



Essex County Council

Development and Regulation Committee

10:30	Friday, 22 November 2019	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Matthew Waldie, Democratic Services Officer

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on 25 October 2019.	6 - 32
3	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
4	Minerals and Waste	

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|------------|---|------------------|
| 4.1 | <p>Wivenhoe Quarry Extension</p> <p>To consider report DR/34/19, 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.</p> <p>Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB</p> <p>Reference: ESS/17/18/TEN.</p> | 33 - 124 |
| 4.2 | <p>Halstead Anaerobic Digestion Facility</p> <p>To consider report DR/35/19, relating to the continued operation of the anaerobic digestion plant without compliance with condition 2 (approved details) and 4 (hours of operation) attached to permission ref. ESS/27/18/BTE to allow the installation of ancillary structures/tanks and deliveries to take place on Sundays and Bank/Public Holidays.</p> <p>Location: Land north of Bluebridge Industrial Estate, Halstead, Essex.</p> <p>Reference: ESS/69/19/BTE</p> | 125 - 143 |
| 4.3 | <p>Dollymans Farm Update</p> <p>To consider report DR/36/19, 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.</p> <p>Location: Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD.</p> <p>Reference: ESS/31/18/ROC</p> | 144 - 215 |
| 5 | Information Item | |
| 5.1 | <p>Applications, Enforcement and Appeals Statistics</p> <p>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/37/19.</p> | 216 - 217 |
| 6 | <p>Date of next meeting</p> <p>To note that the next meeting will be held on Friday 13 December, in Committee Room 1, County Hall.</p> | |

7 Urgent Business

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

Exempt Items

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

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

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

8 Urgent Exempt Business

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

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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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 D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 25 October 2019

Present:

Cllr M Hardware (Chairman)	Cllr M Garnett
Cllr J Aldridge	Cllr S Hillier
Cllr D Blackwell	Cllr J Moran
Cllr M Durham	Cllr A Wood

1 Apologies for Absence

Apologies were received from Cllr C Guglielmi, Cllr D Harris, Cllr M Mackrory and Cllr J Reeves.

2 Declarations of Interest

There were none.

3 Minutes

The minutes of the meeting held on 27 September 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

There were no public speakers.

Minerals and Waste

5 James Waste Management, Rochford

The Committee considered report DR/29/19 by the Chief Planning Officer.

Members noted the amendments set out in the Addendum.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of development
- Landscape and visual impact
- Environmental and amenity impact
- Airport safeguarding
- Highways

Cllr Wood left the meeting at 10:36 am, returning at 10:44 am.

Several issues were raised:

- It was noted that the management of birds, given the close proximity to the

Airport, fell within the requirements of the site's Environmental Permit. In the event of a problem, this would allow action to be taken by the Environment Agency, if required. The wildlife hazard management plan, proposed to be secured by planning condition, offered the Waste Planning Authority the opportunity to ensure measures proposed in this regard are also considered adequate from a planning perspective, in consultation with the Airport. The condition also allows the WPA to conduct its own reviews of such measures being undertaken on-site.

- With regard to groundwater run-off, it was confirmed that two underground water run-off tanks were proposed, with an additional tank to support the extension to the MRF. When full, these would be emptied and the contents treated as trade effluent. The Environment Agency has raised no objection to the proposed site drainage.
- The Fire Service were previously consulted, in terms of fire safety and water (hydrant) availability, when the main Materials Recovery Facility was determined. Further consideration, in terms of this proposal, would take place as part of Building Regulations. The Environmental Permit for the site also requires a fire management plan. It was noted that, within the yard, only soil and hardcore is proposed to be stockpiled in the open and these are not highly combustible. Any intention to change types of material handled or stockpiled on-site would require planning permission.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a unanimous vote of 7 in favour (Cllr Wood not voting), it was

Resolved

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application dated 30/08/2018, together with drawings titled 'Location Plan', drawing no. 1795/D001 (Revision v.c), dated 22 August 2018; 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019; 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019; 'New Building Elevation', drawing no. 1795/D005 (revision v.a), dated 23 August 2018; 'Proposed Skip Waste SL', drawing no. 1795/D006 (revision v.a), dated 22 August 2018; and 'Elevation Plan', drawing no. 1795/D007 (Revision v.c), dated 21 May 2019 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 development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies 1, 2, 5, 6, 10, 11 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1, ENV1, ENV11, T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM27, DM31 and DM32 of the Rochford District Council Development

Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

2. Within two months of the date of this permission a site layout plan and protocol for the management and storage of waste within the outside waste transfer station area shall be submitted to the Waste Planning Authority for review and approval in writing. The protocol shall seek to define where waste will be deposited, how it will be managed and stored until such time as the covered tipping area, as labelled on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, is constructed and trommel and sorting line moved. The development shall be temporarily managed in accordance with the details approved.

Reason: In view that operations are currently taking place from the site, that all elements of the planning permission may not be implemented, to ensure operations are undertaken safely with minimum disturbance and nuisance to local amenity and nearby business (including the Airport) and to comply with policies 5, 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

3. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total amount of material imported and processed shall not exceed 250,000 tonnes per annum. Without prejudice to the foregoing, the maximum amount of material handled as part of the outside waste transfer station shall be no more than 75,000 tonnes per annum. The operator shall maintain records of their monthly input and make them available to the Waste Planning Authority within seven days upon request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with policies 1, 5, 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

4. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total number of vehicle movements associated shall not exceed 146 movements per day (73 vehicle movements in and 73 vehicle movements out).

Reason: In the interests of highway safety and local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council

Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

5. The ground level of the site, and the level to which operations are permitted to be undertaken and the development hereby permitted is to be constructed, is to be 7.5m AOD, as confirmed by email from Aardvark EM Limited, dated 22/10/2018 (17:36).

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 submitted details, in the interests of the adjacent Airport and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

6. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to the Waste Planning Authority for review and approval in writing:
 - A site investigation and detailed risk assessment (based on the results of the investigation); an options appraisal; and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority for review and approval in writing detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it must be demonstrated that any proposed piling will not result in contamination of groundwater to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

10. No development associated with the extension hereby permitted to the Materials Recovery Facility shall take place until details of the proposed design, operation and management of the roller shutter doors on the elevation facing out towards the outside waste transfer area, as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, have been submitted to the Waste Planning Authority for review and approval in writing. The development shall subsequently be implemented in accordance with the details approved.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017);

policy CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

11. Waste brought onto the site shall only be deposited; processed/sorted; and/or stockpiled within the areas identified for such activities on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019. For the sake of clarity, the outside storage area, to the south of the Materials Recovery Facility, shall solely be used for the storage of baled recyclables.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

12. Only soil and hardcore is to be permanently stockpiled outside of the covered tipping area; or within the bays below the overhead sorting line. The aforementioned soil and hardcore stockpiles shall be located as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019 and shall be no higher than 5 metres when measured from adjacent ground level.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and avoid nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

13. Within two months of the date of this permission a scheme to net the soil and hardcore stockpile area, as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, shall be submitted to the Waste Planning Authority for review and approval in writing. The scheme subsequently approved shall be installed and thereafter maintained in perpetuity.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

14. The north-west corner of the site shall only be used for empty skip and

mobile plant storage, as per drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019.

Reason: This corner of the site is located within Southend Airport's Public Safety Zone. Any different or alternative use of this area has not been considered as part of this application and may not comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

15. Except for temporary operations* no crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

*As permitted by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision amending, replacing or re-enacting that Order under new title.

Reason: To protect nearby amenity from adverse impacts from such operations, to control waste processing operations and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); and policy DM32 of the Rochford District Council Development Management Plan (2014).

16. The car parking area as shown on drawing titled 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019 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 policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and T1 of the Rochford District Council Core Strategy (2011); and policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014).

17. No loaded HGVs shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity 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); and policy DM31 of the Rochford District Council Development Management Plan.

18. 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 and safeguarding local amenity 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); and policy DM31 of the Rochford District Council

Development Management Plan.

19. 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 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 ensure any such lighting proposed is fit for purpose and does not pose an issue for the nearby Airport, to minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM5 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

20. Within six months of the date of this permission details of a revised boundary treatment for the outside storage area, to the south of the Materials Recovery Facility, shall be submitted to the Waste Planning Authority for review and approval in writing. For the sake of clarity, it is expected that the details will define a boarded fence of a similar scale as that as existing or a or screen to sit inside the existing palisade fencing. The details subsequently approved shall be installed within three months and thereafter maintained in perpetuity.

Reason: 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 CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan.

