner of the building has been addressed. School entrance could become a focal point and respond better to the street scene as well as becoming a standout community building within the existing residential development
- Better use of landscaping features would help settle the building into its surroundings
- Location of the play areas adjacent to the main road/footpath may lead to issues around safety and privacy
- Proposed native hedgerow planting could be to the external of the profiled mesh fencing to provide a 'softer' appearing boundary
- Suggest hedgerow boundary is planted along edge of the school which leads to the existing drainage pond/ditch to maintain and enhance the natural environment
- Expect to see alternative material palette proposed for the application including the provision of material samples before construction commences

on site

PLACE SERVICES (Landscape) – No objection. Comments as follows:

- Recommend the play areas are relocated to the east of the site away from the highway.
- Natural screening by way of planting should be proposed in addition to the mesh fencing to soften the boundaries
- Additional tree and shrub planting for boundaries and car park recommended to improve green infrastructure network
- Proposed hedgerow species mix should be amended
- Hedge planting should be in double staggered rows of 5 plants per linear metre rather than 4
- Condition requiring the submission of a landscape management and maintenance plan to support plant establishment

LOCAL MEMBER – BASILDON – Basildon Laindon Park and Fryerns – Any comments received will be reported

LOCAL MEMBER – BASILDON – Basildon Laindon Park and Fryerns – Any comments received will be reported

6. REPRESENTATIONS

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

<u>Observation</u>	<u>Comment</u>
Surrounding area insufficient to accommodate this	Noted. See appraisal
The surrounding roads are already insufficient to service the residents of this estate adding a school to this would cause even more congestion caused by people picking up and dropping off their kids during peak times.	Noted. See appraisal
There are already a number of early learner centres in the surrounding area, there is no need for more especially in area that would be crippled by the extra traffic that would be caused by this building.	Noted. See appraisal
Where are customers to the building going to park when pick up and dropping off their kids? We already have issues with residents parking.	See appraisal
The land there should be continued to	The land has been allocated for an

be used for kids to play and people to walk their dogs.	early years centre as part of the residential development application.
I fully object to this plan unless new access just for this build and parking for customers can be defined to not effect residents of the estate.	Noted. See appraisal
Parking for residents is challenging at the best of times, so I would like to know how you plan to accommodate 56 car park spaces for parents, plus staff and professionals. This vast increase of cars will undoubtedly cause traffic in the area and how will this be addressed.	See appraisal
Will the nursery spaces be offered only to the residents or will it be opened to the borough?	No details have been provided of how spaces will be offered.
Disappointingly, since the unnecessary fence was installed nearly a year ago it has not been maintained and looks appalling. I pay a lot of money for my ground rent and this is not acceptable.	Noted. However this is outside the scope of this application
Can you provide us with the details with regards to building work, ie, length or time, working hours.	This would form part of the contract phase of the development and is not part of the planning application
The main reason I moved to the area was due to the surrounding and how peaceful it is.	Noted
I feel the nursery is very unnecessary and is just another way to make money and have ignored how it will affect the residents that live there. In my opinion it should have been built when the properties were first built and not 6 years later.	Noted. See appraisal
The Radford Park Residents Association support the plans for the EYCC at Dunton Fields. It is important that infrastructure such as this complements the building of new houses and we are pleased that the project is coming to fruition.	Noted
We provided a response to Essex	Noted. Comments were made as part of

County Council's original consultation however regrettably there has been no significant change to our areas of concern in the revised plans.

the public consultation process.

We do have significant concerns about the impact upon parking and traffic flows on the estate, which is already very congested. These views reflect both the committee and the majority of residents whom we represent:

Noted. See appraisal

1. The potential for congestion on all surrounding roads during peak times of drop-off and pick-up.

The imposition of double yellow lines on School Avenue (originally scheduled for September 2019 however approval has still not been finalised) which are fully supported by The Radford Park Residents Association may well exacerbate this problem if the parking of cars is shifted onto Warwick Crescent and Roedean Crescent. It has been our view that the answer to this issue should be a holistic one - i.e double yellow lines plus resident parking schemes plus land reclamation - but ECC are adopting solutions in a piecemeal fashion.

Noted. This is outside the scope of this application

We are concerned that users of the centre will use the private drive way and parking area behind the crescent houses on School Avenue to both park and cut through.

Noted. See appraisal

Having now seen more detailed plans relating to the visual aspects of the new building, we do hold concerns as to its fit with the current street scene. Our view is that the external design is not complimentary to the recently built housing in the immediate area and this must be addressed.

Noted

The increase of traffic along Warwick Crescent to serve the site will cause a huge inconvenience to the local residents. The parking throughout the estate is already heavily congested, so

Noted. See appraisal

introducing a location by which 56 parents could be collecting their children plus a further 15 staff vehicles coming in and out on a daily basis is guaranteed to generate traffic and increase the likelihood of road traffic collisions.

I am also concerned regarding emergency services' access if this were to go ahead with the levels of congestion expected. I note the fire services have said vehicular access "appears sufficient", however this is based on the planning drawings which do not account for any parked cars along Warwick Crescent or Roedean Crescent. Both of these roads have cars lined up on the curbs every single day. The Transport Assessment Appendix B shows the graphic for vehicular access in and out of the site. Even this illustration shows nearly a full cross-over for a vehicle's route, meaning there is simply not enough space for more than one car to access the site at any one time without congestion.

If planning were to then introduce parking restrictions to the entrance/exit routes, where would those residents vehicles then park instead?

I expect the time in which people will be collecting their children will all be relatively similar, so there would be a peak traffic time in the morning and evening and that's just in the estate, before the local residents have begun their commute to or from work. Most parents will not just quickly drop off their children as they will need to be settled at the ELC first. The simulation on the Transport Assessment does not take this 'loading time' in to account. With only two spaces at the ELC for 'Drop Off' and not a large enough access in and out of the development, I fail to see how this is feasible or if it has been realistically considered.

I would encourage any planners or

Essex Fire & Rescue has not raised an objection to the application. More details would be provided at Building Regulations stage

Noted. However that is outside the scope of this application

Noted. See appraisal

Noted

supporters of the ELC to drive around the area so they can see the state of the parking on the development first-hand.

