



Essex County Council

Development and Regulation Committee

10:30	Friday, 27 January 2023	Committee Room 1 County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Emma Hunter, Democratic Services Officer

Telephone: 033301 36601

Email: democratic.services@essex.gov.uk

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		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	7 - 7
2	Minutes To approve the minutes of the meeting held on 25 November 2022.	8 - 14

- 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. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting.
- 4 Minerals and Waste**

To consider report DR/01/23 relating to:

- Proposed western extension to the current site using existing approved facilities (site access, plant site, mineral processing plant and other ancillary facilities); including for the diversion of the Burghey Brook; with restoration to arable land using imported inert restoration materials, and on-site materials in advance of the A12 road widening and improvement national infrastructure project
- Continuation of mineral extraction and ancillary use without compliance (for a temporary period ceasing upon the working and restoration of the western extension) with conditions 12 (HGV movements), 25 (mineral handling), 27 (restoration materials importation), and 35b (restrictions on permitted development rights) of planning consent ESS/40/18/BTE that was an earlier variation of conditions under planning consent ESS/10/18/BTE to now enable the importation of as raised sand and gravel from a proposed western extension to the site; the importation of inert materials (for use in the restoration of the proposed western extension); the inclusion of additional water lagoons on site; and a temporary increase in HGV movements to enable accelerated progression of proposed western extension restoration scheme to return the land to formation level in advance of the A12 road widening and improvement national infrastructure project
- Continuation of mineral extraction without compliance with: Conditions 4 (Approved Details); 11 (Plant Site Layout) and 55 (Restoration and Landscaping) and the Ecological Management Plan under the attendant Section 106 Agreement of Planning permission ESS/40/18/BTE that itself was a Variation of Condition permission that enabled increases in both annual throughput and HGV activity to now allow for re-phasing of the working and restoration; changes to the approved restoration concepts and management plans; and the establishment of an inert materials recycling facility, in advance of the A12 road widening infrastructural project

Location: Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall, Witham, Essex, CM8 3EX

Ref: ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE

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|------------|---|------------------|
| 5.1 | Report on the Programme of Periodic Review of Mineral Planning Permissions | 177 - 184 |
| | To update Members on the current status of the MPS's programme of Periodic Reviews of mineral planning permissions (also known as ROMPs) | |
| | Report DR/02/23 | |
| 5.2 | Enforcement of Planning Control Update | 185 - 192 |
| | To update Members on the enforcement of planning control. | |
| | Report DR/03/23 | |
| 5.3 | Applications, Enforcement and Appeals Statistics | 193 - 194 |
| | To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee. | |
| | Report DR/04/23 | |
| 6 | Date of Next Meeting | |
| | To note that the next meeting will be held on Friday 24 February 2023, in Committee Room 1, County Hall. | |
| 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.

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Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. The amended membership as shown below, in respect of the new Member Councillor M Stephenson
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
Councillor J Jowers
Councillor J Fleming
Councillor M Garnett
Councillor L Bowers-Flint
Councillor M Hardware
Councillor D Harris
Councillor B Aspinell
Councillor P Thorogood
Councillor R Moore
Councillor M Steptoe
Councillor M Stephenson

Chairman
Vice-Chairman

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 25 November 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr L Bowers-Flint
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr B Aspinell
Cllr A McGurran	Cllr M Hardware

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr Dave Harris, for whom Cllr Aiden McGurran substituted, and from Cllr Paul Thorogood.

(Post Meeting Note - although not at advised at the meeting it was subsequently confirmed that Cllr Jowers had submitted apologies).

Councillor Mike Garnett declared an interest in item 4.1 of the agenda (Minute 1) concerning the land between River Way and A1184 (Cambridge Road) as the site was in his division. Cllr Garnett considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor Mike Hardware declared an interest in item 4.1 of the agenda (Minute 1) concerning the land between River Way and A1184 (Cambridge Road) as he was the Cabinet Member for Strategic Growth at Harlow Council and the item was considering a strategic project to facilitate a road link in Harlow. Cllr Hardware did not participate in the discussion or vote on the item.

2. Minutes

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

3. Identification of Items Involved in Public Speaking

There were no public speakers.

4. Land between River Way and A1184 (Cambridge Road)

The Committee considered report DR/41/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 4, 5, 6 and 7.

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:

- Justification/Need
- Landscape and Ecology (including consideration of the Green Finger designation)
- Amenity
- Highways
- Other Issues – Heritage; and Flood Risk and Drainage

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

- Category C trees were trees which were healthy but had limited value.
- There would be a net increase in the number of trees as a result of the proposed landscaping design, in comparison to the number of trees required to be removed to facilitate the lorry park.
- Proposed Condition 6 prohibited the use of the lorry park by vehicles or cabs with operational ('on') refrigerated units at all times. It was noted that the current tenant usually parked these vehicles to front of the unit, where there was existing provision to park HGVs.
- Proposed Condition 6 also required HGV reversing alarms to be turned off within the lorry park during the night-time period. British Standard 4142 defined the night-time period as between 11pm and 7am. Proposed Condition 6 could be altered to require this to be between 10pm and 7am if Members considered this to be more reasonable.
- There was no provision for electric vehicle charging points. Members suggested that the applicant should consider future proofing the lorry park and installing electric vehicle charging points. An informative to this effect was proposed.
- An acoustic barrier was proposed to run alongside the edge of the HGV carpark to the west of the proposed vegetation. Installing an acoustic barrier on the eastern side of Cambridge Road would have limited impact as the properties affected were on a higher elevation. There was no acoustic fencing secured as part of the 2017 permission, which approved the main junction, and the eastern side of Cambridge Road was outside the red line area of this planning application. Members proposed an informative to encourage the applicant to reconsider the noise mitigation offer as part of the wider scheme.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the further discussed variation to Condition 6 and the two proposed informatives, was proposed by Councillor M Steptoe and seconded by Councillor J Fleming. Following a vote of 7 in favour, 1 abstention, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

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.

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 05/09/2022 and shown on drawings titled: 'Site Location Plan', drawing no. B3553A24-AD-3C-00-003 (Rev A.1), dated 02/09/22; 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22; and 'Long Section – North of River Way', drawing no. B3553A24-AD-3C-26-034 (Rev A.1), dated 06/09/22 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure 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 SD1 – Presumption in Favour of Sustainable Development, ED2 – Protecting Existing Employment Areas, WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, WE5 – Heritage, SIR1 – Infrastructure Requirements, PL1 – Design Principles for Development, PL2 – Amenity Principles for Development, PL5 – Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping, PL9 – Biodiversity and Geodiversity Assets, PL10 – Pollution and Contamination, PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems, PL12 – Heritage Assets and their Settings, PR1 – Development within Employment Areas, IN1 – Development and Sustainable Modes of Travel, IN2 – Impact of Development on the Highways Network including Access and Servicing and IN3 – Parking Standards of the Harlow Local Development Plan (2020).

3. The development hereby permitted shall be implemented in accordance with the submitted 'Cambridge Road 2022 Tree Impact Assessment and Tree Protection Plan, document dated 2 August 2022 (inclusive of drawing '2022 Tree Removal & Protection Plan', drawing no. B3553A24-AD-3C-35-008 (Rev A.1), dated 05/09/22) and 'Mitigation Plan for Protected Species' (Issue 2), dated 31 March 2021.

Reason: To conserve and enhance Protected and Priority species, to 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 to comply with policies WE3 – General Strategy for Biodiversity and Geodiversity, PL7 – Trees and Hedgerows and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

4. (a) No advanced works (including vegetation and bund removal) shall take place until a Construction Management Plan, covering this phase of the

development hereby approved, has been submitted to and approved in writing by the County Planning Authority; and

(b) No main works (the remainder of the scheme) shall take place until a Construction Management Plan, covering this phase of the development hereby approved, has been submitted to and approved in writing by the County Planning Authority.

The Plans to be submitted for each phase shall provide for (as appropriate):

- a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading Addendum Development & Regulation Committee 25 November 2022 and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
- b) wheel and underbody cleaning facilities;
- c) routing of vehicles;
- d) measures proposed to reduce the potential for amenity impacts or nuisance; and
- e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater

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

Reason: In the interests of highway safety and amenity, that construction works may lead to excess water being discharged from the site and to comply with PL10 – Pollution and Contamination, PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems and IN2 – Impact of Development on the Highways Network including Access and Servicing of the Harlow Local Development Plan (2020).

5. Prior to installation of the acoustic barrier fencing, the specification of fencing hereby approved, as part of this development, adjacent to Cambridge Road shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of any doubt, it is expected that the fencing specification will conform to the details outlined in the technical memorandum submitted with this application titled 'Cambridge Road Lorry Park, Harlow, Essex – Noise Study', dated 24 August 2022 and have absorptive rather than reflective qualities. The noise barrier fencing subsequently approved shall be installed in the location shown on the drawing titled 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22 prior to first beneficial use of the lorry park and thereafter maintained in perpetuity.

Reason: In the interests of residential amenity and to comply with policies PL1 – Design Principles for Development, PL2 – Amenity Principles for Development and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

6. Prior to first beneficial use of the lorry park, a noise mitigation management plan shall be submitted to the County Planning Authority for review and approval in writing. The plan shall seek to confirm (a) the prohibition of use of the lorry park hereby approved by vehicles/cabs with operational ('on') refrigeration units at any time; (b) the prohibition of use of reversing alarms during the night-time period (2200-0700hrs) within the approved lorry park; and (c) measures to internally monitor and enforce these restrictions. The management plan shall subsequently be implemented as approved.

Reason: In the interests of residential amenity and to comply with policies PL1 – Design Principles for Development, PL2 – Amenity Principles for Development and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

7. Prior to commencement of any landscaping works, a landscaping scheme (inclusive of all non-acoustic fencing and gates) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles shown on drawing 'Soft Landscape Design', drawing no: B3553A24-AD-3C-35-002 (Rev A.7), dated Sep 22. However, the revised scheme shall seek to consider recommendations made by Place Services in terms of species, mix and planting densities and also include further design detail of the gates proposed to the entrance and exit to the lorry park and fencing proposed around the northern car park area. The landscaping scheme shall subsequently be implemented within the timeframe outlined within the approved scheme.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to maintain a buffer between the development hereby approved and Cambridge Road and to comply and/or show consideration of policies WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL5 – Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

8. Any tree or shrub forming part of the 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 County Planning Authority.