21. Operations associated with the outside waste transfer station area, including vehicles entering or leaving the site, with the exception of the personnel visiting the site office building, shall be restricted to the following durations:
 07:00 to 17:00 hours Monday to Friday; and
 07:00 to 12:00 hours Saturday
 No operations shall take place on Sundays or 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 policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

22. Operations hereby permitted shall not cumulatively exceed a noise rating level of 5dB(A) above background. Any operations undertaken, when the outside waste transfer area is closed, between 17:00 and 07:00 within the building extension hereby permitted or within the site office shall not exceed (+0dB(A)) background.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

23. Within two months of the date of this permission a noise management and monitoring plan shall be submitted to the Waste Planning Authority for review and approval in writing. The plan shall detail:
- Survey locations and how robust daytime and night-time background noise levels at nearby sensitive uses will be established;
 - An updated model for on-site plant, once the proposed layout changes have been adopted;
 - Monitoring methodology, including details of proposed frequency, equipment set up and calibration, experience and qualifications of survey staff; parameters to be recorded and commentary on weather conditions appropriate for monitoring;
 - Procedures for characterising extraneous versus site attributable noise;
 - Complaint response protocols; and
 - Actions/measures proposed to generally reduce noise levels from the site (e.g. keeping roller shutter doors closed and the use of broadband reversing alarms, not tonal alarms) and actions/measures to be taken in the event of a temporary and/or prolonged exceedance of noise limits.

Reason: In the interests of limiting the effects on local amenity, to monitor and mitigate the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

24. Within two months of the date of this permission a wildlife hazard management plan shall be submitted to the Waste Planning Authority for review and approval in writing. The management plan shall include full details of measures proposed to limit bird attraction and the potential of (aircraft) bird strike but also cover over animals and pests. Measures proposed shall be based on that suggested in sections 6.8 and 6.9 of the 'Planning, Design and Access Statement', dated August 2018, submitted in support of the application. For the proposed monitoring of bird activity the plan shall include a template to show how a log will be kept of all inspections/monitoring undertaken and details of frequency and who will be responsible for undertaking such monitoring. The results of proposed inspections/monitoring shall be provided to both the Waste Planning Authority and Southend Airport on at least a quarterly basis and also be

made available to the Waste Planning Authority at any time upon request. The development shall subsequently be undertaken in accordance with the approved wildlife hazard management plan.

Reason: To ensure bird activity is appropriate monitored and measures are in place to limit and manage bird attraction, in the interests of the nearby Airport, and to ensure appropriate consideration and prevention of other animal and pest attraction at the site, in the interests of the amenity and general health and safety and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and ED1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

25. Notwithstanding any requirement for express planning permission, in the event that the building comprising the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) is permanently removed/demolished, and the extant permission either superseded or revoked, then the extension hereby granted (assuming this remains in-situ) is to also be demolished and removed from the site within twelve months*.

*For the sake of clarity this is twelve months from the date the extant planning permission for the MRF building is either superseded or revoked.

Reason: The adjacent/adjoining Materials Recovery Facility building has been a key consideration with regard to the acceptability of the size of the building extension, included as part of this application, from an Airport safeguarding perspective. Should this be removed, this application would no longer represent an extension but a standalone building. Furthermore, in isolation, the extension may pose a hazard to the Airport and as such may no longer comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

26. In the event that the outside waste transfer station area is subsequently sub-divided, leased or sold with the effect that the site is no longer operated in complete association with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC or any variation subsequently agreed to these permissions) then the use as permitted by this permission shall cease to exist.

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 submitted details and that any alternative (waste or other) use of the site can be appropriately considered from a land use and policy perspective in the future.

Informative

1. Given the close proximity to Southend Airport, the applicant is advised to fully co-operate with the Airport and in the event of issue unhindered access to the site should be provided for auditing purposes.
2. If a crane or piling rig is required to construct the proposed development, or at any point post construction, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may also require full coordination with the Airport Authority. Prior to construction of the development, or the use of a crane, contact should therefore be made with the Airport Authority. Crane applications should be directed to: sam.petrie@southendairport.com / 01702 538521.

6 Newport Chalk Quarry, Newport

The Committee considered report DR/29/19 by the Chief Planning Officer.

It was noted that the original application had been approved by the Development and Regulation Committee in April 2019, subject to certain conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). There was a requirement for this legal agreement to be finalised within six months of the resolution; this had not yet happened, although it hoped this would be achieved shortly. Consequently, the applicant was requesting a three-month extension from the original 26 October deadline.

There being no points raised, the resolution was proposed and seconded. Following a unanimous vote of 8 in favour, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 3 years. 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: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no.1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no.1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom, drawing no. Gen./03 v3, dated 23/11/2016 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 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 to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, 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 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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 policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

6. The total number of heavy goods vehicle movements* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and
40 movements (20 in and 20 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 Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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 Mineral 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 Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. 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 all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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 Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

10. Only non-contaminated inert waste 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 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, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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 waste 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, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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 policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) 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 policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Chalk Farm: 52dB LAeq 1hr
Bowker Close: 45dB LAeq 1hr
Debden Road: 51dB LAeq 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of

the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road 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 policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. 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 Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have 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 and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working

practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;

- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

19. 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. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

20. 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 scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). 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 Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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

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

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

Reason: To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

23. No existing topsoil or subsoils shall be removed from the site.

Reason: To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. 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, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:

- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.
- Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
- Monitoring shall be carried out in accordance with the timetable within the approved scheme.
- The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures,

including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.

- Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority no less than annually, in accordance with the timetable contained within the approved scheme.
- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

***Reason:** To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

26. 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 include, 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.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- 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.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or 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.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies

proposed and details of recording for work undertaken.

- A written report summarising the final strategy and highlighting any minor changes 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 undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

29. 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 detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the

submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

30. 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 or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

31. 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 details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; 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 Widdington Road 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 S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;

- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan 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 conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure 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 S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk 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 to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

34. 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 Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

7 Kendall Primary School, Colchester

The Committee considered report DR/31/19 by the Chief Planning Officer.

Members noted the amendments set out in the Addendum.

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:

- Need
- Policy Considerations
- Design
- Impact on Natural Environment.

Several issues were raised:

- There was some concern over the security of the cycle store, being by the main entrance, away from the main part of the school. It was confirmed that the main gate would be locked during the day, the area had lighting, and the perimeter fence was 2 metres high
- In response to concerns that some children would cycle or scoot down the ramp, it was confirmed that cycles and scooters would have to be left at the cycle store
- It was suggested that there was a potential for congestion where the steps and ramp converged; but it was pointed out that it was preferable to having cyclists use the internal roadway
- The gradient of the ramp was quite steep, at 10%, but it had been designed according to building regulations and would be constructed using non-slip materials. The applicant could be asked to ensure appropriate signage was used. Regarding the potential hazards of icy conditions, the school should manage these in the same way it would the main vehicular access road; however, this particular issue would be raised with the applicant.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a unanimous vote of 8 in favour, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 3

years from the date of this permission.

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 CC/COL/68/19 dated 10 September 2019 and validated on 13 September 2019 together:
 - Design and Access Statement
 - Ecological Survey prepared by Hybrid Ecology Ltd – 30 August 2019
 - Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref 560) dated 12 September 2019

and Drawing Numbers:

- 1583/12 Rev A Proposed Elevations 09/19
- 1583/13 Proposed Cycle Shelter September 2019
- 1583/11 Rev C Proposed Layout 09/19
- 1583/10 Rev B Existing Layout 09/19

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy DP1 (Design and Amenity), Policy DP17 (Accessibility and Access) and Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy DM15 (Design and Amenity), Policy DM21 (Sustainable Access to Development) and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

3. The development hereby permitted shall be carried out in accordance with the details in the Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref: 560) dated 12 September 2019.

Reason: *In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

4. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological

Survey prepared by Hybrid Ecology Ltd dated 30 August 2019 and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and allow the County Planning Authority 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 s17 Crime & Disorder Act 1998 and in accordance with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

5. Within 1 month of the date of this permission a landscape scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, numbers, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 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 DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

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 DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

7. Prior to the construction of the slab level of the access ramp hereby permitted a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the County Planning Authority. The Strategy should

include:

- Purpose and conservation objectives for the proposed enhancement measures
- Detailed design to achieve stated objectives
- Locations of proposed enhancement measures shown on appropriate maps and plans
- Persons responsible for implementing the enhancement measures
- Details of initial aftercare and long-term maintenance (where relevant)

The development hereby permitted shall be implemented in accordance with the approved plan.

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 Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.

8 Enforcement of Planning Control

The Committee considered report DR/32/19, updating members of enforcement matters for the period 1 July to 30 September 2019 (Quarterly Period 2).