There are already a number of nurseries nearby to this development, is there really a requirement for an Early Learning Centre within this development? The development has been here for a number of years already with no requirement for an ELC to date. I think this area would be best used as a much needed community space, residents already regularly use this space for walking their dogs and benches or picnic benches could be added so that residents can enjoy the outside space more.

Noted. See appraisal

I moved to this area as it is a nice quiet tranquil area. My property would be in close proximity to and overlook the northern corner of the 2-4years play area. I do not want to have to keep my windows closed in the summer or when working from home to eliminate the noise generated by the children. The plans show that a mesh fence will be used around the perimeter of the play areas and so this won't block out any of the noise generated. This development would also raise noise pollution to other residents surrounding the ELC, not just to myself.

Noted. See appraisal

I pay a maintenance fee annually for the upkeep of the area. With people coming to the ELC on a daily basis, this will bring with it litter and mess. Are we also expected to continue to pay the same level of maintenance upkeep for the area while losing some of it to the ELC?

Noted. This is outside the scope of this application

The air pollution down the stretch of A127 adjacent to the estate already exceeds EU limits and a study by King's College London showed that children living within a 50m radius of a major road had their lung growth stunted by up to 14% and a 10% increased risk of lung cancer. I don't feel it is healthy to

Noted. Given the age of the children using the facility it is expected that parents would need to enter the building to drop off or pick up and therefore vehicles would not be left idling.

introduce a development for children whereby they will be spending time outside in the play areas and breathing in the harmful gasses from the traffic emissions on the A127. Additionally, the location for cars waiting to drop off and collect children is also right next to a play area. Will this not be an unnecessary cause for young children to inhale further harmful gasses from the vehicles waiting?

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design and Layout
- D. Impact on Natural Environment
- E. Impact on Residential Amenity
- F. Traffic & Highways

A NEED

Emerging Local Plan Policy HC3 (Strategic approach to education, skills and learning) states inter alia that *“the Council will work with Essex County Council and other education and skills development providers to provide new, continued and where appropriate, enhanced provisions of schools and other educational facilities which seek to improve the quality and choice of education and learning opportunities in the Borough. In particular, the Council will support in principle, proposals which:*

Provide new or expanded early years and childcare, primary and secondary schools as required to accommodate residential growth.”

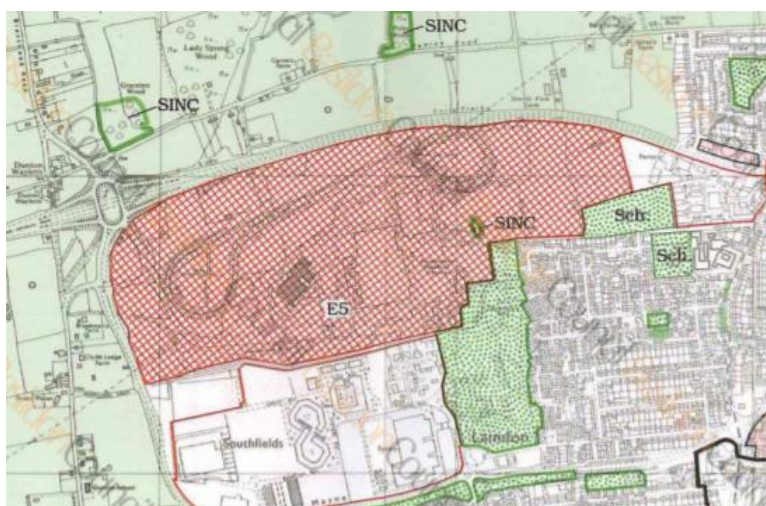
ECC has a statutory duty to ensure that there are sufficient childcare provisions within the local area, as well as a duty to secure free early years provision for pre-school children. The ‘Free Early Education Entitlement’ for 2 year olds (FEEE2) currently entitles 40% of the most disadvantaged 2 year olds to 15 hours free nursery entitlement per week. The recently introduced extended entitlement supports eligible working parents to access up to an additional 15 hours per week of nursery education on top of the universal 15 hours entitlement.

Dunton Fields is a new community on the outskirts of Basildon and as more people move into the area it is considered there will be a greater demand for nursery provision. The proposed early years centre would be constructed on land transferred to Essex County Council as part of the S106 agreement attached to planning permission 12/00951/FUL granted by Basildon Borough Council in March 2013.

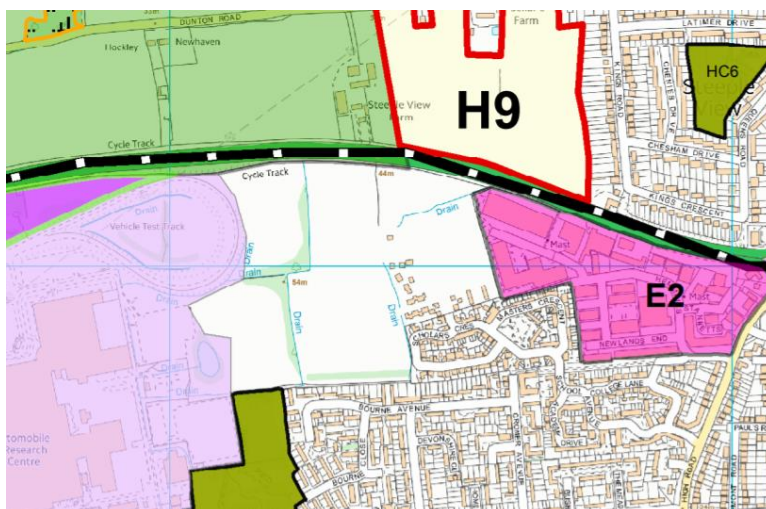
It is considered that there is an identified need for the proposed nursery facility on the application site and that this need should be given great weight in accordance with the provisions of the NPPF and that such provision would be in accordance with Policy HC3.

B POLICY CONSIDERATIONS

In the Adopted Local Plan the land for the proposed nursery was originally identified as employment land for the Ford Research and Development Centre (see below).



However following the grant of planning permission for residential development in 2013, the site was removed from the employment zone designation in the emerging local plan.



Paragraph 92 of the NPPF states inter alia that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments”. It goes on to state that “planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.

Emerging Policy HC3 (Strategic Approach to Educations, Skills and Learning) states inter alia that *“the Council will support, in principle, proposals which provide new or expanded early years and childcare as required to accommodate residential growth.”*

The proposed site for the early years centre was allocated as part of the larger residential development scheme determined by Basildon Borough Council in March 2013 and has been funded by S106 money.