Reason: In the interests of amenity of the local area, to ensure the landscaping is maintained as approved and accordingly the development screened and to comply and/or show consideration of policies WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL5

– Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

9. Prior to first beneficial use of the development hereby permitted, the lorry park and car parking area as shown on the drawing titled 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22 shall be laid out and clearly marked for the parking of appropriate vehicles. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety and to comply with policies ED2 – Protecting Existing Employment Areas, PR1 – Development within Employment Areas, IN1 – Development and Sustainable Modes of Travel, IN2 – Impact of Development on the Highways Network including Access and Servicing and IN3 – Parking Standards of the Harlow Local Development Plan (2020).

10. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. 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), in the interests of highway and airport safety, to minimise impact on light sensitive biodiversity and to comply with WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL2 – Amenity Principles for Development, PL9 – Biodiversity and Geodiversity Assets and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

Informatives

- No electric vehicle charging points are proposed or have been incorporated as part of the development hereby approved. Whilst it is acknowledged that technology does not currently exist for electric HGVs, the applicant is reminded that the provision of electric vehicle charging points would future proof the development/parking area.
- Whilst this application principally relates to a new parking area (not the new junction between Cambridge Road and River Way), the applicant is encouraged to consider a more comprehensive noise mitigation offer to

support the proposals as a whole, in-particular, potentially some form of noise barrier/fencing on the eastern side of Cambridge Road opposite the new junction.

5. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/42/22; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

6. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 16 December 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:12am.

DR/01/23**Report to:** DEVELOPMENT & REGULATION 27th January 2023**Proposal:** MINERALS AND WASTE DEVELOPMENT

- Proposed western extension to the current site using existing approved facilities (site access, plant site, mineral processing plant and other ancillary facilities); including for the diversion of the Burghey Brook; with restoration to arable land using imported inert restoration materials, and on-site materials in advance of the A12 road widening and improvement national infrastructure project
- Continuation of mineral extraction and ancillary use without compliance (for a temporary period ceasing upon the working and restoration of the western extension) with conditions 12 (HGV movements), 25 (mineral handling), 27 (restoration materials importation), and 35b (restrictions on permitted development rights) of planning consent ESS/40/18/BTE that was an earlier variation of conditions under planning consent ESS/10/18/BTE to now enable the importation of as raised sand and gravel from a proposed western extension to the site; the importation of inert materials (for use in the restoration of the proposed western extension); the inclusion of additional water lagoons on site; and a temporary increase in HGV movements to enable accelerated progression of proposed western extension restoration scheme to return the land to formation level in advance of the A12 road widening and improvement national infrastructure project
- Continuation of mineral extraction without compliance with: Conditions 4 (Approved Details); 11 (Plant Site Layout) and 55 (Restoration and Landscaping) and the Ecological Management Plan under the attendant Section 106 Agreement of Planning permission ESS/40/18/BTE that itself was a Variation of Condition permission that enabled increases in both annual throughput and HGV activity to now allow for re-phasing of the working and restoration; changes to the approved restoration concepts and management plans; and the establishment of an inert materials recycling facility, in advance of the A12 road widening infrastructural project

Ref: ESS/36/21/BTE;
ESS/51/21/BTE; and
ESS/98/21/BTE

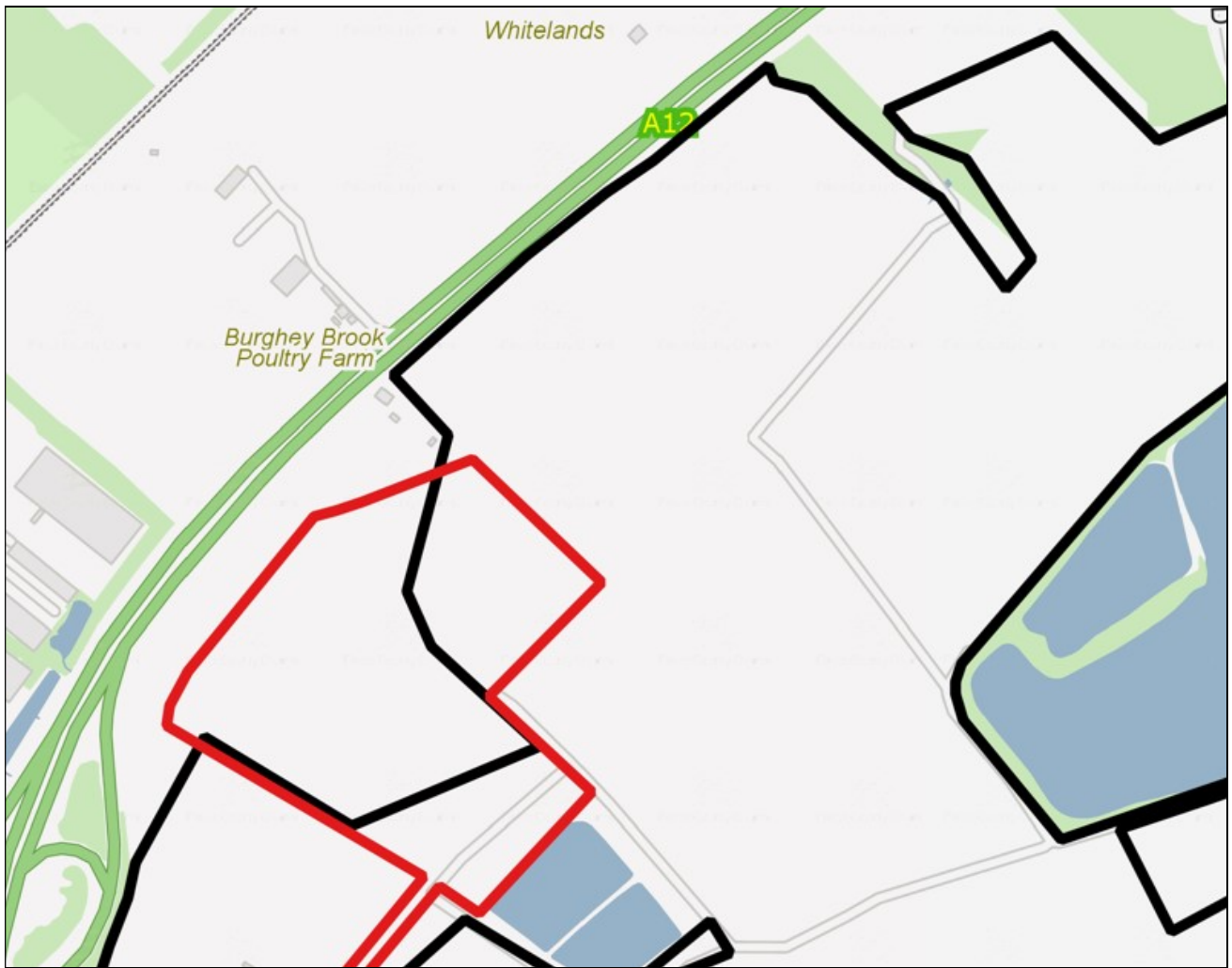
Applicant: Brice Aggregates Limited

Location: Land at: Colemans Farm Quarry, Little Braxted Lane, Rivenhall, Witham, Essex, CM8 3EX

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

Enquiries to: Terry Burns Tel: 03330 136440

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



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1. BACKGROUND AND SITE

Colemans Farm quarry was originally included as a preferred site for mineral extraction within the Minerals Local Plan 2014 (MLP) and a subsequent planning permission, ESS/39/14/BTE, was issued in June 2017 following completion of a Section 106 legal agreement.

This permission provided for the extraction of some 2.5 million tonnes of sand and gravel over a 17-year extraction period followed by a further year of restoration. Site activities triggering commencement of the planning permission began February 2017, with the construction of the main site bell mouth onto Little Braxted Lane.

The primary site access arrangement is, as alluded above, via a purpose-built entrance off Little Braxted Lane with vehicles required to turn left to access the A12 dual carriageway. A secondary HGV access, for "local deliveries" is available via an eastern site entrance situated off Braxted Lane.

The mineral was to be worked in a series of 12 phases with Phase 1 located within the central western half of the site. Subsequent phasing would then progress southwards working in an anticlockwise direction with final phasing ending in the north west corner of the site area just to the south of the A12 carriageway.

Top soil and subsoil bunding (screening) provision would take place along the northern site boundary during the early stages of the site's operational life.

Initial site commencement was delayed as a result of issues linking the internal haul road with the main site entrance because of realignment works to the haul road where it crossed two underground gas pipelines. Following a request, approval was forthcoming in September 2017 to relax the HGV routing provision from the site to allow use of the secondary access road for all site deliveries until 31st December 2017.

Delegated approval was granted in October 2017, ESS/45/17/BTE, for the retrospective and temporary retention, until 31st December 2017, of a mineral stockpile, the footprint of which comprised some 0.9 hectares of previously flat cultivated farmland located immediately adjacent the south-west corner of the Coleman's Farm sand and gravel site boundary. The stockpile was subsequently removed and the land restored and accommodated a grass ley.

Approval was granted in April 2018, ESS/65/17/BTE, following submission of an application seeking change of use of the land (formerly used for the earlier temporary stockpiling use) to accommodate stockpiling of as raised sand and gravel until April 2035 (in line with the extant mineral extraction programme for the main Coleman's Farm site).

Planning approval, ESS/10/18/BTE, was issued January 2019 for an internal re-phasing of the extraction areas to a more clockwise direction; restoration of the land; soil bund re-configuration and provision of a visitor car parking area.

Planning approval, ESS/40/18/BTE, was issued March 2020 for:

- An increase to permitted HGV activity from 29 loads per day to 75 loads per day;
- An increase in the tonnage limit from 150,000 tonnes per annum (tpa) to 225,000 tpa;
- The importation of other construction materials (either in as raised or processed form) for distribution to the market; and
- Variation in the plant site layout and erection and use of additional office accommodation.

Planning approval was granted, ESS/11/20/BTE, in June 2021 for the erection and use of a ready-mix concrete plant (RMX), with ancillary facilities using the existing site access, aggregates stocking and ancillary facilities on land within the south western corner of the land parcel identified above for the additional stockpiling area (ESS/65/17/BTE).

A retrospective application, ESS/95/21/BTE, for a revised site layout of the ready mix facility, was approved subject to completion of a Deed of Variation to the principal Section 106 Agreement for the quarry complex, in January 2022.