The Committee NOTED the report

9 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/33/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report

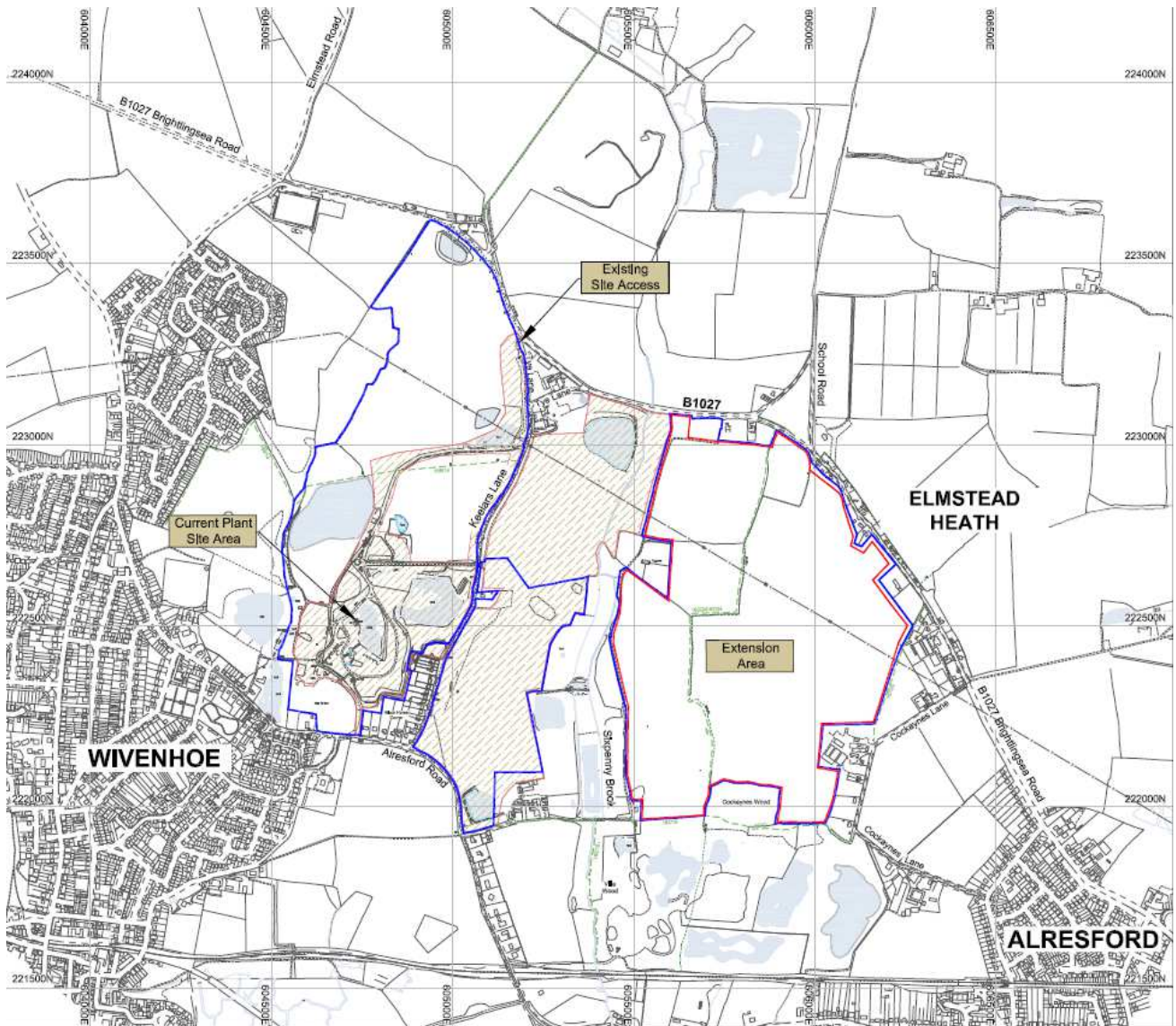
10 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 22 November 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:11 am.

Chairman

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/043/19/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 on 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 112 movements per day for imported materials.

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 on B1027 and this may increase if the existing access closes.	The unofficial layby in the vicinity of the 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	See appraisal.

12pm on Saturdays.

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 TDLP Policy QL11.

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 3 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

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, materials importation and restoration 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.

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

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.

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 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;
- 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.

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>

development, any proposals shall include suitable measures for landscape conservation and enhancement.		
<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>	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.	The policy is considered to be consistent with the aims of the NPPF.
<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:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>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);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the</p>	The policy is considered to be consistent with the aims of the NPPF.

<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>

<p>on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.</p>	<p>applications. Natural England has issued standing advice on protected species.</p>	
<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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Report to: DEVELOPMENT & REGULATION (22 November 2019)	
Proposal: MINERALS AND WASTE DEVELOPMENT Continued operation of the anaerobic digestion plant without compliance with condition 2 (approved details) and 4 (hours of operation) attached to permission ref. ESS/27/18/BTE to allow the installation of ancillary structures/tanks and deliveries to take place on Sundays and Bank/Public Holidays	
Ref: ESS/69/19/BTE	Applicant: Biogen
Location: Halstead Anaerobic Digestion Facility, Land north of Bluebridge Industrial Estate, Halstead, Essex	
Report author: Chief Planning Officer (County Planning and Major Development)	
Enquiries to: Tom Sycamore Tel: 03330 321896 The full application can be viewed at: https://planning.essex.gov.uk	



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1. SITE & BACKGROUND

Halstead Anaerobic Digestion (AD) Facility is located on Bluebridge Industrial Estate, which is to the east of Halstead in Braintree. The site is located to the north of the Estate with access provided from Third Avenue.

The northern and eastern boundaries of the site are well screened by existing vegetation, with open fields further beyond. To the immediate west of the site are two further industrial yards/buildings. The closest residential properties to the site are located to the west and south-west on Colchester Road and Fenn Road some 250m away (as the crow flies).

The site is not located within a 'sensitive area' as defined by the EIA Regulations.

The 1.36ha AD plant forms part of a larger area of land (north of Fifth Avenue) which was first granted (outline) planning permission in 2007 for 'Proposed Industrial Development' (Braintree District Council ref: 07/00681/OUT). The AD plant was constructed following the grant of full planning permission (ref: ESS/25/10/BTE) by Essex County Council as the Waste Planning Authority in March 2011.

With respect of the above, the facility and permission has been subject to a number of amendments/variations since permission was first granted including application ref: ESS/28/13/BTE which sought amendments to the design of the facility and parking areas; application ref: ESS/04/15/BTE which sought amendments to hours of working on eight Saturday occasions and to remove the external cladding of the engine building; and application ref: ESS/27/18/BTE which sought amendments to hours of working by allowing operations to commence at 07:00am Monday to Saturday as well as removing the restrictions on the waste catchment area. To confirm, ESS/27/18/BTE is the current extant permission for the site and is the permission which this application seeks to vary.

2. PROPOSAL

This application seeks to vary two conditions attached to the extant planning permission for the site. The two conditions to which this application relates are condition 2 (approved details) and condition 4 (hours of operation).

As existing, condition 2 details all documents previously approved and this application seeks to amend this to allow approval of revised drawings accommodating a number of ancillary structures. These include:

- i) A primary cylindrical gas scrubber tank measuring 7.5 metres in height and 2.5 metres in diameter, and subsidiary gas scrubber tanks measuring 3.7 metres in height and 1.6 metres in diameter and 2.75 metres in height and 1.25 metres in diameter.
- ii) Two cylindrical Regal tanks, horizontally-mounted and measuring 7.0 metres in length, 3.0 metres in diameter and 3.5 metres in height above ground

level.

For reference, the aforementioned have already been installed on-site and are active in use.

As existing, condition 4 restricts operations, including vehicles entering or leaving the site, to the following times:

- 07:00 to 18:00 hours Monday to Friday;
- 07:00 to 12:00 hours Saturday
- 12:00 to 16:30 hours Saturday following a Bank or Public Holiday (one Saturday per bank or public holiday) for up to a maximum of 15 RCVs/HGVs (30 movements)

And shall not take place at any other time or on Sundays or Bank or Public Holidays (other than permitted above), except for the treatment of waste which may take place on a 24 hour basis.

This application seeks to amend the above condition to allow operations to additionally take place between the hours of 08:00 to 16:00 on Sundays and Bank or Public Holidays for up to a maximum of 11 RCVs/HGVs (22 movements).