As stated above there is a defined need for early years provision in the Basildon area and this proposed facility would help meet the increased demand for places in the area.

Basildon Borough Council has not raised any objection in principle to the proposed scheme.

It is considered that the need for the facility has been demonstrated by the requirement for additional early years provision in the Basildon area and the provisions of the NPPF.

C DESIGN AND LAYOUT

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene.”*

Emerging Policy DES4 (High Quality Buildings) states inter alia that *“buildings should be designed to a high standard, responding appropriately to their location and reflecting their function and role in relation to the public realm. Proposals for new buildings will be expected to use good quality and durable building materials, that are appropriate to the context of the development.”* It goes onto say that *“buildings should be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate.”*

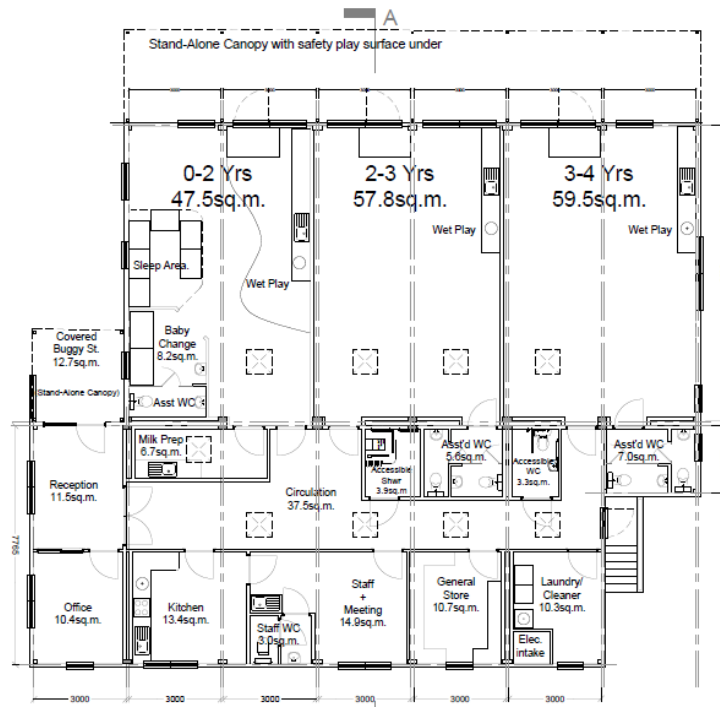
Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that *“new community facilities will be supported where it can be demonstrated that the facility and activities are of appropriate scale, design and intensity and would have no unacceptable impacts on the character, appearance or amenity of the surrounding area.”*

Numerous layout plans were rejected during the design process due to the cost of earthworks and retaining walls required to deal with the site gradient and the budgetary constraints of the project. The proposed site layout has been developed to utilise the existing site profile.

The proposed building would be located to the west of the site on an area of undeveloped land. It would be single storey construction with a shallow pitch roof. The proposed building would provide accommodation for 12, 0-2 year olds, 20, 2-3

year olds and 24, 3-4 year olds.

Inside the building a classroom would be provided for each age group together with a staff room, office, reception, toilet and washing facilities (including accessible facilities), kitchen and laundry.

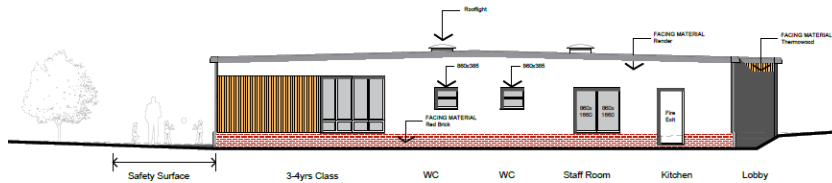
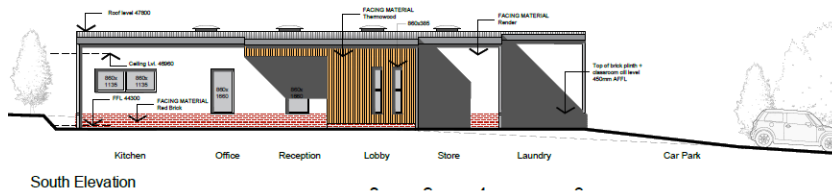


Rooflights would be provided to ensure sufficient daylight in the classrooms and circulation areas.

External spaces have been arranged to maximise the site's potential and reduce impact on adjacent properties from vehicle movements and playtime noise. The layout of the proposed building allows adequate sunlight and daylight to penetrate the classroom areas. Higher head windows would also be provided to these areas to increase the depth of light penetration. Classrooms and external play areas would face towards the west and south of the site with the administrative areas facing towards the staff parking area and the drainage pond towards the east of the site.

The layout and design of the proposed building were subject to pre-application discussions with Place Services (Urban Design).

The external materials of the building originally consisted of a red brick plinth, small areas of vertical timber cladding with a majority of the proposed building finished in render.

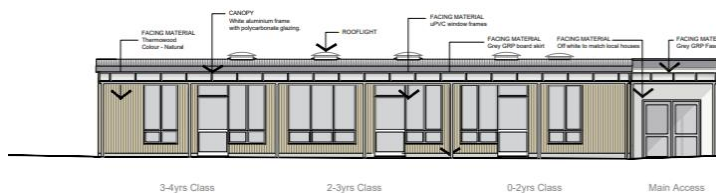


Urban Design recommended that the amount of render be reduced or omitted. It was further recommended that a brick and timber approach be explored.

The proposed building would be a single storey construction (approximately 3.5m in height) with shallow pitch roof. Elevations would be finished in a mix of vertical timber 'Thermowood' weatherboarding and off-white/beige render to match surrounding residential properties. Windows would be white UPVC with aluminium framed doors.



:100@A3
South Elevation



The applicant has explored the possibility of a brick and timber approach for the proposed building as recommended by Place Services (Urban Design). An alternative approach with an increased use of timber and a reduction in the amount of render has been proposed by the applicant. The timber boarding is proposed to the classroom facades and play areas where the applicant considers wear and tear would be greater with render to the administrative areas of the building.