Arriving at the present date are the 3 applications, subject of this report. In chronological order of their submissions these applications seek:

- (i) A “western” extension partially within the already approved Colemans Farm complex boundary of additional mineral to avoid its sterilisation; the recovery of some 265,000 tonnes of mineral ahead of the National Highways (formally Highways England) anticipated A12 road improvement works which could see the realignment of part of the A12 through part of the Colemans Farm complex.

This application was accompanied by:

- (ii) The Variation of Condition (VOC) of the “mother” permission to allow appropriate dovetailing of the extant conditions to allow the working and restoration infilling of the western land within its traffic movements into the overall quarry complex’s working and restoration programme and overall time scales.

The third later application is for:

- (iii) The Variation of Condition (VOC) of the “mother” permission to allow importation of inert material through the life of the quarry together with the establishment of an inert materials recycling facility; re-phasing of the working programme and revisions to the approved restoration plan to now accommodate infilling of some of the proposed water bodies.

Site

Colemans Farm as previously approved comprised some 55.3 hectares of land. The north western boundary of the extant permission is the A12 dual carriageway,

whilst to the east runs Braxted Park Road. To the south west is Little Braxted Lane and to the south east lies agricultural land with the River Blackwater just beyond.

Traversing the southern half of the mineral permission land is Bridleway 29 (Rivenhall) linking Braxted Park Road and Little Braxted Lane.

The nearest residential properties are Coleman's Farmhouse (occupied by the applicant) approximately 250 metres east of the mineral extraction boundary with Coleman's Cottage beyond. Burghley Brook Cottages lie some 100 metres to the north of the extraction area.

The proposed "western extension land" sought under ESS/36/21/BTE lies within the north western corner of the extant complex overlapping part of the previously approved site boundary. Part of this area is however outside the original planning permission boundary albeit still within the overall applicant's land ownership boundary. The additional land comprises an agricultural field.

The background to applications ESS/36/21/BTE and ESS/51/21/BTE is the anticipated A12 road realignment programme. The applicant states that *"The proposals for the A12 enhancement being developed by HE [Highways England] and its partners envisage number of changes in junction numbers, a general widening of the carriageway, and the provision of an off-route realignment along part of the existing A12. The off-route realignment in proximity to Junction 22 runs through the site and across other areas under the applicants control within which sand and gravel deposits are in situ..."*

Relative to the operations at the site, the Preferred Route Announcement confirmed discussions with HE undertaken prior to the publication, that indicated that between Junctions 22 and 23, the A12 would be realigned on a route that passes through the northern elements of the site...and adjacent to the site where valuable sand and gravel reserves remain in situ.

A key component of the Preferred Route Announcement is to create a new Junction 22 removing the constraints associated with the current junction. The location of the new junction that will continue to be an all movements junction is proposed to be in the north west corner of the current site, the area west of approved phases of working and east of the plant site. The junction and attendant slip roads will require large areas for landscaping and grading to ensure a design and operation compliant with national standards.

Should the A12 proposals come to fruition, six notable changes would be generated by the realignment of the A12 relative to the operations at the site, as follows:

- a) there will be a need to establish a new primary access into the BAL [Brice Aggregates Limited – the applicant] site from the realigned A12 and/or its attendant connector roads into the site;*
- b) there will be a need to relocate the plant site and ancillary facilities currently in operation at the site;*
- c) there will be a need to ensure that the current void space under the preferred route area is restored to enable the realignment and construction of the A12 to proceed in a timely manner;*

- d) *there will be a need to remove any remaining minerals that are not sterilised by existing development in the preferred route area to ensure that these are not needlessly sterilised. Such an approach is consistent with national and local policy guidance.*
- e) *the construction of the A12 along the preferred route compromises the approved restoration landform at the existing BAL site, and the ability to generate quantities of restoration materials by the practice of over deepening; and*
- f) *the construction of the A12 along the preferred route compromises the approved restoration habitat distribution, and BAL's ability to deliver the Priority Habitat creation targets that the company is subject to under the Development Plan.*

... As things stand, it is not possible to make informed decisions on matters a) and b) above; BAL are in active discussions with HE to address matters c), e) and f) above. This application relates specifically to matter d) above”.

2. PROPOSAL

The applications comprise for:

ESS/36/21/BTE

“Application Area: 7.5 ha

Extraction Area: 6.38 ha

Tonnage of in situ sand and gravel to be extracted: Approximately 265,000 tonnes

Estimated period of operation (extension only): 2 years (not including the current site)

Proposed Restoration Requirement: 236,000m3

Estimated period of operation (inc restoration): Extension to be worked and restored in advance of the A12 works (currently anticipated to be December 2023)

Restoration: Agricultural land with reinstatement of the Burghey Brook”

The applicant states “In order to facilitate the full recovery of the remaining high quality mineral reserve in the western extension area it is proposed that the Burghey Brook watercourse...is subject to temporary diversion. This will need approval under planning and Environmental Permitting frameworks.

The area occupied by the proposed extension is currently an arable field and soil stores from the approved site, subject to planning this area would be readily incorporated into the current working scheme winning an additional 265,000 tonnes of high-quality sand and gravel. This would be extracted using the same methodology as on the current site and processed through the existing plant site and exported from the site access at the current approved rate of up to 200,000 tonnes per annum. This could be exported at a rate of 225,000 tonnes per annum in the event that the sites doesn't handle other construction materials.

It is proposed that upon grant of consent, mineral extraction in any part of the consented site not within the A12 works will be suspended, with operations switched to the extension... It is anticipated that the current site will be working minerals in Phase 4 if and when this application is determined, and therefore the

phases within the extension are promoted as Phases 5, 6 and 7 to integrate with the phasing for the current site. This phase identification can be adjusted if required to take account of circumstances on site prior to determination.

In order to achieve the restoration landform within the proposed extension it is proposed to import approximately 236,000m³ (425,000 tonnes) of inert material at a typical rate of 350,000 tonnes per annum. This would also need to be undertaken across a very compressed timeframe starting in late 2021 in advance of the A12 works (currently anticipated to be December 2023).

In order to support both mineral extraction and materials importation activities within the proposed extension, it is proposed to increase the rate of HGV activity to 330 movements (165 in and 165 out per day). The HGVs would use the existing primary site access and the consented haul road... This increased rate of activity would apply only to the importation activity with currently approved rates for mineral extraction remaining at 75 in and 75 out per day, making 150 total. The conditions for the existing site are therefore not impacted by this proposed development. It should be noted that this is a maximum figure and day to day it is likely that there will be significant variation in the rates of activity at the site.

It is proposed that the sand and gravel won from the proposed extension will be transported to the existing consented plant site, where it will be washed, graded and stocked prior to export off site via the existing site access onto Little Braxted Lane... It is proposed to use all the existing ancillary facilities associated with the operations currently regulated under the current consent in consideration of the processing and distribution of these minerals.

In order to facilitate the recovery of all the available minerals from along the A12 works area, it is proposed to divert the Burghey Brook as part of the proposed western extension. It is proposed as part of the...operations a new channel for the Brook will be established to connect with the existing drain that is of similar size and capacity found to the immediate south west of the proposed extension. The brook will be reinstated on its current route and capacity upon completion...

Under current planning controls (conditions 12 and 24 of consent ESS/40/18/BTE) the site is operated based on the following activity numbers as follows:

- daily permitted HGV - 75 loads (150 movements) per day, which includes for the export of graded aggregate products; the importation of non-indigenous construction materials, and the output from the consented RMX plant; and*
- annual output limit - 225,000 tpa, of which around 25,000 tpa is related to the importation of non-indigenous construction materials.*

These movements are based on mineral related activity and there are no proposals to change these figures as part of this application. All of the sand and gravel extracted from the proposed western extension will pass through the existing consented plant site and be exported via the main site access under these limits. However, with the identified need to import restoration materials there is a requirements to seek a further increase in HGV activity solely associated with the working and restoration of the proposed extension, the scope of which is set out as follows:

- maximum HGV - 90 loads (180 movements) per day.*

- *annual import limit - 350,000 tpa.*

<i>Operation</i>	<i>Capacity (tonnes per annum)</i>	<i>Weight per load (tonnes)</i>	<i>Typical number of loads per day based on 275 days</i>	<i>Typical number of move- ments</i>	<i>Max number of loads per day</i>	<i>Max number of move- ments</i>
<i>Graded Aggregate Products</i>	<i>200,000</i>	<i>20-32</i>	<i>36</i>	<i>72</i>	<i>51</i>	<i>102</i>
<i>Ancillary minerals importation</i>	<i>25,000</i>	<i>20-32</i>	<i>4</i>	<i>8</i>	<i>4</i>	<i>8</i>
<i>Ready Mix Concrete including additives</i>	<i>20- 30,000m³ per annum</i>	<i>8.5m³</i>	<i>16</i>	<i>32</i>	<i>20</i>	<i>40</i>
<i>Restoration material import</i>	<i>350,000</i>	<i>18</i>	<i>76</i>	<i>152</i>	<i>90</i>	<i>180</i>
<i>Total excl backhaul</i>			<i>132</i>	<i>264</i>	<i>165</i>	<i>330</i>
<i>Backhaul estimate</i>	<i>75,000</i>	<i>20-32</i>	<i>(12)</i>	<i>(24)</i>	<i>(15)</i>	<i>(30)</i>

As with the mineral extraction, this importation is supply led and therefore will vary from day to day. This is an annual average figure and daily peak flows could vary in accordance with the seasonal availability of restoration materials. There is also the possibility that a proportion of the material will be brought in vehicles which leave with aggregates, reducing the number of total vehicle movements, the so-called back haul practice.

Therefore, when all aspects of the development are running concurrently the typical daily number of movements generated by the site will be in the order of 120 loads per day 240 movements per day (120 in, 120 out). By backhauling, the impact in terms of new vehicle movements can be minimised (neutral)...

For avoidance of doubt, it is proposed to adopt a maximum of 165 movements in and out per day (making 330 total). It is proposed that this limit would apply to the proposed extension application only in the event that the council were minded to grant consent”.