To confirm, no other change/amendment to existing permission is proposed as part of this application in terms of the volume of waste throughput, number of vehicle deliveries or type of material accepted.

3. POLICIES

The following policies of the Essex and Southend-on-Sea Waste Local Plan (2017), Braintree District Local Plan Review (2005) and Braintree District Core Strategy (2011) provide the development plan framework for this application. The following policies are of relevance to this application:

ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN 2017 (WLP)

Policy 1 - Need for Waste Management Facilities
Policy 2 - Safeguarding Waste Management Sites & Infrastructure
Policy 10 - Development Management Criteria
Policy 12 - Transport and Access

BRAINTREE DISTRICT LOCAL PLAN REVIEW 2005 (BLPR)

RLP36 – Industrial and Environmental Standards
RLP54 – Transport Assessments
RLP62 – Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP63 – Air Quality
RLP75 – Waste Reprocessing Facilities

BRAINTREE DISTRICT CORE STRATEGY 2011 (BCS)

CS4 – Provision of Employment
CS8 – Natural Environment and Biodiversity

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).

Essex County Council undertook a compatibility exercise in September 2018 to confirm policies within the WLP remain up to date and consistent with the NPPF. The level of consistency of the policies contained within the BLPR and BCS is considered in the appraisal section of this 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.

On 9 October 2017 Braintree District Council, together with Colchester Borough Council and Tendring District Council, submitted their Local Plans and

accompanying documents to the Planning Inspectorate.

Due to strategic cross-boundary policies and allocations Braintree, Colchester and Tendring'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).

The Session 1 Plan examination began in October 2017 and hearing sessions were held in January and May 2018. After considering all the evidence and representations and the discussion at the hearing sessions the Inspector wrote to Braintree District Council, Colchester Borough Council and Tendring District Council on 8 June 2018 identifying aspects of the Section 1 Plan and its evidence base which were considered to require significant further work.

The three Councils have carried out further work on the evidence base to support the emerging Plan. Public consultation on this work ran from 19 August 2019 until 30 September 2019.

The requirement for this further work on Section 1 has resulted in delays to the examination of Section 2 which deals with 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 limited in light of the delay to the EiP.

BRAINTREE PUBLICATION DRAFT LOCAL PLAN 2017 (DLP)

LPP3 – Employment Policy Areas

LPP44 – Sustainable Transport

LPP73 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

4. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – Any comments received will be reported.

ENVIRONMENT AGENCY – No objection.

Variation to Condition 2 – No comments or concerns, providing that the bund continues to maintain the appropriate containment to provide the minimum required secondary containment, as originally designed. The tanks are located lower down in the bund area surrounded by larger tanks. Do not envisage any issues arising from a visual aesthetic perspective.

Variation to Condition 4 – Concerns regarding odour and the impact on sensitive receptors potentially arising from the variation to Condition 4 (hours of operation). The site is currently a poor performing site due to the number of odour reports received. Since 1 October 2018, 89 reports regarding odour have been received. Waste acceptance may be a contributing source of odour. We note that the applicant has outlined a need to 'smooth out' kerbside collections, however, as this is a poor performing site of public interest there is the potential for an increase in odour reports. Through the process of receiving deliveries throughout the week including weekends and Bank Holidays, there is the prospect of greater impact to neighbouring sensitive receptors if they lose the one day break in operation

movements. It is considered the proposal risks increasing the impacts of the development, in particular odour, and recommend you take this in to consideration when determining the application.

NATURAL ENGLAND – No comments to make.

RINGWAY JACOBS (NOISE) – No objection. The Noise Impact Assessment (NIA) considers the increase in noise levels due to the addition of increased HGV movements. It is assumed that no other sources would change their operations due to the importation of waste of these additional days. Would recommend the inclusion of relevant planning conditions to ensure traffic movements do not exceed those modelled and to ensure noise limits and monitoring requirements mirror the extant planning permission. The extended hours should apply to HGV movements only.

PLACE SERVICES (LANDSCAPE) – No objection. Highlight the need to ensure there is a mechanism for monitoring the management of the planting carried out under condition 9 of ESS/27/18/BTE. May be advisable to reimpose a landscape management condition requiring an updated statement. The approved management statement was dated 2013 so is likely to need updating. Site plan refers to tree planting on northern boundary but this appears outside applicant's ownership so may not be feasible.

ESSEX HIGHWAY AUTHORITY – No comments to make.

HALSTEAD TOWN COUNCIL – Object, as unacceptable working hours impacting on nearby residents.

LOCAL MEMBER – BRAINTREE – HALSTEAD – Any comments received will be reported.

5. REPRESENTATIONS

153 properties were directly notified of the application. The application was also advertised by way of press advert and site notice. Two letters of representation have been received. These relate to planning issues, summarised as follows:

Observation	Comment
Additional noise pollution.	See appraisal.
Increased volume of traffic on Sundays and Bank Holidays.	See appraisal.
Increased potential for odour pollution.	See appraisal.
Frequently report odour nuisance to the EA. It is still unclear from the information received whether there are any health issues related to the pollution currently freely flowing into the air from the site.	Noted. Appears that information has been requested from the Environment Agency and discussions are ongoing pursuant to pollution and its control under the remits of the environmental permit.
There is currently odour nuisance every single day. Weather dictates who	See appraisal

experiences odour nuisance each day.	
This application could serve as a stepping stone to increase volume of input/production in the future.	This application is to be considered on its own merits. Determination cannot be influenced by any potential future plans.
The site should never have been built where it is.	The principle of an AD facility on this site was established when planning permission was first granted in 2011.

6. APPRAISAL

The key issues for consideration are:

- Principle of Development
- Noise impact
- Odour impact
- Highways impact

PRINCIPLE OF DEVELOPMENT

The principle of an AD facility on this site was established when planning permission was first granted in 2011. The site is located on the Bluebridge Industrial Estate which is allocated as an Area of Search within the Essex WLP. It forms the eastern part of a wider area which has the benefit of outline planning permission (07/00681/OUT) for industrial development within Use Classes B1, B2 and B8. Policy 1 of the WLP relates to the need for additional waste management facilities and identifies a shortfall in capacity of up to 218,000 tonnes per annum by 2031/32 of biological treatment for non-hazardous organic waste (with this site operating at full capacity). Accordingly, the WPA is keen to retain this and other facilities handling this waste stream and facilitate the full utilisation of permitted capacity in context of the identified shortfall and need. The supporting text to Policy 2 of the WLP outlines that all permitted waste development (this site included) are safeguarded through Waste Consultation Areas. Without a safeguarding policy, needed facilities or sites required to achieve a sustainable distribution of waste management facilities could be lost to other development.

In light of the above, no land use objection is raised. The existing footprint of the site would remain. The application seeks to vary condition 2 of extant planning permission ESS/27/18/BTE by accommodating additional tanks to the approved drawings and plans which are already erected onsite. The first of which is a primary cylindrical gas scrubber tank measuring 7.5 metres in height and 2.5 metres in diameter, and subsidiary gas scrubber tanks measuring 3.7 metres in height and 1.6 metres in diameter and 2.75 metres in height and 1.25 metres in diameter.

The purpose of the tanks is to remove siloxane contaminants in the biogas arising from the anaerobic digestion process, enabling gas engines to operate as if fuelled by natural gas. The primary scrubber tank is constructed in a smooth steel with a shallow domed top and is finished in a green coating. The two smaller subsidiary tanks are finished in black. All three tanks have been installed in a central location

within the site and are surrounding by other operating tanks. The tanks are of a shorter height than the post-digestion tank and buffer tank adjacent.

As well as the aforementioned tanks, this application also seeks the addition of two cylindrical 'Regal' tanks, horizontally-mounted and measuring 7.0 meters in length, 3.0 metres in diameter and 3.5 metres in height above ground level. The purpose of these tanks is to temporarily hold treated digestate after pasteurisation and before the digestate goes forward to the holding tanks. The tanks are constructed in a smooth steel with shallow domed ends and are finished in a black coating.

All the above tanks have been built on a concrete impermeable surface within a retaining bank that surrounds all existing tanks within the site, meaning they are all at a lower ground level than the surrounding terrain, thus largely unseen from external views from outside the site. The northern and eastern boundaries of the site are well screened by existing vegetation, with open fields further beyond. In context of the site as an existing anaerobic digestion plant already containing tanks, it is considered that the addition of the above tanks would not significantly alter existing views of the site from outside the site.

As such, the layout is not considered to conflict with Policy CS4 of the BCS or Policy LPP3 of the DLP.