The proposed building would provide good levels of natural daylight which would be supplemented by high efficiency electrical fittings to achieve the required levels of illuminance internally. Natural ventilation would be used throughout the building, with opening vents and windows to the classrooms and ancillary rooms.

Heating and cooling to the proposed building would be provided through the use of wall mounted cassette units. This would ensure control of an ambient temperature and reduce unnecessary heating to the building. It would also reduce the potential for children to come into with hot radiator surfaces.

Reduce flush toilets would be installed to aid water conservation and rainwater would be collected in butts for use in landscaped areas.

The proposed building has been designed to modern insulation standards in accordance with Building Regulations and low maintenance materials would be used. All timber used in the construction of the buildings would be acquired from sustainable sources.

Basildon Borough Council has no objection in principle to the proposed scheme. However it does have some reservations particularly with regards to the proposed design of the building, in particular the proposed flat roof and mix of timber cladding and rendered finish elevations.

Place Services (Urban Design) has not objected to the proposed scheme but has raised similar concerns with regards to the proposed design and use of materials for the building.

It is considered that general material details and samples could be required by condition should planning permission be granted.

Essex Police has recommended that a condition is imposed requiring the developer to seek the Secured by Design Award. Whilst the NPPG requires that the prevention of crime and the enhancement of community safety are matters that a Local Planning Authority should consider, it is considered that a requirement for a developer to achieve an award would not meet the tests for conditions (necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects). The application states that security is a priority for the early years facility and the development would include a secure line formed by the building and fencing around the perimeter of the site.

Overall, subject to material details being further approved, it is considered that the development would be of an appropriate design for its function as a nursery building, it would take account of its surroundings and provide environmental efficiencies in compliance with Policy BAS BE 12 and Policy DES4 and Policy HC10.

D IMPACT ON NATURAL ENVIRONMENT

Emerging Policy NE1 (Green Infrastructure Strategy) states inter alia that “*when considering applications for development, the Council will work with partners and developers to encourage the preservation and enhancement of landscape and landscape features.*”

As stated previously the proposed building would be located on an area of

undeveloped grassland. There are not any existing trees which would require to be removed to allow the construction of the proposed nursery building.

A majority of the outside space would be grassed, including the play areas for children. An area of covered play space would be provided outside each classroom. This would be located to the west of the site.

A 2 metre high profiled mesh fence would be erected to the perimeter of the site. A 1.2m high picket fence would be erected within the site to divide the play areas for 0-2 year olds and 2-4 year olds.

New mixed native hedging is proposed around the bin store, along the southern boundary of the site adjacent to Rodean Crescent, along part of the northern boundary and between the nursery building and the car parking area.



Place Services (Landscape) has no objection to the proposed scheme but has commented that the play areas should ideally be located to the east of the site away from the public footpath and highway. It also recommends that natural screening, in the way of planting should be provided in addition to the mesh fencing to soften the boundaries and screen activity within the site.

The palette of proposed plants is considered to be relatively small, providing minimum enhancements to the wider green infrastructure network. It is recommended that additional trees and shrub planting is proposed, specifically on the boundaries and within the car parking area.

It is further recommended that the proposed hedgerow species mix should be amended to the following:

- Crataegus monogyna 50%
- Prunus spinosa 30%
- Corylus avellane 10%
- Fagus sylvatica 10%

Any proposed hedging should be planted in double staggered rows of 5 plants per linear metre, rather than 4.

It is considered appropriate to attach a condition requiring the submission of a revised landscaping plan, taking into account the comments made by Place Services (Landscape) together with the submission of a landscape management and maintenance plan to support plant establishment, should planning permission be granted.

It is considered the planting of native hedging and natural screening to the boundaries of the site would help to enhance the landscape of the area in accordance with Policy NE1.

E IMPACT ON RESIDENTIAL AMENITY

A pre-application exhibition was held on 23 May 2019 at Laindon Community Centre. A direct mailshot was also delivered to residents on the Dunton Fields Estates informing of the proposed development.

A total of 77 comments were received. Parking and traffic was a primary concern of residents. Several residents considered that the provision of 9 car parking spaces was insufficient for the proposed development and as a result the number of car parking spaces has been increased to 14.

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm in any of the following way: overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance.”*

Emerging Policy NE6 (Pollution Control and Residential Amenity) states inter alia that *“all development proposals must be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.”* It goes on to state that *“Where required conditions limiting hours of construction, opening hours and the movement of construction traffic and placing requirements on applicants to submit further proposal details will be implemented in order to ensure impacts on the environment and residential amenity are kept within acceptable limits.”*

The proposed play areas for children at the nursery would be located to the north west and west of the site with direct access from the classrooms. Concerns have been raised with regards to potential noise impact from the play areas on the surrounding residential properties. The proposed play areas would be approximately 20 metres from properties to the north, approximately 25 metres from properties to the south west and approximately 65 metres from properties to the west. Whilst it is accepted that there may be increased noise levels at certain times of the day, particularly when children are playing outside these would be limited to fairly short periods of time during the day and should not result in

significant noise impacts for residents.

It is not considered that the proposed nursery building would cause any material harm to the surrounding residential properties by way of overlooking, overshadowing or over-dominance.

The Highway Authority has requested that a condition be attached, should planning permission be granted requiring the submission of a Construction Management Plan to ensure that the construction phase of the scheme does not have a significant adverse impact on the surrounding residential area.

It is not considered that the proposed development would have a significant detrimental impact on residential amenity of the neighbouring residential properties and would therefore be in accordance with Policy BAS BE12 and Policy NE6.

F TRAFFIC & HIGHWAYS

Emerging Policy T8 (Parking Standards) states inter alia that *“proposals for development will be expected to make provision for car parking, provision for disabled parking and provision for safe and secure parking of bicycles, in accordance with the latest adopted Essex Parking Standards.”*

It is proposed to provide 14 car parking spaces (including 1 disabled space) for use by staff.

The Essex County Council Parking Standards Design and Good Practice Guide September 2009 states that a maximum of 1 car parking space per full time equivalent staff and drop off/pick up facilities should be provided. There would be a total of 12 full time equivalent staff so on this basis the provision of 14 spaces, including one disabled space, is considered to be in accordance with the Good Practice Guide.

It is also proposed to provide 8 cycle parking spaces. The Design and Good Practice Guide states that a minimum of 1 space per 4 staff plus 1 space per 10 child spaces should be provided. On this basis it is considered that the proposed number of cycle parking spaces would be in accordance with the Good Practice Guide.