The applicant states that this application does not seek to:

- *“result in any change to the wider site working hours;*
- *change any of the mineral extraction operations undertaken on the wider site;*
- *result in the need for more processing plant and equipment, nor any changes to the layout of ancillary facilities on site;*
- *affect the overall end date for the exiting site;*

- *change any areas of advance planting;*
- *increase the scope for impact on nearby residential amenity as similar stand offs and operational practices will be applied;*
- *extend the consented duration of operations for the site;*
- *disturb and habitats of any value or significance;*
- *compromise the conveyance of water along with the Burghey Brook;*
- *compromise the achievement of Priority Habitat objectives elsewhere on site;*
- *result in any delays in the restoration of the wider site; or*
- *result in any increase in flood risk on site or to surrounding environs.*

The application does seek however to:

- *recover the sand and gravel in a timely manner and with the least environmental impact;*
- *ensure the correct safeguards are in place to recover the sand and gravel without any limited and mitigated impacts on nearby ecology assets;*
- *provide a valuable contribution to minerals supply in the county of Essex and wider sub region; and*
- *provide a short term but valuable contribution to insert material management capacity in the centre of the County”.*

Working of the western extension

The applicant states that “Phases 5, 6 and 7...are all within the preferred route for the A12, and form the proposed extension...”

During the Phase 5 operations it is also proposed to reclaim the subsoil and topsoil materials currently being stocked in Phase 6, so that this area will become available for mineral extraction as soon as Phase 5 is completed.

The mineral will be extracted using a Hydraulic Excavator or similar equipment which will extract the sand and gravel and load the as-dug mineral onto articulated dump trucks (Volvo A45-G or similar). It is proposed that the dump trucks will then use the haul road to haul the as raised material to the plant site using the existing haul road network.

The sand and gravel will be excavated dry after de-watering...

The sand and gravel is extracted from Phase 5, it is proposed to over dig a small area of the base of the site to release materials in order to enable the construction of an embankment into which a cutting will be made to enable the diversion of the Burghey Brook. Once complete the installation will connect Burghey Brook in the north east to an unnamed drain to the west of the proposed extension..., which will in turn enable the mineral resources either side of current stretch of Burghey Brook to be extracted as part of Phase 7...

Phase 6 will commence with the stripping of soil and overburden that will be direct placed in support of restoration operations elsewhere on site. The Burghey Brook will also be diverted as part of this phase of activity.

Extraction operations will follow on from Phase 5 progressing in a general southerly

direction...During the Phase 6 operations it is also proposed to reclaim the subsoil and topsoil materials currently being stocked in Phase 7, so that this area will become available for mineral extraction as soon as Phase 6 is completed...

It is envisaged that once extraction operations in Phase 6 are complete, approximately 50% of the landform in Phase 5 will be restored based on proposed rates of activity, and that the temporary Burghey Brook diversion will be in place to its full extent...

...Operations in Phase 7 will commence with the stripping of top and subsoils...

The final restoration of the proposed extension will be to high quality agricultural use, with given the wider context of the A12 no enhancements to biodiversity envisage”.

The applicant adds further “It is recognised that the proposed extension is found within a Living Landscape Area and that the wider site is designated as a Flagship Site under supplementary guidance on Biodiversity and Habitat Creation when restoring mineral working sites. However, the context for this application is that any development of the proposed extension will proceed the area being taken by a NSIP [Nationally Significant Infrastructural Project] and therefore there is no reason to provide nature conservation/biodiversity enhancement that would be lost through the next phase of development”.

In support of the application, ESS/36/21/BTE, an Environmental Statement (ES) has been submitted. The following areas are assessed in the ES which the below conclusions presented:

“(i)...Soils and Agricultural Land Value, the soils resource on site is of high quality [the soils assessment identifies a near split between Grade 3a and 3b]. The scheme (including the proposed extension) will continue benefit from comprehensive measures to safeguard the condition and integrity of the soil resource.

(ii) ...Ecology, it is recognised that the majority of the proposed extension is in agricultural use, and therefore of limited ecological value. Appropriate measures can be put in place to safeguard sensitive habitats around the site perimeter, with schemes to safeguard and manage existing and retained habitats provided through appropriately worded conditions”.

“...In general, the proposals will lead to the loss of an additional arable field and indirect impacts on adjacent boundary habitats. In order to facilitate the recovery of all the available minerals it is also proposed to divert the Burghey Brook. To enable this, it is proposed as part of the Phase 5 operations to create a new channel to connect with the existing drain that is of similar size and capacity located to the south west of the proposed extension... On completion of the mineral extraction programme, the Burghey Brook will be reinstated to its original location ... to include for the reestablishment of the adjacent hedgerow habitats”.

The ecological report concludes that “The current site is identified as a flagship site for Priority Habitat creation. The proposed extension will have no likely significant

impact on the currently approved scheme”.

(iii) Landscape and Visual Amenity, the assessment found that for:

“Predicted effects on Landscape Characteristics

The effects on landscape character would be limited to areas on and immediately adjacent to the proposed extension area. Land immediately to the northeast and east of the extension area comprises the established area of mineral extraction for the current site. The extension area would represent a contiguous area of similar development comprising the existing consented mineral extraction activities associated with the consented quarry. A short section of scrub and bankside vegetation associated with a 195m length of the Burghey Brook would be removed and subsequently reinstated.

Consequently, the extraction and progressive restoration of the western extension area would present an imperceptible effect on District Character Area C6 – Blackwater/Brain/Lower Chelmer Valleys and District Character Area A9 – Blackwater River Valley given the large geographical area covered by these District Character Areas and because the land, its agricultural uses as well as the Burghey Brook and its associated vegetation would be fully reinstated within a 2 year period.

Predicted effects on Landscape Value

There would be no significant adverse effects on aspects of cultural heritage and nature conservation value recognised by designations. There would be a short-term reduction in tranquillity as a result of the movement of plant within the extension area associated with extraction activities and the formation of topsoil bunds. However, any effects on tranquillity would be perceived within the wider context of an active area of mineral extraction, against the adjacent A12 and against existing industrial activity to the north west and would therefore present only an adverse effect of Negligible Slight significance.

There would be no further effects of significance on landscape value as a result of the development of the Western Extension Area.

Predicted effects on Visual Amenity

Receptors with the greatest potential to experience effects on visual amenity would be those in the immediate locality of the proposed extension.

Receptors with views towards the proposed extension from the A12, the associated footpath/cycle way to its north western edge and motorists using the southbound off-slip road, ... would experience oblique views of activities within the extension. However, such views would, in most instances, be fleeting and heavily filtered due to existing highway trees, scrub and by topsoil bund TS2 and by subsoil bund SS1. Extraction activities would progressively occur at a lower level. Consequently, overall, the Western Extension Area would present a temporary adverse effect of slight significance for these receptors immediately to the northwest of the site.

The occupiers of Burghey Brook Cottages would be affected by views of the

proposed extension of the peripheral screening measures (in the form of soil store TS10) as opposed to the extraction operations themselves, which would occur at a lower level and at an oblique angle to the main views from the rear façade of the cottages. This would represent an adverse effect of Moderate/Slight significance owing to the extended duration in which the mitigation measures remain visible. The works to divert the Burghey Brook would be largely concealed by the bund apart from a small stretch of ditch work.

Receptors moving along the slightly elevated section of Little Braxted Lane would continue to experience transient, oblique and filtered views of the upper elements of the ancillary plant area, together with the movement of plant around the site. This would present an adverse effect of slight significance on visual amenity for a slightly longer timescale than the consented scheme.

Similarly, there would be a slight adverse effect of significance on visual amenity for receptors passing [along a further section of] on Little Braxted Lane, where there would be some continued visibility of the upper elements of the ancillary plant area. However, these are not directly associated with the proposed extension and are already proven acceptable in planning and landscape terms.

From private residences in the vicinity of the site to the south east, including Coleman's Cottage, The Cottage and Coleman's Farm, the sequential screening effect of intervening field boundary hedgerows would generally prevent views of the extraction activities within the Western Extension Area.

Receptors using PRow bridleway 105_29 to the south east of the site would experience oblique and heavily filtered views of the upper elements of the ancillary plant area, however views of plant movement and extraction activities within the site would generally be contained by the sequential screening effect of intervening hedgerows and trees. As receptors continue to move to the north east along bridleway PRow 105_29 visibility of the works within the proposed extension area itself would increasingly diminish due to the presence of existing soils stores and screening effect of the good quality hedgerow which flanks the PRow in the vicinity of Coleman's Reservoir.

Any visibility of the extension area from receptors in the locality of the site would be perceived as a contiguous area of similar development adjacent to the wider area of the established quarry.

There would be a negligible effect of significance on visual amenity for receptors in the wider landscape to the north, south and east due to the visual containment provided by landscape elements including woodland and field boundary hedgerows. Similarly, there would be a negligible effect of significance on visual amenity for receptors on the higher ground to the west, including the private residences located on Braxted Park Road and Lea Lane, ...owing to a combination of intervening distance and the sequential screening effect of field boundary hedgerows and areas of woodland”.

(iv) “...Archaeology, it is recognised that the site is located within an area of 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 within the site, and no finds or features of national significance. Accordingly, it is proposed to continue to implement a mitigation strategy in order that any archaeological deposits that could possibly be affected by the mineral extraction (both in the current site and the proposed extension) are preserved by record in accordance with local and central government guidance."

(v) "...Cultural Heritage there are listed buildings and other designated heritage assets in the wider locality, none of which have any scope to be affected by the proposed extension, to any level or significance."

(vi) "...Hydrology and Flood Risk, the independent assessments undertaken by specialists confirms that with appropriate mitigation there will be no significant negative impacts in respect of surface or groundwater resources within or adjacent to the site. All surface runoff will be properly managed to ensure that there are no uncontrolled discharges from the site, both during the extraction operations and in the long term. The scope for effects on Burghey Brook is considered negligible and in the long term as although the stream is proposed to be subject to temporary diversion it will be reinstated on its original course with no loss of conveyance capacity."

The consultants assessment included in their conclusion that "It is recommended that the existing groundwater level monitoring is continued as a precautionary measure to identify any greater water table lowering than predicted".

Due to the size of the proposed western extension land; it has required a Flood Risk Assessment (FRA). The FRA concludes "The restoration of the Western Extension will return mineral extraction areas back to near original ground levels and near greenfield conditions. Burghey Brook will be reinstated to its original course. Post-restoration, no active water management will be required in addition to the approved creation of nature conservation waterbodies in central and eastern areas of the existing quarry. The development of the Western Extension is water compatible and with mitigation is not expected to increase flood risk to either the proposed site or its surrounding area. It adheres to local planning policy and guidance. As such, the development satisfies the flood risk requirements of the National Planning Policy Framework and associated technical guidance".