NOISE IMPACT

Concerns have been raised around the potential for increased noise pollution as a result of this application. As alluded, the nature of the site use/activity is not proposed to change. It is considered that the additional development of the tanks would aid operation of the plant and its functionality. No change is proposed to the overall anaerobic digestion process or site throughput, albeit this application, if approved, would allow operations to be carried out between the hours of 08:00 and 16:00 on Sundays and Bank or Public Holidays. Other than the movement of delivery vehicles, there is no proposed increase or change in noise from the site or fixed plant nor in the volume of food waste throughput at the plant.

Employment and/or industrial areas are designated to allow uses to operate without undue restrictions. Accordingly, hours of operation conditions are usually difficult to impose on the basis that land use-wise the area has been allocated/designated to specifically support such needs. The additional vehicle movements proposed on a Sunday and Bank Holiday would be a maximum of 22. The submitted noise assessment found that the Sunday and Bank Holiday baseline traffic flows on the A1124 (600m west of the access point to the industrial estate) are likely to be approximately 8,976 vehicle movement including 162 HGVs. It is considered that the addition of 22 vehicle movements would not adversely affect the noise environment that currently exists in the area, and any resulting noise impacts to residential properties would be negligible.

Accordingly, the proposal is considered to adhere to WLP Policies 10 and 12, BLPR Policies RLP62, RLP75 and RLP36, BCS Policy CS8 and DLP Policy LPP73.

ODOUR IMPACT

Concerns have been raised around the potential for increased odour impact as a result of the proposal. The AD process, in itself, has the potential to give rise to odour and air quality issues. However, conditions on the extant planning permission do control the type of waste that enters the site, and odour is further controlled through the site Environmental Permit issued by the Environment Agency. In respect of the proposed tanks, they are fully sealed and support the effective operation of the plant and are thus beneficial from an odour management perspective.

The proposed additional 11 vehicles per day are not considered to give rise to any significant increase in odour pollution or air quality issues considering the scale of the existing operation and the surrounding use of the area as a functioning industrial estate.

The main concern lies in the fact that there would be the prospect of a greater impact to the neighbouring sensitive receptors if they lose the one day break to site operation movements. The Environment Agency have commented that the proposal risks increasing the impacts of the development, in particular odour. The proposed variation to condition 4 seeks to allow some deliveries of food waste to the site on Sundays and Bank Holidays to smooth out the frequency of deliveries and avoid surfeits and shortages of food waste occurring. Without the regular flow of food waste into the site, these surfeits and shortages can affect the plant's odour management performance. The amount of waste to be imported into the site would not change compared to the existing weekly amount authorised. By allowing waste to be imported seven days a week, less material would also be imported Monday to Saturday, which in turn would result in less standing waste in the input hall during these days.

The applicant has suggested that the current Sunday and Bank Holiday closures compel the providers of food waste to retain the waste for longer periods of time over the weekend before it can be delivered. Stockpiled food waste degrades over time which in turn leads to increased odour emissions. Sunday and Bank Holiday opening would enable providers to deliver food waste in a less degraded form and for the waste to be processed without delay, thus contributing towards a reduced propensity for odour on a Monday morning when weekend deliveries would usually arrive.

After verbal communication with the Environment Agency, the site has reportedly had a long-term issue with odour complaints from residential receptors. However, since the applicant took over the site from the former company approximately one year ago, complaints have reduced considerably. Despite this, the facility remains a site of High Public Interest (HPI) due to its history. The Environment Agency are working closely with the applicant and the company recently implemented an Action Plan to assist in reducing odour concerns further. The issue of odour is covered by the Environmental Permit and the Environment Agency are the appropriate authority to control any odour issues. From this it is considered that the interaction between the applicant (operating company) and the Environment Agency should result in odour issues being adequately controlled and mitigated.

against throughout the week, as covered by the Environmental Permit, and therefore additional operation on a Sunday and Bank Holiday should not cause any adverse odour issues.

From a planning/land use perspective, especially as the site is located within a designated industrial area, the proposal is not considered unacceptable. NPPF Paragraph 183 states that *“the 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.”* In this case the Environment Agency are the appropriate authority to control any odour issues and as such it is considered that, in land-use planning terms, the proposal is not considered unacceptable.

The treatment of waste already takes place on a 24 hour basis at the site as part of the anaerobic digestion process. Currently, when food waste is delivered to the site, a shutter door is opened to admit the vehicle into the main food waste reception hall and closed immediately afterwards. The process is repeated to allow the vehicle to leave the building. The applicant has reinforced the management control of this procedure to ensure rigid compliance and promote odour containment. This process is proposed to continue on Sundays and Bank Holidays. With no change proposed in the number of deliveries per week, the number of times that the shutter doors would need to be opened per week would also remain unchanged. Extending authorised hours for vehicles importing food waste would not alter the operations that already take place onsite and it is considered that, in combination with positive working with the Environment Agency, the level of odour that currently exists at the site would not be increased as a result of this proposal.

Accordingly, it is considered that the proposal would be in accordance with WLP Policy 10, BLPR Policies RLP36, RLP62 and RLP63, BCS Policies CS4 and CS8, and DLP Policy LPP73.

HIGHWAYS IMPACT

The overall volume of operational traffic throughout the week is not proposed to be changed. That said, vehicle movements would, without prejudice, should planning permission be granted take place on Sundays and Bank Holiday. With regard to this, the submitted noise assessment found that Sunday and Bank Holiday baseline traffic flows on the A1124 (600m west of the access point to the industrial estate) are likely to be approximately 8,976 vehicle movements, of which 162 would be HGVs (1.8%). As a worst case scenario, the proposed extension of delivery hours would generate 22 additional HGV movements during the day assuming that all vehicles would arrive from the same direction. The overall change in road traffic on a Sunday would be an increase of 0.2%, with an increase in HGV percentage from 1.8% to 2.0%. The effect of additional private cars used by staff, and HGVs entering and exiting the site is considered to be insignificant.

The intensity and complexity of this impact is considered limited in context of the size of the facility and its location on an existing Industrial Estate. The Highway Authority has no comments to make on the proposal from a highway and

transportation perspective.

As such, it is considered that the proposal complies with WLP Policies 10 and 12, BLPR Policy RLP54 and DLP Policy LPP44.

7. CONCLUSION

In principle, there is no objection to the variations proposed in this application. The addition of the ancillary tanks is considered to be beneficial to the overall anaerobic digestion process which in turn would result in positive repercussions within the economic and social strands of sustainable development, as defined within the NPPF.

With regard to the proposed variation in operating hours, the WPA are mindful of the need position with regard to management facilities for this waste stream and as a safeguarded site is keen to see this site at optimum capacity. In combination with this, the site lies within the Bluebridge Industrial Estate Area of Search as per Essex WLP Policy 4. Proposals for waste management development in these areas will be supported in principle. Bluebridge Industrial Estate is also an Employment Policy Area within the BLPR and as such, restrictions on operating hours are generally deemed inappropriate.

From an environment and amenity perspective, the WPA does not consider that the variations proposed would give rise to unacceptable impacts that would warrant a refusal. The throughput and operational functioning of the site would remain unchanged. Accordingly, it is recommended that the amendments sought be approved.

8. RECOMMENDED

That 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 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]. To limit the impact of the site on local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan 2017 Policy 10, Braintree District Local Plan Review 2005 Policies RLP36, RLP62, RLP63 and RLP75 and Braintree District Core Strategy 2011 Policy CS8.