Covered buggy/pushchair storage would be provided to encourage users to travel to the facility by more sustainable means.

The Highway Authority has raised no objection to the development, subject to conditions, which could be imposed should planning permission be granted.

Concerns have been raised by several residents with regards to vehicular access, parking provision and traffic impact on the surrounding streets.

Adopted Policy BAS BE12 (Development Control) states inter alia that *“planning permission for new development will be refused if it causes traffic danger or congestion.”*

Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that “*new and enhanced community facilities will be supported where it can be demonstrated that:*

- *The facility is well connected to, and associated with existing facilities and readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users; and*
- *Vehicle access and on-site vehicle parking would be provided to an appropriate standard.”*

A Transport Statement was submitted as part of the application, which indicates that the development has the potential to generate 15 vehicular trips in the AM peak (08:00-09:00) and 14 vehicular trips in the PM peak (17:00-18:00) with 72 vehicular trips between 07:00-19:00. Although the public highway has been assessed as being able to cope with this number, it would likely be lower with the impact of a Travel Plan.

There is a 20mph speed limit outside the site and a 30mph in the surrounding residential areas to encourage walking and cycling. The site is well connected to surrounding residential areas by shared footpaths/cycleways. The nursery would be expected to cater for the local area and would therefore be accessible by more sustainable means of transport.

The surrounding roads have unrestricted on-street parking, which is the case throughout the Dunton Fields estate.

No parking restrictions are proposed as part of this application. It is expected that the operator of the facility would seek to manage responsible parking via a Travel Plan.

Overall, the development location is considered to be acceptable given that it has been allocated as an early years centre as part of a wider development for the area. The proposed traffic generated could be accommodated within the existing highway network and the development is considered to be in accordance with Policy T8 and Policy HC10.

8. CONCLUSION

In conclusion, the proposed development is considered to be acceptable in the proposed location.

There is an identified need for the proposed early years centre on the application site and this need should be given great weight in accordance with the provisions of the NPPF. The site also complies with the encouragement for community facilities as per Policy HC3 and HC10.

It is considered that the design of the building and layout of the site would respond appropriately to its location and reflect its function in the public realm, Subject to conditions it is considered that the development would be in compliance with Policy BAS BE12, Policy DES4 and Policy HC10. It would also provide environmental efficiencies in compliance with the provisions of the NPPF.

In terms of landscape, a landscape scheme and landscape management and maintenance plan are proposed to fully secure planting details across the site. The development is not considered to have unacceptable impacts on overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance, providing certain conditions are imposed. It is therefore considered that amenity would be protected in accordance with Policy BAS BE12.

The proposal would include parking provision in accordance with Policy T8. The proposed traffic generation has been assessed as being able to be accommodated in the surrounding highway and sustainable travel could be encouraged through a Travel Plan. There are not considered to be any reasons for refusal on traffic and highway impact.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a sustainable development, for which there is a presumption in favour. The development would also provide the necessary facilities and infrastructure to support sustainable communities and would be accessible and compatible with the character and needs of the local community, in compliance with Policy HC10.

9. RECOMMENDED

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. 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/33/20 dated 4 March 2020 and validated on 13 March 202 together with Drawing Numbers:

- 323-111.P3 – Site Plan – 4 March 2020
- 323-112.P2 – Landscape & Planting Plan – 4 March 2020
- 323-113.P2 – Drainage Plan – 27 February 2020
- 323-211.P2 – Floor Plan – 26 February 2020
- 323-212.P2 – Roof Plan – 26 February 2020
- 323-311.P2 – Section AA – 26 February 2020
- 323-411.P2 – South Elevation East Elevation – 26 February 2020
- 323-412.P2 – East Elevation North Elevation – 26 February 2020
- 323-110.P2 – Location & Block Plan – 4 March 2020

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except

as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy C3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T8 (Parking Standards), Policy DES4 (High Quality Buildings), Policy NE1 (Green Infrastructure Network) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

3. The construction of the development hereby permitted shall not be carried out unless during the following times:

- 08:00 hours to 18:00 hours Monday to Friday
- 08:00 hours to 13:00 hours Saturdays

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

Reason: *In the interest of limiting the effect of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

4. No development shall take place beyond the installation of a damp proof course until details and samples of external materials, including render and timber, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: *To limit the impacts on local amenity and to comply with Policy DES4 (High Quality Buildings) of the Revised Publication Local Plan October 2018.*

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

- Details of areas to be planted with species, sizes, spacing, method of planting, protection, programme of implementation and maintenance schedule;
- Provision for planting for screening purposes along the western and north western boundaries
- Inclusion of planting within the car parking area

The scheme shall be implemented during the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 6 of this permission.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy NE1 (Green Infrastructure Network) of the Revised Publication Local Plan October 2018.*

6. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 5 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy NE1 (Green Infrastructure Network) of the Revised Publication Local Plan October 2018.*

7. No beneficial occupation of the development hereby permitted shall take place until the access at its centre line has been provided with a clear ground visibility splay with dimensions of 2.4metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing Number 10114_1170 – Large Vehicle Swept Path prepared by GTA and dated 4 March 2020 included as part of the Transport Statement (Ref 10114) prepared by GTA and dated March 2020. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: *To provide adequate inter-visibility between vehicles using the access and those in the public highway in the interests of highways safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

8. No beneficial occupation of the development hereby permitted shall take place unless the vehicular access has been constructed at right angles to the existing carriageway as shown in principle on Drawing Number 323-111.P3 – Site Plan - prepared by Denning Male Polisano dated 4 March 2020. The width of the access at its junction with the highway shall not be less than 5.5metres and shall be provided with 2no. appropriate kerbed radii and dropped kerb pedestrian crossing point.

Reason: *To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy BAS BE 12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential*

Amenity) of the Revised Publication Local Plan October 2018.

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 or pedestrian access on Warwick Crescent, as shown on Drawing Number 323-111.P3 -Site Plan – dated 4 March 2020 unless they open inwards from the public highway and those serving a vehicular entrance shall be set back a minimum distance of 6 metres from the nearside edge of the Warwick Crescent carriageway.