(vii) Transport, the independent assessment, considered that the increase in HGV numbers: "Based on typical 11 hour working day as permitted under the existing consent, the peak hourly flows are around 14 movements (i.e., 7 in and 7 out) per hour. The additional traffic associated with the proposed western extension scheme represents an increase in flows of 15 per hour (i.e., 8 in and 8 out) from that previously assessed. It is anticipated that this increased level of activity will be in place for a period of two-three years dependant on when and if consent is granted for the proposed extension, and when the land needs to be taken for the A12 scheme.

In terms of assignment, it was originally assumed that local deliveries would account for 10% traffic and this would route via B1389. The additional traffic will all route to the A12 with 50% northeast and 50% southwest. On this basis the average daily increase in HGV movements on any slip road at the A12 junction will be 41

HGV/day. The average increase will be 3-4 HGV/hr”.

The assessment concluded “This report has assessed the transport and highways implications of the proposed increase peak HGV movements from Coleman’s Farm Quarry. It is anticipated that this increased level of activity will be in place for a period of two-three years dependant on when and if consent is granted for the proposed extension, and when the land needs to be taken for the A12 scheme.

This report has assessed the suitability of the adjacent highway network to accommodate the level and type of traffic expected to be generated by the proposed extension to the sand and gravel quarry, and an intensification of use associated with a need to import inert restoration materials. This analysis concludes that the existing highway infrastructure is adequate to cater for existing traffic flows and that no further off-site improvement works are necessary as a result of the applications. The original consent identified an appropriate access strategy for the development. The report has demonstrated that a priority T-junction will satisfactorily cater for increased traffic generation from the schemes in the applications. That remains the case with an increase in throughput. This TS [Transport Statement] therefore concludes that the proposed development will have no material impact on the safety or operation of the adjacent highway network. It is therefore concluded that there are no highways or transport grounds for objecting to the planning application and that the scheme would be in full accordance with the requirements of Paragraph 109 of NPPF”.

(viii) Noise, the noise assessment concluded that “This assessment has examined the sources of sound likely to be arise during essential short-term preparatory workings and during routine sand & gravel excavation proposals.

The processing and production plant sources have been included. The expectation is for the existing sound level limits as applied under current planning controls to be satisfactorily achieved.

It is proposed to restore the landform in the proposed extension to near original levels using imported inert materials to supplement on site resources. The level of sound associated with restoration has been examined for the residential receptors of relevance in terms of proximity or exposure. The forecast is that routine restoration operations, in conjunction with processing and production plant sources, would be satisfactory in the context of the existing limit values.

It is concluded that the acoustic impact of the proposed development would be deemed compliant with acceptable thresholds for mineral workings at Coleman’s Farm quarry”.

(ix) Air Quality, the Air Quality assessment considered that “The proposed western extension at Colemans Farm Quarry is located around 500m south of a residential development, with Eastways Industrial Estate and the A12 situated between. The town of Witham is located over 1km to the southwest of the proposed extension, with residential area of Rivenhall positioned over 650m to the northeast of the proposed extension. Agricultural land generally surrounds the remaining directions of the Colemans Farm Quarry site.

The closest residential receptor to the proposed western extension is Burghey Brook Cottages; less than 100m to the north. The closest commercial premise is PFE Express located on the Eastways Industrial Estate, which is situated less than 100m to the west of the quarry extension proposal site. Another nine receptors are considered in this assessment, these are categorised as intermediate, distant or not significant in the distance between the receptor and the nearest quarry phase". [Some eleven receptors around the site perimeter have been identified].

The Air Quality assessment concluded that "It is unlikely that any significant decrease in local air quality will occur due to the proposed western extension to Colemans Farm Quarry. Any dust occurrence event will be limited and of short duration and will be minimised by continued implementation of the dust control measures as per approved schemes on site. With regard to PM10 and PM2.5 dust levels from the site, analysis has been made of the air quality data. The conclusion of the analysis was that AQO will not be exceeded. Overall, the effect on air quality of this development with the continued implementation of suitable dust mitigation measures is considered to be not significant".

The Planning Statement states "The continued adoption of such good practice will ensure that operations will not cause unacceptable impacts due to airborne dust emissions at any property in the vicinity of the site. Daily observations and inspections by site management will continue to be undertaken in order to manage and minimise these risks".

(x) "Cumulative and Interaction effects: the scope for cumulative and interaction effects has been examined with the findings that where effects could be generated they are of limited significance and of temporary duration".

Alternatives: "Guidance confirms that the EIA directive and the Regulations do not expressly require the developer to study alternatives but if alternatives or alternative sites have been considered, then these should be discussed within the Environmental Statement.

In this particular instance no alternative sites for mineral extraction have been considered as the application is to work a mineral. Minerals can only be worked where they are found; therefore, there are no alternative sites where the mineral can be worked".

(xi)... "Health Impacts the scope for effects during construction and extraction operations are negligible, with a range of effective and best practice controls available to manage all aspects in this regard. On this basis, it is not considered necessary to warrant a full health impact assessment, as the proposals are temporary and can be effectively managed by way of conditions".

ESS/51/21/BTE

"In order to support and facilitate the proposed operations in the western extension, this application is therefore provided to vary and/or delete conditions under the current consent (ref ESS/40/18/BTE) as follows:

- **condition 12** – [HGV Movements] *the proposed importation of materials will generate an increase in HGV movements from the currently approved 150*

movements per day (75 in and 75 out) to a maximum of 330 movements (165 in and 165 out) per day. The increase in activity will not be associated with the current site, but is required to be addressed as part under the current planning conditions as the vehicles will be transient through the current consented area, and using ancillary facilities (weighbridge, wheelwash etc) therein to access the proposed western extension;

• **condition 25** – [Mineral Handling - Restricts importation to 25,000 tonnes per annum of construction type material] *to be varied to enable the importation of as raised materials from a non-indigenous source (specifically the proposed western extension) into the plant site for processing, stocking and distribution using the existing ancillary facilities;*

• **condition 27** – [No waste to be imported] *to be deleted and or varied to enable the importation and the deposit of inert materials to achieve a sustainable restoration of the proposed western extension and enable the A12 build to be undertaken at the least financial cost; and*

• **condition 35b** – [No mineral waste to be deposited other than silt arisings from quarry for reed bed establishment] *administrative change only to reflect the provision of additional silt lagoons on site as shown on plan C45/PL08/02 for use in support of the mineral washing cycle and to accommodate water revised from the de-watering of the mineral workings.*

The scope and effect of these proposed variations would be temporary and proposed to be co terminus with the working and restoration of the proposed western extension. Further detail is provided as part of the ES that accompanies this application.

The application to vary conditions does not seek to change or otherwise amend the existing schemes of restoration and/or long term aftercare that are regulated through the planning consent.

The proposals associated with this application will not:

- *result in any change to the wider site working hours;*
- *change any of the mineral extraction operations undertaken on the wider site;*
- *result in the need for more processing plant and equipment, nor any changes to the layout of ancillary facilities on site from existing;*
- *affect the overall end date for the exiting site;*
- *change any areas of advance planting;*
- *increase the scope for impact on nearby residential amenity;*
- *extend the consented duration of operations for the site;*
- *disturb and habitats of any value or significance;*
- *compromise the conveyance of water along with the Burghey Brook;*
- *compromise the achievement of Priority Habitat objectives elsewhere on site;*
- *result in any delays in the restoration of the consented site; or*
- *result in any increase in flood risk on site or to surrounding environs”.*

In support of the application, ESS/51/21/BTE, a joint ES along with ESS/36/21/BTE

was submitted. The findings of the ES have been set out above.

ESS/98/21/BTE

This application seeks: “to address proposed changes to existing schemes and conditions at the site over and above the applications set out above. This application is for the variation of conditions 4, 11, and 55 of planning consent ESS/40/18/BTE and approved Ecological Management Plan under the attendant S106 Agreement to enable the continued importation of inert materials to facilitate restoration; the re-phasing of the working and restoration of the consented site to enable accelerated progression of site restoration to return the land to formation level; changes to the approved restoration concepts and management plans; and the establishment and operations of an inert materials recycling facility, in advance of the A12 road widening and improvement national infrastructure project on land at Colemans Farm Quarry.

The A12 realignment will affect the northern elements of the approved operations at the site, in particular Phases 1-7 inclusive, as detailed on the approved Working Plan. In the event that the Council were minded to grant consent for the schemes and conditions set out in this application, it will enable BAL to restore the extraction void in the current site to a level that allows HE and its project partners to start the A12 build. It will also enable BAL to address shortfalls in indigenous restoration materials that would be generated as a result of the presence of the A12 scheme. This is the most substantiable solution to the options considered and offers the best value to HE as an independent government body, the wider HM Treasury and the UK taxpayer.

Notwithstanding the potential effect of the A12 on the extraction of consented mineral reserves, BAL as the operators of the site, are under an obligation to provide over 24 hectares of Priority Habitat as part of the restoration of the mineral working. The realigned route of the A12 would mean that this objective could not be met under the approved schemes and plans, and therefore a key component of this application is to present a revised scheme of restoration that ensures that these obligations are met, and the site continues to deliver significant biodiversity enhancement and habitat creation, consistent with local planning policy, and the obligations enshrined in existing planning consents for the site.

For avoidance of doubt, this application is provided to vary conditions under the current consent as follows:

- condition 4 - this condition sets out the documentation approved under the consent (including revised working and restoration plans). Any content submitted and approved under this application will in effect see the content of this condition increased accordingly;*
- condition 11 – this condition is proposed to be amended to address the establishment and operation of processing plant in the proposed recycling area;*
- condition 55 - to vary approved restoration schemes and the Landscape Habitat Management Plan that underpins the design of the restoration scheme and the measures to ensure the successful establishment and development of the landform, land uses and habitat therein; and*
- Section 106 - the majority of the obligations set out under the Section 106*

agreement will be unaffected by the proposed changes, however the approved Biodiversity Enhancement Plan will need to be reviewed to reflect the proposed changes to the restoration schemes.

This application relates to the schemes and conditions for the current site only, and not the western extension application. Notwithstanding this application does seek to build upon the scope of the proposed changes already set out as part of application ref ESS/51/21/BTE. This includes allowing for the importation of inert materials and the attendant increase in HGV activity at the site”.