2. The development hereby permitted shall be carried out in accordance with the details of application ESS/25/10/BTE dated 05/07/2010 and supplementary information dated July 2010, as amended by details of application ESS/28/13/BTE dated 05/06/2013, comprising:
 - Application Form dated 5 June 2013
 - Drawing No 13005_05 Rev P3 dated 29/05/13
 - Drawing No 13005_06 Rev P3 dated 30/05/13
 - Drawing No 13005_07 Rev P3 dated 30/05/13

- Drawing No JBA 13/59-TS01 Rev B dated 30/05/13
- Drawing No JBA 13/59-01 Rev B dated 28/05/13
- Drawing No ESM.0000.A3. 0055.DWG Rev A dated 11/05/04
- Drawing No 0009A dated 18/05/2007
- Promap Site Plan 1:2500 A3
- Emails from Jeremy Elden dated 28 July 2010, 05 August 2010, 06 August 2010, 20 August 2010 17:22 and 19:46, 26 August 2010, 31 August 2010, 01 September 2010, 15 September 2010, 22 September 2010, 05 October 15:10 and 15:49, emails from Matt Clarke dated 07 July 2010, 02 September 2010 09:48 and 15:07, 03 September 2010, Letters from JMJ Planning dated 09 July 2013, 29 July 2013 and 30 July 2013
- Design and Access statement, received 07 July 2010 and updated June 2013
- Planning Statement, received June 2010 and updated June 2013
- Highways Traffic and Transport Statement dated 17 June 2010
- Landscape and Visual Impact Assessment dated February 2010 and updated June 2013
- Measured Works Schedule dated 28 May 2013
- Management Statement dated April 2013
- Aboricultural Implications Assessment dated October 2009
- Flood Risk Assessment dated May 2010
- Phase 1 Habitat Survey dated 04 October 2009
- Reptile Survey dated 05 October 2009
- Air Quality Assessment dated June 2010 and Wardell Armstrong Air Considerations Note
- Noise Assessment dated June 2010 and Wardell Armstrong Noise Considerations Note
- Site Check Environmental Risk Assessment dated 13 March 2007

AS AMENDED BY the details of application ref ESS/04/15/BTE:

- Planning Statement dated January 2015
- Planning Statement Appendix B (Ref: 9Y1594/M003/304299/Newc) 'Engine Building Noise Modelling'
- Planning Statement Appendix C (Ref: W&R/2325/Tamar) 'ECC Letter' dated 28 November 2014
- Emails from Tamar Energy dated 27 January 2015
- Drawing No HAL-CLA-DWG-GA-002 'General Arrangement of 2 x Jenbacher 416 Gas Engines & Associated Equipment' dated 20.11.13
- Drawing No HAL-CLA-DWG-GA-001 'General Arrangement of 2 x Jenbacher 416 and Associated Equipment' dated 21.08.13
- Drawing No J9370-GA01 'General Arrangement' dated October 2013
- Site Plan dated 7 July 2015
- Supplemental Information (Ref: 793-BS) dated 7 August 2017

AS AMENDED BY the details of application ref ESS/27/18/BTE:

- Application Form dated 29/08/2018
- Planning Statement dated August 2018

AS AMENDED BY the details of application ref ESS/69/19/BTE:

- Drawing No 1908.01 'Site Plan as Amended for S73', dated September 2019
- Drawing No 1908.02 'Sections as Amended for S73', dated September 2019
- Drawing No 1908.03 'Elevations as Amended for S73', dated September 2019

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 development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend on Sea Waste Local Plan Policies 1, 2, 10 and 12, Braintree District Local Plan policies RLP36, RLP54, RLP62, RLP63 and RLP75 and Braintree District Core Strategy policies CS4 and CS8.

3. No waste other than those waste materials defined in the application details referred in condition 2 shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

4. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations;
 - 07:00 to 18:00 hours Monday to Friday
 - 07:00 to 12:00 hours Saturday
 - 12:00 to 16:30 hours Saturday following a Bank or Public Holiday (one Saturday per bank or public holiday) for up to a maximum of 15 RCV's/HGV's (30 movements)
 - 08:00 to 16:00 hours on Sundays and Bank or Public Holidays for up to a maximum of 11 RCVs/HGVs (22 movements)

and shall not take place at any other time (other than permitted above), except for the treatment of waste which may take place on a 24 hour basis.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36, RLP62 and RLP75 and Braintree District Core Strategy Policy CS8.

5. The free field Equivalent Continuous Noise Level [LAeq,1 hr] at noise sensitive properties Bluebridge Cottages, Fenn Road, Cherry Tree Close and Westwood as indicated on drawing number ST11361-002 dated 22 February 2010 shall not exceed the following noise limits:

Bluebridge Cottages – 53.5 dB LAeq 1 hr during the daytime and 42 dB LAeq 1 hr during the night time,

Fenn Road – 64 dB LAeq 1 hr during the daytime and 37 dB LAeq 1 hr during the night time,

Cherry Tree Close – 53 dB LAeq 1 hr during the daytime and 42 dB LAeq 1 hr during the night time,

Westwoods – 47 dB LAeq 1hr during the daytime and 42 dB LAeq 1 hr during the night time.

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 interest of amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

6. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at noise sensitive properties: Bluebridge Cottages, Fenn Road, Cherry Tree Close and Westwoods as indicated on drawing number ST11361-002 dated 22 February 2010. 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 and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

7. All plant, equipment and machinery shall only operate during the hours permitted under Condition 4. 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 Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

8. The development hereby permitted shall be implemented in accordance with the External Lighting Strategy approved on (10/12/2013) of planning permission ref (ESS/28/13/BTE). The approved details of the (details

pursuant to condition 8 – lighting) are set out in the application for approval of details reserved by condition received (07/10/2013).

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

9. The development hereby permitted shall be carried out in accordance with Measured works schedule: Detailed soft landscape proposals' Revision B dated 28/05/13, 'Management Statement' Revision A dated April 2013, 'Arboricultural Implications Assessment/Method Statement' dated April 2013, statement entitled 'Planning permission ESS/25/10/BTE: Application to discharge condition 10: Supplementary information' dated 24 April 2013 and drawing numbers JBA 13/59-TS01 Rev B dated 30/05/13 and JBA 13/59-01 Rev B dated 28/05/13. The scheme shall be implemented within the first available planting season (October to March inclusive) or the first available planting season (spring and autumn) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 10 of this permission. Any amendments to the schemes approved under this condition shall only be implemented following submission to and approval in writing from the Waste Planning Authority.

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 Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Core Strategy Policy CS8.

10. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 9 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 Waste Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Core Strategy Policy CS8.

11. The development hereby permitted shall be implemented in accordance with the Site Access Road approved on (12/11/2013) of planning permission ref (ESS/28/13/BTE). The approved details of the (details pursuant to condition 11 – Site Access Road) are set out in the application for approval of details reserved by condition received (07/10/2013).

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 12 and Braintree District Local Plan Policy RLP36.

12. All vehicular access and egress to and from the site shall be from Third Avenue, as indicated on application drawing 'Promap Site Plan 1:2500 @ A3'. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 12 and Braintree District Local Plan Policy RLP36.

13. 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 interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

14. The parking areas indicated on plan 13005 05 Rev P3 dated 29/05/2019 shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP56.

15. The details of turning space, to allow Heavy Goods Vehicle to enter and leave the site in a forward gear, shall be carried out in accordance with application form dated 19 April 2013 and covering letter dated 19 April 2013 and drawing numbers 13001/T10 dated 16/04/13 and 13005_05 Rev P3 dated 29/05/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP75.

16. No unbound material shall be used in the surface finish of the site access road within 15 metres of its junction with the public highway.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Policy 12 and Braintree District Local Plan Policy RLP36.

17. 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 10 metres from the nearside edge of the carriageway.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy

10 and Braintree District Local Plan Policy RLP75.

18. The development hereby permitted shall be carried out in accordance with the details of means to prevent the discharge of surface water from the development onto the public highway as set out in the application form dated 19 April 2013 and covering letter dated 19 April 2013 and the letter from G H Bullard Associates dated 11 April 2013 as supported by the Flood Risk Assessment dated May 2010 (ref 122/2009 GLENDALE FRA), and as shown on drawing number 122/2009/11 Rev E dated 24/09/12 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and 12 and Braintree District Local Plan Policy RLP75.

19. The development hereby permitted shall be carried out in accordance with the details of external construction materials, finishes and colours as set out in the application form dated 19th January 2015, Supplemental Planning Information (Ref: 793-BS) dated 7 August 2017, Drawing No J9370-GA01 'General Arrangement' dated October 2013, Drawing No HAL-CLA-DWG-GA-002 'General Arrangement of 2 x Jenbacher 416 Gas Engines & Associated Equipment' dated 20.11.13, Planning Statement dated January 2015, and Drawing No HAL-CLA-DWG-GA-001 'General Arrangement of 2 x Jenbacher 416 and Associated Equipment' dated 21.08.13.

Reason: For the avoidance of doubt, in the interests of visual/landscape amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36 and RLP90 and Braintree District Council Core Strategy Policy CS7.

20. No more than 45,000 pa of waste shall enter the site. Records of the tonnages of material entering the site shall be kept by the operator and made available to the Waste Planning Authority within 7 days of a written request.

Reason: In the interest of protecting local amenity and highway safety and for compliance with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

21. The development hereby permitted shall be carried out in accordance with the details of the lowering of the ground level surrounding the digestion tanks as set out in the application form dated 19 April 2013 and covering letters dated 19 April 2013 and 24 April 2013 and drawing numbers 13005_04 dated March 2013 and 13005_5 Rev P3 dated 29/05/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: To limit the impacts on local visual amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36 and RLP90 and Braintree District Council Core Strategy Policy CS7.