Reason: *In the interests of highway safety and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

10. Each vehicular parking space shall have minimum dimensions of 5.0m x 2.5m

Reason: *To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018 and ECC Parking Standards (September 2009).*

11. Cycle parking facilities shall be provided as shown on Drawing Number 323-111P.3 – Site Plan – dated 4 March 2020 in accordance with the current parking standards. The approved facility shall be secure, convenient and covered and provided prior to the first beneficial occupation of the development hereby permitted and retained at all times.

Reason: *To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

12. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted, within 6 metres of the highway boundary.

Reason: *To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018).*

13. There shall be no discharge of surface water onto the Highway.

Reason: *To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure compliance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

14. There shall be no development, including any groundworks or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: *To ensure that the on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements in the NPPF,

as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON – Basildon Laindon Park and Fryerns (2 Local Members)

DR/15/20

Report to: DEVELOPMENT & REGULATION (22 May 2020)
Proposal: MINERALS AND WASTE DEVELOPMENT Temporary Relaxation of Hours of Opening for a 12 week period at Essex Recycling Centres for Household Waste (RCHW) and Waste Transfer Stations - COVID 19 Recovery Plan
Applicant: ECC as Waste Disposal Authority
Location: Essex wide
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: Richard Greaves Tel: 03330 136817 The full application can be viewed at https://planning.essex.gov.uk

1. BACKGROUND

In mid-May 2020, the Waste Planning Authority (WPA) was approached by the Waste Disposal Authority (WDA) seeking a general relaxation of the need for planning permission to provide operational flexibility to temporarily extend the opening hours at select Recycling Centres for Household Waste (RCHW) and two (of five) Waste Transfer Stations in Essex to cope with a potential high demand as required, once the RCHW are re-opened as the Covid-19 lockdown is eased.

Essex County Council's Recycling Centre for Household Waste (RCHW) service has been suspended since the 24 March 2020, when all 21 of the county's operational RCHWs closed to the public. This action was taken following the Government's decision on the 23 March 2020 to introduce lockdown measures to slow the spread of the coronavirus.

In April, the Government asked councils to plan for the organised opening of household waste collection sites to allow for the disposal of waste which, if stored, would be detrimental to health or pose risk of injury. ECC intends to re-open the majority of the RCHWs on 18 May 2020. Despite the restrictions on essential use it is expected that demand for the service will be high and may exceed current user handling capacity.

The WDA has therefore prepared a Recovery Plan that details the level of RCHW service that could be provided whilst maintaining the necessary social distancing measures to ensure the safety of site staff, customers and the wider community.

2. CURRENT POSITION AND PROPOSAL

Considerable measures have been put in place by the WDA, including guidance and a communication plan for a partial reopening of the RCHW service in line with social distancing protocols.

The proposed operating model is one that maintains effective and appropriate social distancing on all re-opened sites while providing RCHW service coverage that maximise user capacity.

The rationale that has been used to identify which sites are suitable for reopening is that the site:

1. must be capable of managing at least 4 vehicles on site at any one time, whilst maintaining social distancing;
2. provides adequate queuing capacity to minimise adverse impact on the local neighbourhood from an expected increased usage and queuing;
3. meets a local need which cannot be served adequately by another site;
4. staff are not better deployed to a neighbouring larger site to provide greater service resilience, or handle more users under an increased opening hours operating model.
5. Service vehicles will be able to access sites to service waste containers and not be unnecessarily delayed.

Using this approach, it is proposed that 15 (out of 21) Essex RCHWs are remobilised and re-opened to the public from the 18th May. As a minimum these sites are expected to operate in line with current operating hours. However, there is a risk that significant demands are placed on the RCHWs and, as a contingency, the WDA is seeking flexibility to temporarily extend the opening hours of sites to better cope with additional demand.

Given the time constraints it would not be possible to deal with a number of planning applications that would normally be required to formally vary the opening hours at the sites that have permissions restricting operating hours.

TABLE 1: RCHW sites to be reopened

Site	District Location	Potential for Additional Operational Hours (Maximum) *
Braintree	Braintree	3hrs extra a day
Canvey Island	Castle Point	2hrs extra a day
Chelmsford	Chelmsford	2hrs extra a day
Chigwell	Epping Forest	None
Clacton	Tendring	3hrs extra a day
Coxtie Green	Brentwood	3hrs extra a day
Harlow	Harlow	3hrs extra a day
Maldon	Maldon	2hrs extra a day
Mountnessing	Brentwood	None
Pitsea	Basildon	3hrs extra a day
Rayleigh	Rochford	1hr extra a day
Saffron Walden	Uttlesford	1hr extra a day
Shrub End	Colchester	2hrs extra a day
S. Woodham Ferrers	Chelmsford	3hrs extra a day
Witham	Braintree	None

*The additional operating hours highlighted are subject to staff availability and operational need.

The WDA has clarified that all sites will be closely monitored once reopened, so actions could be taken to mitigate any adverse impacts and protect safety. In the first instance the additional steps taken would include public communication and the use of available extra operating hours as permitted under the current planning consents. All available measures are being explored with Essex Highways and external agencies, including Essex Police, to develop suitable approaches to minimise the off-site impacts of the RCHW service through a combination of advice and guidance or enforcement.

The request for further flexibility in RCHW opening hours is required in the scenario that, despite the adoption of the measures detailed above, service demand outstrips operational capacity leading to off-site impacts and the potential for local environmental harm or safety implications. Further, to cope with a potential increase in waste arising from the RCHWs, the WDA has also requested that the operating hours at both Cordons Farm (Braintree) and the A120 (Tendring) Waste Transfer Stations are extended temporarily.

For clarity, the WDA has approached the WPA to have the option to provide additional opening at 12 of the 15 RCHWs and two (of five) Waste Transfer Stations for a temporary 12 week period following the reopening of the sites on the 18 May 2020.

The plan is to build in additional capacity across the RCHW network and utilise it where and when required operating within the extended hours. Extended RCHW opening times will not be advertised and indeed may not be required, however, the ability to keep sites open longer, as a contingency measure, is considered necessary by the WDA, especially if the expected demand by users can be managed effectively.

A full table of the permitted and proposed opening hours is set out at Appendix 1.

The WDA has confirmed it will not be opening all of the sites for all of the additional hours requested. Operationally this isn't possible because there are not enough resources to staff all the sites for all of the hours requested. The allocation of additional hours will be based on an operational assessment of service demands and the availability of operational resources. If sites are operating with extended opening hours these will be communicated on site and via existing communication channels.