The proposal would in detail seek “Assuming that the DCO [Development Consent Order] approval process continues to its ultimate conclusion, the construction of the A12 along its preferred route, generates the need to vary details that regulate the working of the site, and the rationale behind the design of the approved scheme of restoration. The currently approved restoration scheme at the quarry is currently based on no imported materials, using on site material to establish a landform that reinstates arable land and also enables the creation of approximately 24.28 hectares of Priority Habitat.

The approved plans are predicated on using on site materials to achieve the restoration landform on the establishment of open water landforms to reduce the need for larger volumes of restoration materials. The material demands would have been met using approximately 350,000m³ soils and overburden handled during the mineral extraction scheme, and by over digging the base of certain parts of the mineral working (including the northern parts of the site) to win a further 130,000 m³ of restoration materials. The aforementioned waterbodies are located on areas where the base is over dug to release restoration materials.

Whist the soils and overburden remain available for use, the ability to overdig the clay materials from underneath the sand and gravel deposit is severely hampered by the potential land take associated with the A12 scheme such that BAL [Brice Aggregates Ltd] would be unable to achieve the landform shown on the currently approved scheme. BAL have engaged design work to develop a revised landform that provides the conditions for Priority Habitat creation using the least amount of materials. The proposed revised scheme (the need for which is generated by the A12 scheme) requires significantly more materials to achieve a sustainable landform than the currently consented scheme at the site. This is because there is a need to restore to near pre-extraction levels along the A12 preferred route corridor, avoiding the need for HE to engineer a crossing or fill of the quarry void as part of the road scheme works. This is mainly in areas where restoration to open water is approved, and as such the need for volumetric material is much reduced.

As a result, in order to achieve the proposed revised restoration landform and enable the future construction of the A12 there will be a need to import (and deposit to an agreed specification) inert restoration materials to supplement the materials available on site resultant of the presence of the A12 corridor. As a result of importation activities an opportunity is created to enable the establishment of an inert materials recycling operation at the site, and such a scheme is included as part of this application.

The inclusion of an inert materials recycling operation will not only ensure recovery

of useable aggregate fractions from imported waste streams, thereby reducing pressure on scarce primary quarried resources, but also enable BAL to separate rubbles and stones from cohesive soils which are more suited from an engineering perspective to placement below the A12 route with this coarse aggregate fraction removed.

This will ensure that a sustainable approach to the management of the construction, demolition and excavation materials is achieved with the ultimate aim of moving materials management on site up the waste hierarchy. The establishment of such a facility will also support the council in providing a network of sites that could respond to the capacity demands in this particular sector of the waste management framework.

Whilst the treatment of the quarry landform will be subject to review as part of the DCO process, HE are of the opinion that any scheme to reinstate ground levels would be better undertaken in advance on the works on the A12 thereby reducing the timescales and capital expenditure on the NSIP. BAL are in a position (subject to securing the necessary approvals) whereby the company can assist HE in achieving this objective on a cost effective and environmentally sustainable basis..."

"This application relates to the schemes and conditions for the current site only, and not the western extension application. Notwithstanding this application does seek to build upon the scope of the proposed changes already set out as part of application ref ESS/51/21/BTE. This includes allowing for the importation of inert materials and the attendant increase in HGV activity at the site.

In order to achieve the restoration landform with the A12 preferred route corridor it is proposed to import approximately 510,00m³ (918,000 tonnes) of inert material at a typical rate of 425,000 tonnes per annum. Of this material approximately 350,000 tonnes per year would be focussed on the restoration of the mineral workings. The remaining 75,000 tonnes per annum would comprise inert demolition arisings that are capable of being recycled to generate a sustainable recycled product. This would need to be undertaken across a very compressed timeframe starting upon grant of consent and finishing when HE take possession of the land in advance of the A12 works (currently anticipated November 2023). In order to support both mineral extraction and materials importation activities it will be necessary to increase the rate of HGV activity to 330 movements (165 in and 165 out per day). Planning application ref ESS/51/21/BTE has already addressed this from a planning and highways perspective, and it is noted that neither Highways England nor the council's own Highways Unit have any objections to this increase in HGV activity.

As a result of the A12 reducing overall site area, the ability to over dig parts of the BAL site to win restoration materials is severely hindered, and therefore as well as importing restoration materials into the A12 corridor there is a need to import material into the central part of the site (shown cross hatched in green on Plan C45/01/03E). As a consequence of this constraint, it is proposed to import a further 320,000m³ (756,000 tonnes) of inert restoration materials. The importation and deposition of this volume of materials will provide BAL with the resources needed to meet its obligations in respect of Priority Habitat creation, in particular in the

central parts of the site, situated south of the A12 preferred route area. It is anticipated that this phase of activity would be based on a new access arrangement into the site post completion of the A12 works, although this isn't addressed as part of this application.

The proposals associated with this application will not:

- result in any change to the wider site working hours;*
- change any of the mineral extraction operations undertaken on the wider site;*
- result in the need for more mineral processing plant and equipment, nor any changes to the layout of ancillary facilities on site from existing;*
- affect the overall end date for the existing site;*
- change any areas of advance planting;*
- increase the scope for impact on nearby residential amenity;*
- extend the consented duration of operations for the site;*
- disturb and habitats of any value or significance;*
- compromise the conveyance of water along with the Burghley Brook;*
- compromise the achievement of Priority Habitat objectives on site;*
- result in any delays in the restoration of the consented site; or*
- result in any increase in flood risk on site or to surrounding environs*

... Under current planning controls (conditions 12 and 24 of consent ESS/40/18/BTE) the site is operated based on the following activity numbers as follows:

- daily permitted HGV - 75 loads (150 movements) per day, which includes for the export of graded aggregate products; the importation of non-indigenous construction materials, and the output from the consented RMX plant; and*
- annual output limit - 225,000 tpa, of which around 25,000 tpa is related to the importation of non-indigenous construction materials.*

These movements are based on mineral related activity and there are no proposals to change these figures as part of this application. All of the sand and gravel extracted from the proposed western extension will pass through the existing consented plant site and be exported via the main site access under these limits. However, with the identified need to import restoration materials there is a requirements to seek a further increase in HGV activity solely associated with the working and restoration of the proposed extension, the scope of which is set out as follows:

- maximum HGV -90 loads (180 movements) per day.*
- annual import limit - 350,000 tpa.*

As with the mineral extraction, this importation is supply led and therefore will vary from day to day. This is an annual average figure and daily peak flows could vary in accordance with the seasonal availability of restoration materials. There is also the possibility that a proportion of the material will be brought in vehicles which leave with aggregates, reducing the number of total vehicle movements, the so-called back haul practice.

Therefore, when all aspects of the development are running concurrently the typical daily number of movements generated by the site will be in the order of 120 loads per day 240 movements per day (120 in, 120 out). By backhauling, the

impact in terms of new vehicle movements can be minimised (neutral). The effect of backhauling has not been taken into account on the above table.

For avoidance of doubt, it is proposed to adopt a maximum of 165 movements in and out per day (making 330 total). These matters are not specifically addressed as part of this application, as they have already been considered as part of applications ESS/36/21/BTE and ESS/51/21/BTE, with neither Essex Highways nor Highways England objecting to the proposed increase in HGV activity be it in safety or capacity grounds.”

In terms of the proposed recycling aspects, the application documents state “It is proposed to import suitable inert restoration materials (IIRM) to enable the progressive restoration of the site. These materials will be used to supplement resources already found on site (i.e., soils and overburden). The proposed revised landform has been designed to integrate into the wider landscape, and also meet the requirements of HE when providing a landform to enable the construction of the A12...

In respect of the areas...(i.e., Phases 2, 3, Phase 4, Phase 8, and Phase 9) it is proposed to import circa 510,000m³ (918,000 tonnes) of IIRM at a maximum rate of 350,000 tonnes per annum to restore the ground levels and implement an effective restoration scheme for the, consistent with the requirements of the Minerals and Waste Local Plan and HE. This would need to be undertaken across a very compressed timeframe starting upon grant of consent and finishing when HE take possession of the land in advance of the A12 works (currently anticipated November 2023)...

In respect of the areas...(i.e., Phase 1, and Phases 10-13 inclusive) it is proposed to import circa 420,000m³ (756,000 tonnes) of IIRM to restore the ground levels and implement an effective restoration scheme for this part of the site, consistent with the requirements of the Minerals and Waste Local Plan, and the land take requirements of HE.

IIRM will be imported into the site under a Bespoke Environmental Permit that will be applied for in conjunction with this planning application. The permit application will contain details of the materials and acceptance procedures for the IIRM and how the site will be operated to prevent pollution. BAL already have the benefit of an Waste Recovery Plan (approved by the EA) that has established in principal the acceptability for the importation and deposition of these materials at the site in advance of any works associated with the A12 scheme.

It is anticipated that the imported materials will be subject to a comprehensive acceptance procedure that may entail pre screening and/or segregation of materials to ensure that the appropriate specification materials are used on the restoration within the A12 land in particular. As a result, an ancillary waste reception area [would be provided on the base of the Phase 1 worked out void] within which the imported material will be inspected, and where required processed with any course materials recycled through a screen deck to manufacture a recycled aggregate.

The final restoration of the site will continue to be nature conservation uses with

some secondary elements of agriculture in accordance with the approved restoration scheme...

The current and approved Noise Monitoring Plans, Dust Action Plans remain valid as although a new process is introduced (i.e., importing material) it is in effect no different to the existing materials handling process on site.

Recycling

The proposed importation operations also generate the potential to develop an inert material recycling operation at the site, to manufacture recycled aggregates. BAL have developed a scheme that proposes the establishment of such operations in the base of the worked out area of Phase 1... The operation will use the site access, haul road and weighbridge infrastructure already in place on site.

Upon entering the site, HGVs will access the on-site weighbridge. Once incoming HGVs have been weighed, the imported material will be unloaded and deposited in the designated materials stockpiles within the Phase 1 area. The imported materials will be stored until a stockpile of sufficient size (between 10,000-15,000 tonnes) has developed to enable BAL to bring in the contract crusher/screen on a financially viable basis.

The mobile processing plant will be established in the base of Phase 1...