22. The development hereby permitted shall be carried out in accordance with details of wheel washing facilities, turning and parking facilities for delivery and construction. Vehicles and employee parking as set out in the application form dated 19 April 2013 and covering letters dated 19 April 2013 and 24 April 2013, together with your statement entitled 'Planning permission ESS/25/10/BTE: Application to discharge condition 24: Supplementary information' dated 24 April 2013 and drawing number 13005_08 Rev P1 dated 25/04/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: To prevent the deposition of debris and the parking of vehicles associated with the construction of the development on the public highway in the interests of highway safety and for compliance with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

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 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

BRAINTREE – Halstead

Report to: DEVELOPMENT & REGULATION (22 November 2019)

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

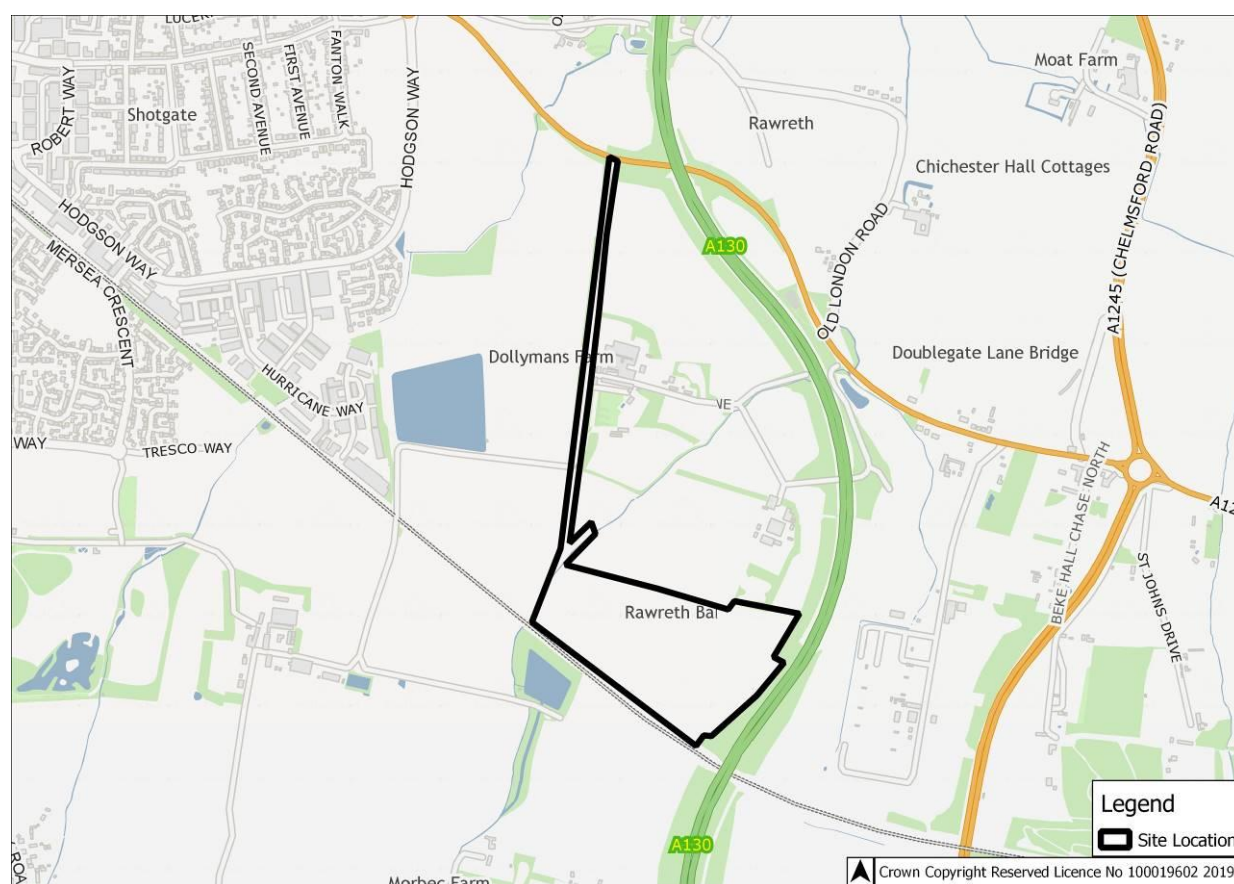
Applicant: Sewells Reservoir Construction Ltd

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 320943

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



1. BACKGROUND

This application was previously 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. Unfortunately this has not happened.

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 May committee meeting, discussions have been on-going 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 first draft of the agreement has however been recently finalised and this is due to be circulated to all parties involved. Assuming the draft is agreed by all, it is expected the agreement will be finalised for signing in the coming months.

The original six month period to complete/finalise the legal agreement expires on 24 November 2019. In the circumstances, a request has therefore been made for an extension to this period of an additional six 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 to consent to the extension as requested.

3. 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 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 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**

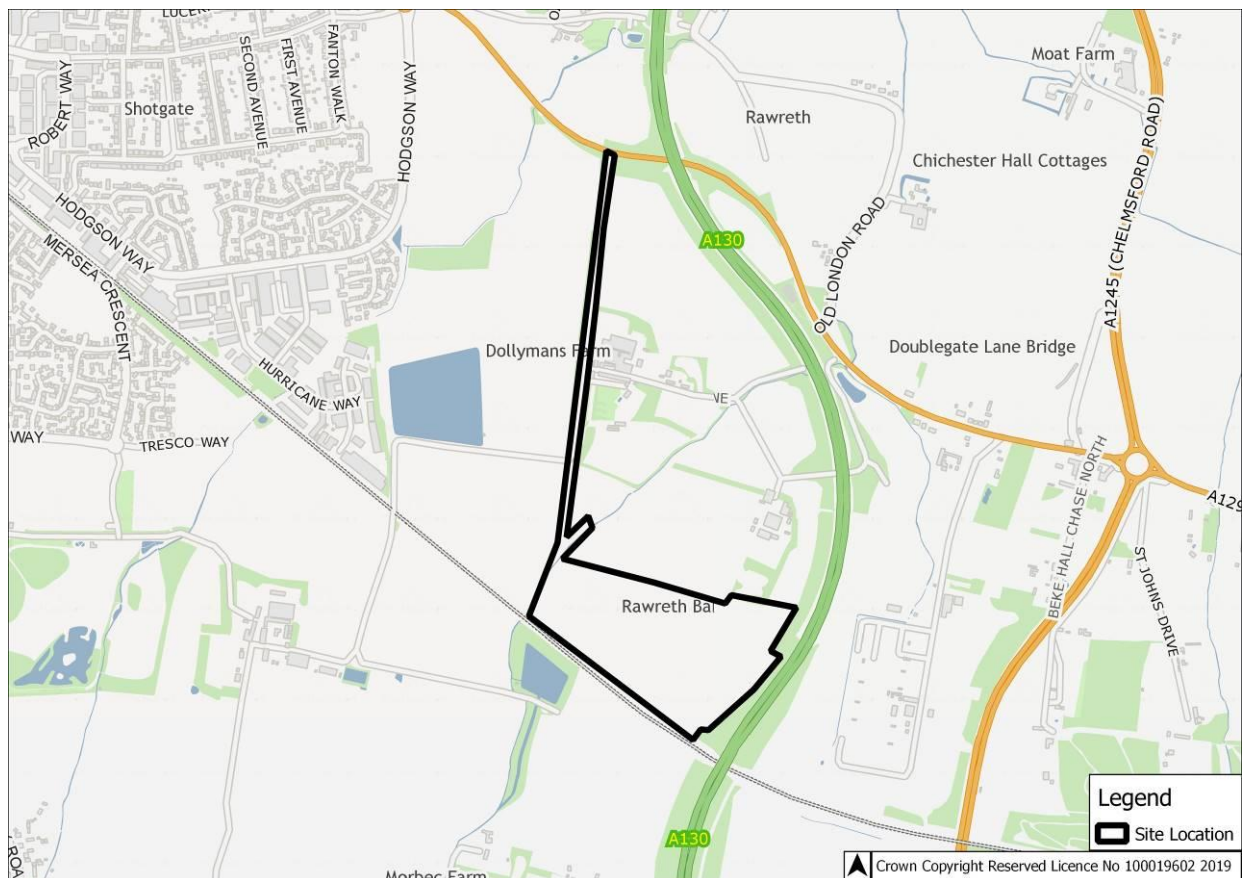
Ref: **ESS/31/18/ROC**

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.