The WDA has also confirmed that the operation of the recycling centres will be closely monitored, and should any issues arise as a direct result of additional operating hours, the WDA will immediately discontinue and revert to the hours as stated in the relevant Planning Permissions/Certificates of Lawful use.

The Braintree and A120 waste transfer stations (WTS) request for additional hours is required so the WDA can co-align RCHW opening times with suitable WTS tipping points, including contractor travel times to/from the RCHWs.

Enforcement protocol: The County Council's Local Enforcement and Site Monitoring Plan sets out principles and procedures for enforcement action relating to unlawful development. Enforcement is a discretionary power as the Town and

Country Planning Act 1990 (as amended) which does not impose a general duty to ensure compliance with planning control.

The National Planning Policy Framework (The Framework) states that '*effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so*'.

In considering any enforcement action, the CPA is required to act proportionately, which involves assessing whether a breach of control would unacceptably affect public amenity or the existing use of land meriting protection in the public interest.

Furthermore, in March 2020 the Secretary of State issued a written Ministerial Statement which urged local planning authorities to apply pragmatism to the enforcement of restrictions on food and other essential deliveries at this time. It was also advised that local planning authorities should also use their discretion on the enforcement of other planning conditions which hinder the effective response to COVID-19¹.

As stated, there is insufficient time to properly consider any formal planning applications to vary the operating hours. The WDA has committed to monitor the position and also committed to manage the opening hours properly to ensure that sites do not stay open longer than necessary. Taking into account Government advice that planning authorities should be pragmatic during the Covid-19 pandemic, it is not considered expedient to take enforcement action to restrict opening hours at the RCHW for a period of 12 weeks. ECC is a responsible authority and the WDA has committed to manage the situation responsibly. As such the Waste Planning Authority should not hinder the WDA's response to the Covid-19 outbreak.

3. RECOMMENDED

That it is not considered expedient to take enforcement action preventing the RCHW and WTS sites, listed in Appendix 1, from operating extending hours until 9 August 2020.

4. LOCAL MEMBER NOTIFICATION

Countywide.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf

		CURRENT PERMISSION (SEE NOTE 1 BELOW)					REQUESTED PERMISSION - MAXIMUM REVISED OPERATING HOURS (SEE NOTE 2 BELOW)				ADDITIONAL HOURS SUMMARY (SEE NOTE 3 BELOW)			
Recycling Centres for Household Waste (RCHWs)	Planning Permission/ Certificate of Lawfulness (REFERENCE)	Monday to Friday	Saturday	Sunday	Bank Holidays	OTHER	Monday to Friday	Saturday	Sunday	Bank Holidays	Monday to Friday	Saturday	Sunday	Bank Holidays
Clacton RCHW, Rush Green Road, Clacton, CO16 7BL	Certificate of Lawfulness - CC/TEN/09/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Rayleigh RCHW, Castle Road, Rayleigh SS6 7QF	Certificate of Lawfulness - CC/ROC/06/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 18:00	08:00 - 18:00	08:00 - 18:00	08:00 - 18:00	1 hour per day	1 hour	1 hour	1 hour
Pitsea RCHW, Pitsea Hall Road, Pitsea SS16 4UH	Certificate of Lawfulness - CC/BAS/06/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	08:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Colchester RCHW, Maldon Road, Shrub End, Colchester CO3 4RN	Certificate of Lawfulness- <i>Ref Unknown</i>	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	2 hours per day	2 hours	2 hours	2 hours
Chelmsford RCHW, Drovers Way, Chelmsford CM2 5PH	Certificate of Lawfulness - CC/CHL/15/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	2 hours per day	2 hours	2 hours	2 hours
Canvey RCHW, Canvey Road, Canvey Island SS8 0QX	Planning Permission - <i>Ref Unknown</i>	08:00 - 17:00	08:00 - 17:00	08:00 - 16:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 19:00	07:00 - 18:00	additional hours not required	additional hours not required	2 hours per day	2 hours	0 (zero) hours	0 (zero) hours
Maldon RCHW, Park Drive, Maldon CM9 5UR	Certificate of Lawfulness - CC/MAL/07/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	2 hours per day	2 hours	2 hours	2 hours
Harlow RCHW, Temple Bank, Harlow CM20 2DY	Unknown	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Brentwood RCHW, Coxtie Breen Road, Brentwood CM14 5PN	Certificate of Lawfulness - CC/BRW/07/94	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	07:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Witham RCHW, Perry Road, Witham CM8 3YZ	Unknown	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours
South Woodham RCHW, Ferrers Road, South Woodham Ferrers CM3 5ZA	Planning Permission - Ref Unknown	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	08:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Braintree RCHW, Springwood Drive, Braintree CM2 2YN	Planning Permission - CC/BTE/140/08	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	07:00 - 19:00	07:00 - 18:00	08:00 - 18:00	07:00 - 18:00	3 hours per day	2 hours	2 hours	2 hours
Mountnessing RCHW, Roman Road, Mountnessing CM4 9AU	Planning Permission - CC/BRW/01/98	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours
Saffron Walden RCHW, Thaxted Road, Saffron Walden CB10 2UP	Planning Permission - ESS/15/05/UTT	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	08:00 - 18:00	08:00 - 18:00	08:00 - 18:00	08:00 - 18:00	1 hour per day	1 hour	1 hour	1 hour
Chigwell RCHW, Luxborough Lane, Chigwell IG7 5AA	Planning Permission - ESW/CHIG/36/63	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	08:00 - 17:00	May to August - Tuesdays only till 20:00 hours	additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours

Waste Transfer Stations (WTSs)	Planning Permission/ Certificate of Lawfulness (REFERENCE)	Monday to Friday	Saturday	Sunday	Bank Holidays	OTHER	Monday to Friday	Saturday	Sunday	Bank Holidays	Monday to Friday	Saturday	Sunday	Bank Holidays
Braintree WTS, Long Green, Cressing, Braintree, CM77 8DL	Planning Permission - EPR/CB3305UE	07:00 - 19:30	07:00 - 16:00	07:00 - 16:00	07:00 - 16:00		additional hours not required	07:00 - 18:30	07:00 - 18:30	07:00 - 18:30	0 (zero) hours	2.5 hours	2.5 hours	2.5 hours
Chelmsford WTS, Winsford Way, Chelmsford, CM2 5PD	Planning Permission - EPR/MB3632AK	06:00 - 20:00	08:00 - 16:00	08:00 - 16:00	08:00 - 16:00		additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours
A120 WTS, A120 (east bound) Ardleigh, Colchester, CO7 7SL	Planning Permission - EPR/BB3802KK	06:00 - 19:30	08:00 - 16:00	08:00 - 16:00	08:00 - 16:00		additional hours not required	06:00 - 19:30	06:00 - 19:30	06:00 - 19:30	0 (zero) hours	5.5 hours	5.5 hours	5.5 hours
Dunmow WTS, Chelmsford Road, Great Dunmow, CM6 1LW	Planning Permission - EPR/MB3630RY	07:00 - 17:00	09:00 - 17:00	N/A	N/A		additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours
Harlow WTS, West Place, Harlow, CM20 2AL	Planning Permission - EPR/BB3008HB/A001	07:00 - 18:30	07:00 to 18:30	N/A	N/A		additional hours not required	additional hours not required	additional hours not required	additional hours not required	0 (zero) hours	0 (zero) hours	0 (zero) hours	0 (zero) hours

IMPORTANT NOTES: NOTE 1 - The current permissions are NOT the current advertised opening hours. E.g. the RCHWs currently operate for less hours than permitted to do so.
NOTE 2 - The requested 8 week permissions are not the guaranteed revised opening hours. These hours represent the maximum hours of operations that may be required to meet demand. Actual advertised opening hours will not exceed these hours and will only be utilised based on service demand and the availability of operational staff.
NOTE 3 - The summary of additional hours is above the permitted hours and NOT the current operational hours

DR/16/20**Report to:** DEVELOPMENT & REGULATION (24 April 2020)**INFORMATION ITEM** – Enforcement of Planning Control update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Suzanne Armstrong – Tel: 03330 136 823The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 January to 31 March 2020 (Quarterly Period 4).

2. DISCUSSION**A. Outstanding Cases**

As at 31 March 2020 there are 25 outstanding cases. Appendix 1 shows the details of sites (8) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

13 cases were resolved during the period 01 January to 31 March 2020.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

<u>Location</u>	Nature of problem	Remarks
Basildon		
Summerhill Farm, Pipps Hill Road North, Crays Hill, Billericay CM11 2UJ	Waste activities	A material change of use of the land to land used for the Importation depositing and burning of mixed waste. Multi agency visits (ECC and EA). A PCN has been served on the landowners for further information as to the activities on the land. A timescale has been agreed for the removal of all waste. Further visits to be carried out.
Summerhill Fisheries Maggits Lake Pipps Hill Road North, Crays Hill, Billericay	Waste activities	A material change of use of the land to land used for the importation and deposition of waste, mainly soils, rubble and other similar waste materials. A PCN has been served on the landowners to provide further information as to the activities on the land. Ongoing multi agency investigation ECC and the EA.
Chelmsford		
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG	Waste activities	The unauthorised importation, deposition and spreading of waste, mainly soils and builders waste. A TSN was served on the 4th November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14th January 2020 for the removal of all waste material, full compliance with the notice served is due by the 11th September 2020.
Land at Meadow Lane Runwell SS11 (Various plots G T)	Waste activities	Multi Agency investigations ECC, EA and CCC. Importation and deposition of mixed waste on various plots of land.
Colchester		
Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH	Early morning monitoring	Application ESS/15/19/COL as approved permits a specific number of vehicles to exit the site from 6:00am. These vehicle movements are controlled by planning conditions. During a visit in December 2019 it was noted that CSH were exceeding the limitations of this condition. On the 27th January 2020 ECC did serve a Breach of Condition Notice (BCN) on CSH in respect of the vehicle movements prior to

		<p>7:30am. The period for compliance with this notice is 30 days beginning with the day on which the notice is served on the company. In notifying the company of the breach of condition application ESS/04/20/COL was submitted to the Waste Planning Authority to vary the condition relating to the vehicle movements. This application was refused on the 12th March 2020. Further visits are to be carried out to ensure the company are complying with the BCN served.</p>
Rochford		
3 Murrels Lane (Off Church Road) Hockley	Importation of waste	<p>The unauthorised importation, deposition and spreading of waste, mainly mixed soils and builders waste, raising the levels of the Land. An Enforcement Notice was served on the 23rd October 2019 and took effect on the 5th December 2019. Full compliance with the EN served is required by the 5th July 2020.</p>
Uttlesford		
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste	<p>Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The landowner and tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice has not been complied with and a hearing was listed at the Magistrates Court for the 29th March 2018 to prosecute the landowner for non-compliance with the enforcement notice. Information came to light from the defendants solicitor (landowner) that indicates further enquiries need to be undertaken. This case remains with Essex Legal Services.</p>

Land at Armigers Farm, thaxted, Great Dunmow Essex CM6 2NN	Working outside of CLUED	Waste soil stored outside the permitted area. Some material had been processed ready to be removed. In accordance with ECC and the EA's joint working protocol the EA have agreed a suitable timescale in order for the waste to be removed and the land remediated. A timeframe of 6 months was agreed by the EA as a realistic amount of time to remove the waste soil, taking into consideration the winter weather. The deadline for the waste to be removed and land remediated is the 14th May 2020.
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DR/17/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of March

28

Nº. Decisions issued in April

2

Nº. Decisions issued this financial year

2

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in April

2

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

2

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Pending at the end of March	13
Nº. Decisions issued in April	4
Nº. Decisions issued this financial year	4
Nº. Delegated Decisions issued in April	4

All Applications

Nº. Delegated Decisions issued in April	6
Nº. Committee determined applications issued in April	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	8
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of April	49
Nº. of referrals to Secretary of State under delegated powers in April	0

Appeals

Nº. of outstanding planning and enforcement appeals at end of April	2
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

Enforcement

Nº. of active cases at end of last quarter	24
Nº. of cases cleared last quarter	14
Nº. of enforcement notices issued in April	0
Nº. of breach of condition notices issued in April	0
Nº. of planning contravention notices issued in April	0
Nº. of Temporary Stop Notices issued in April	0
Nº. of Stop Notices issued in April	0