The proposed processing plant (which itself will be mobile and brought onto site as and when required on a contractual basis) will be served by mobile plant that will also maintain the product stockpiles proposed to the north of the area... All these operations will be in the base of Phase 1 and integrated with the existing ancillary facilities, which will be retained for the duration of the development.

The proposed operations being located in the base of Phase 1 will in no way effect the timescales or delivery for the restoration of the wider site.

Recycling Operations

The granular waste material delivered to the site by HGV will be removed from the stockpile area by a rubber-tired front end loading shovel.

The material will then be fed into the feed hopper for crushing/processing utilising mobile plant in the base Phase 1. This location will shield the residential premises to the north and southwest from adverse landscape and/or visual impact and also assist in the mitigation of potential acoustic impacts.

The crushed material will then be fed direct into a screen deck where it will be graded into different sizes in accordance with site and end user requirements. Once processed, the recycled material will be stored according to size and type of construction material, prior to export for use in construction projects off site, or for use on the onsite RMX plant."

In respect of the revised Restoration proposals the application documents state "Should the A12 proposals come to fruition, six notable changes would be

generated by the alignment of the A12 relative to the operations at the site..., two of which relate to site restoration as follows:

- the construction of the A12 along the preferred route compromises the approved restoration landform at the existing BAL site, and the ability to generate quantities of restoration materials by the practice of over deepening; and*
- the construction of the A12 along the preferred route compromises the approved restoration habitat distribution, and BAL's ability to deliver the Priority Habitat creation targets that the company is subject to under the Development Plan.*

In consideration of the above and in particular the need to achieve certain a landform along the A12 corridor there is a need to comprehensively revise the approved restoration concept along with the detailed schemes and conditions that underpin that consent.

The [proposed restoration plan] seeks to maintain a balance between conserving the soil resource through re-establishing agricultural use over the re-instated land and creating habitats that will complement the existing land use pattern in the vicinity of the site and the land use management of the wider estate of the applicant group. The landforms that will be created through the importation of restoration. will continue to be indicative of a river Valley setting, with no long term increases in topographic levels...

This scheme continues to seek to make a positive contribution to local bio-diversity objectives (particularly those identified as Priority Habitats in the Essex Biodiversity Action Plan ("EBAP")) and Supplementary Planning Guidance developed by the MPA, along with other landscape, hydrology and recreational initiatives. Within the non-agricultural habitats, and consistent with approved schemes, it is proposed to utilise local native plant species, planted with an appropriate aftercare management regime, to enable the sustainable growth of the new habitats...

The habitats to be created will include open water and emergent habitats (i.e. reedbeds/wet grassland), species diverse hedgerow, neutral grassland and invertebrate banks/open habitat. These all remain as per the currently approved scheme."

In support of the application, ESS/98/21/BTE, an Environmental Statement (ES) has been submitted. The following areas are assessed in the ES which the below conclusions presented:

Soils and Agricultural Land Quality

"An agricultural land classification and a soil resource survey of current site has already been undertaken.... existing soil resources on site are appropriately managed through detailed planning conditions under the consent, which control how and when soil resources can be handled and managed to maintain their quality and integrity".

Ecology

“In respect of Ecology, a Preliminary Ecology Appraisal (“PEA”) has been undertaken across the current site... The Phase 1 habitat survey undertaken across the site identified nine different habitat types across the site...

The site remains under ecological supervision via schemes approved under Condition 40 of the planning consent and a Biodiversity Enhancement Plan regulated through the S106 Agreement that accompanies the principal planning consent. This includes a comprehensive package of off site habitat enhancements consistent with the sites flagship status under the supplementary planning guidance on site restoration.”

Landscape and Visual

“A Landscape and Visual Impact Assessment (LVIA) concerning the potential effects of the proposed extraction and restoration operations for the current site was carried out by David Jarvis Associates (DJA) in May 2014. This provided a detailed characterisation of the site and the surrounding area, which remains valid.

A Landscape Statement was prepared and submitted to consider the scope for impact associated with the proposals for a western extension and the application to vary conditions. This included an updated field survey [December 2020] and confirmation of viewpoint locations formed part of the scope of the assessment...

Effects on Landscape Character

The current site is situated within the River Blackwater LCA. As with the existing approved schemes, potential effects during operations relate to a temporary short term change in local landscape characteristics as parts of the arable land are removed and replaced by soils stripping and stocking activity, mineral extraction (largely shielded by the aforementioned soils bunds and retained shelter belts/hedgerows), and then restoration works. The proposed changes to scheme of working and restoration schemes for the current site would represent changes within the boundary of the consented scheme only and would be limited to minor configuration of the bunds, removal and reinstatement of a formally retained hedge and ditch within Phase 9 and would include the importation of inert material. Consequently, there would be a Negligible effect on local landscape character.

Following restoration, potential effects relate to the loss of part of the arable land and its replacement with lakes, new hedgerows and areas of tree planting. There would be a corresponding change in landform and characteristics which allow for improved screening of the A12 and a more diverse and attractive landscape. The long term nature of effect on local landscape characteristics as assessed as slightly beneficial as part of the original application, improving as vegetation establishes and matures.

It is considered that as a whole the restoration elements would remain the same as the consented scheme with the delivery of large areas of Priority

Habitat and other nature conservation habitats. As such there would continue to be long-term beneficial effects from the creation of new areas of nature conservation. In terms of impacts on local landscape features, the effects generally would be negligible with no long term effect. This remains the case as a result of the variations sought...

Effects of Visual Amenity

Consideration of nearby viewpoints indicates that the existing site is generally well screened within the overall study area, resulting in localised views of the development proposals from a limited range of areas in close proximity to the site. To a large extent, temporary views of the extraction and processing operations are screened by the approved grassed mitigation bunding and retained hedgerow and shelter belt planting. This is equally applicable to the consented and proposed schemes of working...

The increase in movement of road going HGV's to and from the site associated with importation of inert material during the restoration phase would present an adverse effect of slight significance on visual amenity for receptors with visibility of the site, namely receptors using Little Braxted Lane. Users of this route would experience an adverse effect of slight significance due to the increased movement of plant HGV's associated with the infilling operations...

The impacts assessed indicate a moderate to slight adverse impact during the operational phase (reducing in significance as the operations progress south), with moderate-slight benefits post restoration. This remains the case as a result of the proposed variation, including the changes in phasing, working direction and soils bund configuration...

In summary, the proposed changes sought will have no greater impact than already proven acceptable under the approved scheme. Appropriate assessment has therefore concluded that the proposed changes to the consented schemes and associated development would not result in undue adverse effects on the local landscape character and visual amenity during the operation period."

Archaeology and Cultural Heritage

The ES summarises that "It is recognised that the site is located within an area of archaeological sensitivity. However, the reports and investigations, prepared and undertaken to date, suggest that there are limited archaeological remains which would justify preservation within the site. Accordingly, it is proposed to continue to implement a mitigation strategy in order that any archaeological deposits that could possibly be affected by the mineral extraction are preserved by record in accordance with local and central government guidance".

Hydrology and Hydrogeology

The ES considered the hydrological and hydrogeological setting of the application site and noted that "Previous iterations of the scheme have been subject to

evaluation and assessment under the Water Framework Directive and the mitigation measures available and the scope for residual impacts remains as per these assessments, with no need to reconsider as part of the proposals...”

Going on to assess “The proposed changes to the schemes of working and restoration envisaged as part of the application to vary conditions will have no impact on existing levels of flood risk, that are proven acceptable in this location in both planning and flood risk terms both in principle and in detail”.

For surface water runoff; groundwater flow and quality the ES has identified existing management controls being in place and “...In summary, there are no major adverse impacts associated with the proposals and all predicted impacts can be controlled through best practice techniques, via appropriately worded planning conditions such as those already in place at the current site”.

Highway Impact

The ES reiterates the comments made above under the proposed application ESS/36/21/BTE in respect of HGV’s provisions.

The ES notes “For avoidance of doubt it is proposed to adopt a maximum of 165 movements in and out per day (making 330 total). The potential increase from HGV activity has been examined against these thresholds to consider the scope of appropriate assessment work. The increase in HGV activity associated with the proposals set out in this application have already been subject to examination by way of consultation of applications ESSS/51/21/BTE and ESS/36/21/BTE. The consultation responses provided by Highways England and the councils own Highways Unit identified no concerns, and it is in this context that underpins the assessment provided as part of this application.

It is proposed that this figure would apply to the extension area and the current site, with this higher figure for a temporary period until the western extension is worked and restored and Phases 2, 3, 4 and 8 of the current site as shown on Plan C45/01/03E are restored, or until NH take control of the land as part of the DCO for the A12 scheme. After that point, the HGV numbers are proposed to reduce to 230 movements (115 in and 115 out) for the remainder of the operations, which are currently due to cease Sept 2034”.

Noise

“In summary, since the proposed operations will continue to conform to the advice set out in the aforementioned Planning Practice Guidance with regard to both routine and temporary operations, it is considered that the site can continue to be worked while keeping noise emissions to within environmentally acceptable limits as per existing planning conditions”.

Dust

The ES states in its summary section for “Continued Control of Dust and Mitigation Measures” that *“In the absence of any agreed standards or guidelines for operational dust levels and their potential to generate a nuisance, central*

governmental advice in the form of NPPF, technical guidance, and PPGs the control of emissions is through effective site management. A range of mitigation and control techniques can be employed to manage the potential for airborne particulate emissions. Such measures are encapsulated in a Dust Action Plan such as the scheme already in place for the current site. Such controls are in place for the current site as per the scheme approved under condition 38 of consent ESS/38/17/BTE, and maintained under condition 32 of consent ESS/40/18/BTE. It is proposed that these schemes allied with this assessment will remain valid for the current site.

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.

In conclusion, following consideration of the relevant issues the overall significance of fugitive dust effects as a result of the application was predicted to be not significant in accordance with the IAQM guidance”.

Alternatives

The ES addresses this aspect through acknowledgement that for the mineral aspect. Minerals can only be worked where they occur. [Although this appears to be a carry over from the earlier ES for the other applications being considered here].

The ES notes that “As part of the development of the proposals, the applicant has not considered restoration alternatives as the constraints of the further A12 scheme allow on limited options for landscape and habitat creation...”