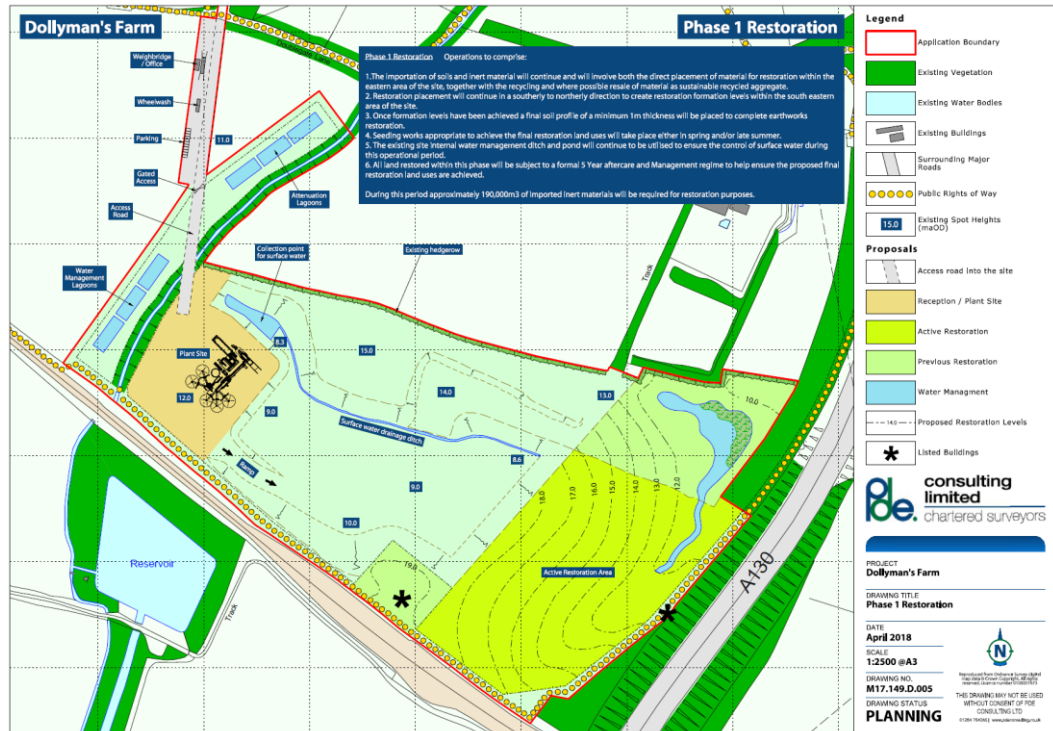
2. PROPOSAL

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.

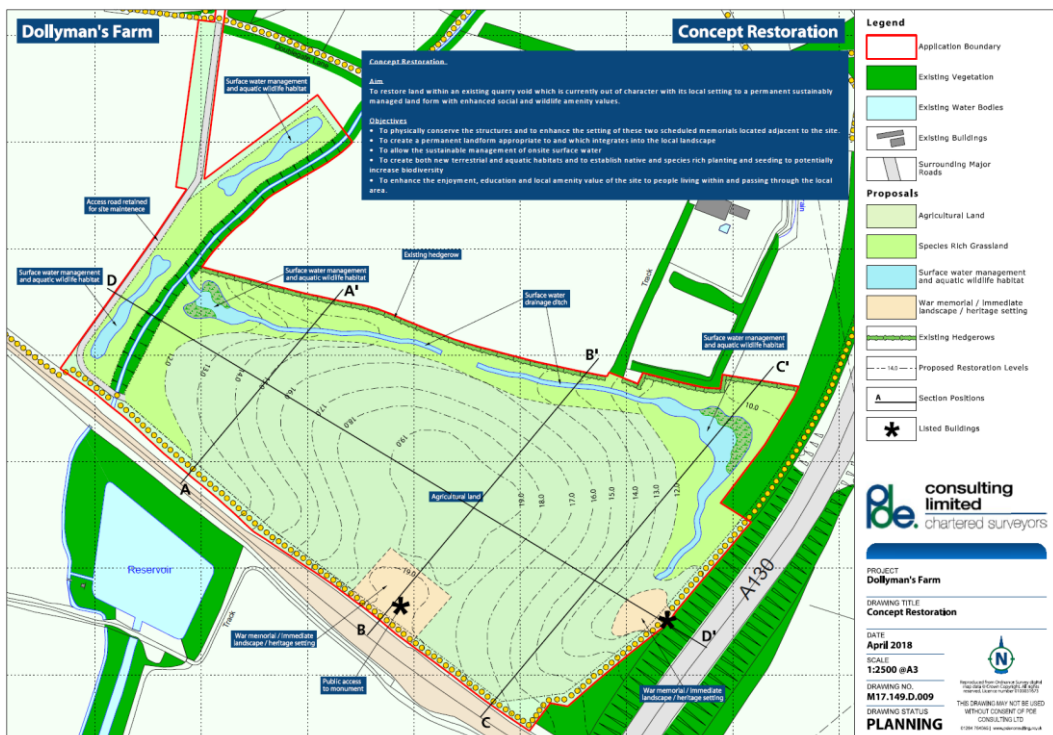
The applicant has suggested that the site would be worked in four main phases. Phase one would involve the establishment of the proposed temporary access; preparation of the plant area and reception, weighbridge and wheel wash along the access road; creation of the water management/attenuation ponds 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)
Croach 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.

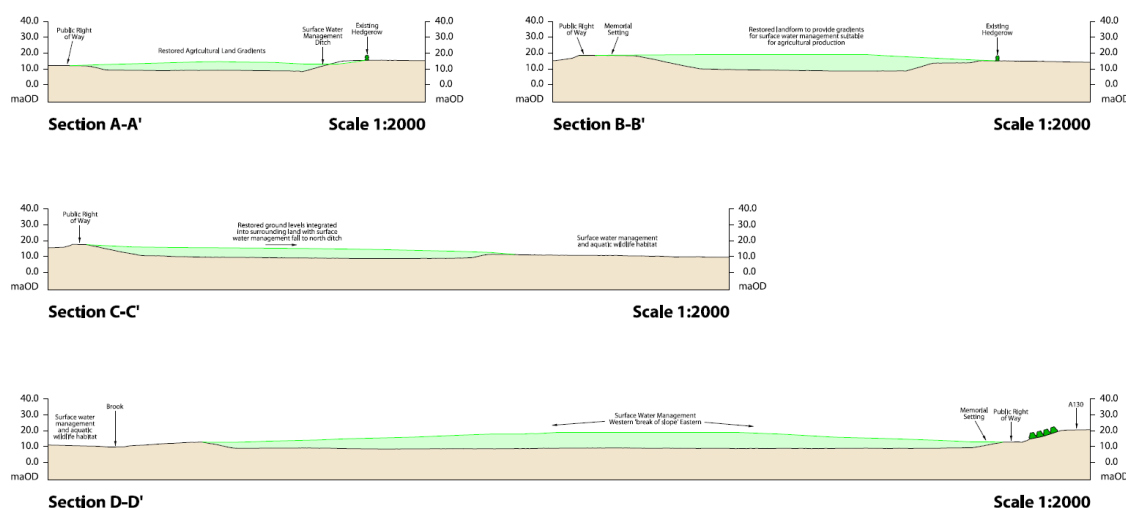
This is an important distinction as, as noted within an appeal decision relating to proposed engineering works (landraising) at a Green Belt site in the London Borough of Havering⁵, when an Inspector did not consider the site (Ingrebourne

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.

Restoration Sections – Drawing Number: M17.149.D.010, dated April 2018



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
Bersheda, 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 45.61l/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:

- 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

Report to: DEVELOPMENT & REGULATION (22 November 2019)
INFORMATION ITEM – Applications, Enforcement and Appeal Statistics
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: Emma Robinson – tel: 03330 131512 The 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 September

24

Nº. Decisions issued in October

2

Nº. Decisions issued this financial year

21

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 October

1

Nº. applications where Section 106 Agreements pending at the end of October

3

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 September

8

Nº. Decisions issued in October

2

Nº. Decisions issued this financial year

13

Nº. Delegated Decisions issued in October

1

All Applications

Nº. Delegated Decisions issued in October

2

Nº. Committee determined applications issued in October

2

Nº. of Submission of Details dealt with this financial year

91

Nº. of Submission of Details pending at the end of October

26

Nº. of referrals to Secretary of State under delegated powers in October

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of October

0

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

26

Nº. of cases cleared last quarter

19

Nº. of enforcement notices issued in October

1

Nº. of breach of condition notices issued in October

0

Nº. of planning contravention notices issued in October

0

Nº. of Temporary Stop Notices issued in October

0

Nº. of Stop Notices issued in October

0