A number of notable changes would be generated by the realignment of the A12 relative to the operations at the site, including:

- a) a need to ensure that the current void space under the preferred route area is restored to enable the realignment and construction of the A12 to proceed in a timely manner; and*
- b) there will be a need to remove remaining minerals in the preferred route area to ensure that these are not needlessly sterilised by the construction of the A12. Such an approach is consistent with national and local policy guidance.*

There are other notable changes such as a potential need to relocate the plant site and site access on site. However, at this point in time there is not enough information available to develop suitable schemes. These matters would therefore be addressed either through the A12 DCO process or under a further phase of planning for the site...

Subject to the grant of consent for the proposed western extension, it is proposed to enter into Phases 5, 6 and 7 later this year and complete extraction of these phases by mid-2023. Following this, quarrying is proposed to resume in the areas of the approved quarry site unaffected by the A12 scheme throughout the remaining consented life of operations.

This application also provides a revised restoration scheme in order to ensure a sustainable after use delivering an equivalent overall area of ecologically valuable "Priority Habitats" as the currently approved scheme. The proposed scheme continues to have a balanced focus on lowland meadow, reedbeds and other wetland habitats, consistent with the sites status as a flagship restoration scheme under the Minerals Local Plan.

Two different options under consideration, see Figures 7 & 8 below. These both entailed the use of imported materials, as this is considered vital to enable the development of the A12. If the worked-out quarry isn't restored by BAL under these proposals, then it would have to be restored by HE as part of the larger DCO scheme. Either way materials (primary or inert) would need to be imported as this is the only feasible and sustainable means to enable the development of the A12 along this part of the route. It therefore remains that the only aspects where options could be considered is the distribution of the various habitats/landuses across the restored landform, and this position informs the two options (see slides).

Both of these options have the same overall objectives, and both would deliver the long term landscape and ecological benefits associated with the existing approved plans and schemes. These options were presented as part of pre application engagement with the local community, and Little Braxted Parish Council in particular provided considered feedback on this matter. On balance it was concluded that Option 1 would be a better scenario in land use terms, as it would minimise the scope for long term interaction with the realigned A12 and ensure maximum amount of arable land reinstatement".

Health

The ES concluded at each of the potential impacts that "...it is not considered necessary to warrant a full health impact assessment, as the proposals are temporary and can be effectively managed by way of conditions under planning and other regulatory regimes".

In terms of Community Involvement, the proposals for the Western Extension were highlighted and circulated to the members of the site liaison group in February 2021.

The applicant circulated a consultation leaflet in July 2021 and confirmed that "The flyer was sent to the members of the Local Liaison Committee for the site by way of an email on 13 July 2021, and then to 36 nearby residential premises by way of a mail shot exercise sent on 14 July 2021. The nearby residential addresses were focused on properties in the CM8 3YZ and CM8 3EW postcodes.

A total of five responses were received in relation to the consultation including from representatives of Little Braxted Parish Council, Witham Town Council, Great Braxted Parish Council, and Rivenhall Parish Council. to a mail shot of 36 properties, addresses since confirmed to the Mineral Planning Authority".

3. POLICY CONSIDERATIONS

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise.

The development plan comprises:

- i. Essex Minerals Local Plan, adopted July 2014 (MLP);
- ii. Essex and Southend Waste Local Plan, adopted July 2017 (WLP);
- iii. North Essex Authorities' Shared Strategic Section 1 Plan, adopted February 2021; and
- iv. Braintree District Local Plan 2013 – 2033, adopted July 2022.

Other material considerations include:

- i. National Planning Policy Framework (NPPF);
- ii. Planning Practice Guidance; and
- iii. Waste Management Strategy for England 2013.

The following policies (paraphrased or in quotation marks if set out in full) are of relevance to this Application are set out below.

Relevant policies within the Essex Minerals Local Plan Adopted July 2014 are:

Policy S1 “Presumption in favour of sustainable development”

States that the Mineral Planning Authority (MPA) will take a positive approach to minerals development (which includes processing, storage and transportation of minerals) that reflects the presumption in favour of sustainable development as required by the National Planning Policy Framework. The policy supports mineral development that improves the economic, social and environmental conditions in the area.

Policy S3 “Climate change”

This policy seeks to ensure mineral development demonstrates effective measures; adaption and resilience to future climate change. This would be through having regard to (where appropriate to these applications):

- i. Siting, design and transport arrangements;
- ii. On site renewable and low carbon energy generation where feasible.
- iii. Sustainable Drainage Systems.
- iv. On site resilience to unexpected climatic effects.
- v. Potential benefits through afteruses for biodiversity and habitat creation...living carbon sinks.

Policy S6 “Provision for sand and gravel extraction”

The policy seeks to ensure the County has sufficient, at least 7 years locally, through the plan period of supply.

The Policy goes on to say:

“Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:

- a. *An overriding justification and/ or overriding benefit for the proposed extraction, and,*
- b. *The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,*
- c. *The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan”.*

Policy S10 “Protecting and enhancing the environment and local amenity”

That applications demonstrate:

- i. Addressing health and safety; amenity; quality of life of communities and environment.
- ii. Inclusion of mitigation measures
- iii. No unacceptable adverse impacts
- iv. Improvement/enhancement of the environment.

Policy S11 “Access and Transportation”

Seeks to ensure the efficiency and effectiveness of the public highway being maintained including safety, capacity, amenity and environment.

Policy S12 “Mineral Site Restoration and After-Use”

The policy seeks to ensure the early restoration to acceptable environmental and beneficial afteruse with positive benefits to the environment; biodiversity and/or local communities.

Policy DM1 “Development Management Criteria”

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; quality and quantity of water within watercourses and surface water; drainage systems; soil resource; safety and capacity of the road network; appearance and character of the landscape, countryside and the visual environment; natural and historic environment.

Policy DM2 “Planning Conditions and Legal Agreements”

The policy provides for the provision of conditions to be imposed and/or legal agreements to address the mitigation and control of such development effects and to enhance the environment.

Policy DM4 “Secondary Processing Plant”

Proposals for secondary processing plants would only be supported at mineral sites where it is demonstrated there would be no unacceptable impacts arising on the local amenity/environment and/or safety, efficiency or capacity of the road network.

The policy requires that the minerals to be processed/treated be sourced from the mineral site unless demonstrated there are exceptional circumstances or overriding benefits to sourcing materials from elsewhere to supplement indigenous supply subject to no adverse environmental impacts.

The policy requires such plant to be temporary.

Relevant policies within the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

Policy 1 “Need for Waste Management Facilities”

The policy identifies a shortfall in capacity of some 1.95 million tonnes of inert waste by 2031/32.

Policy 9 “Waste Disposal Facilities”

The policy states “*Proposals for landfill facilities will be permitted where:*

- *the landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development;*
- *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;*
- *it is demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan; and*
- *that the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.*

In addition, preference will be given to proposals:

- a. for the restoration of a preferred or reserve site in the Minerals Local Plan; or...*

Policy 10 “Development Management Criteria”

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- i. Local amenity
- ii. Safety and capacity of road network
- iii. Appearance quality and character of the landscape and visual environment.
- iv. The natural environment

Policy 11 “Mitigating and Adapting to Climate Change”

This policy seeks to ensure waste management development demonstrates effective measures through construction and operation to minimise potential climatic change contribution. This would be through having regard to (where appropriate to these applications):

1. Siting, design and transport arrangements;
2. On site renewable and low carbon energy generation where feasible.
3. Sustainable Drainage Systems.
4. On site resilience to unexpected climatic effects.
5. Where appropriate sustainable travel plans.

The policy requires waste management development not giving rise to unacceptable flood risk; no risk to quantity and quality of surface and groundwaters including impediment of flow.

Policy 12 “Transport and Access”

The policy provides support *“for waste management development will be permitted where it is demonstrated that the development would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment”*.

The policy requires where transport by road of wastes are proposed that access be required to a suitable existing junction of the highway network via suitable section of existing road without causing detrimental impact on safety or network efficiency.

In the North Essex Authorities’ Shared Strategic Section 1 Local Plan 2017 – 2033 (adopted 2021) relevant policies are:

Policy SP1 “Presumption in Favour of Sustainable Development” states that when considering development proposals, the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Relevant policies within the Braintree District Local Plan 2013 – 2033 adopted July 2022 are:

Policy SP1 “Presumption in Favour of Sustainable Development” states that when considering development proposals, the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LPP 47 “Built and Historic Environment” seeks the promotion and securement of high design standards and the protection and enhancement of the historic environment.

Policy LPP 59 “Archaeological Evaluation, Excavation and Recording” seeks evaluation and appropriate investigation/recording where archaeological remains thought to be at risk.

Policy LPP 65 “Tree Protection” seeks protection of established trees which offer amenity value to the landscape.

Policy LPP 66 “Protection, Enhancement, Management and Monitoring of Biodiversity” requires development to protect biodiversity and mitigation/compensation of any adverse impacts. The policy also seeks additional enhancement commensurate with the scale of the development.

Policy LPP 67 “Landscape Character and Features” seeks to ensure that new development is informed by and sympathetic to the local landscape character. Where development is likely to have impact then appropriate assessments would be required and not to be detrimental to the distinctive landscape features. Additional landscaping could be required to maintain/enhance local features.

Policy LPP 70 “Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards” seeks to ensure all new development prevents unacceptable risks from all emissions and other pollution and ensure no deterioration to air or water quality. *“Development will not be permitted where, individually or cumulatively and after mitigation, there are likely to be unacceptable impacts arising from the development on:*

- a. The natural environment, general amenity and the tranquillity of the wider rural area*
- b. The health and safety of the public including existing residents, and future occupiers of all new developments*
- c. Air quality*
- d. Surface water and groundwater quality, groundwater source protection areas, drinking water protected zones*
- e. Odour*
- f. Compliance with statutory environmental quality standards*
- g. Noise”.*

Policy LPP 71 “Climate Change” amongst the commitment for the District to adopt strategies to address climate change the policy seeks *“Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes....”*

Policy LPP 74 “Flooding Risk and Surface Water Drainage” this policy provides for development needing to be flood resilient and safe for users where in an area of higher flood risk. Appropriate assessments would be required in line with statutory policy.

The Revised NPPF was revised in July 2021 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states

that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be considered 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 NPPF. 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 NPPF, the greater the weight that may be given).

Sustainable development is at the heart of the NPPF which sets as its beacon the Brundtland definition (United Nations General Assembly quote prior to Paragraph 6). The Governments “broad” interpretation has the NPPF setting the scene for placing sustainable development at the heart of the planning system with three principally dimensions; that of economic, social and environmental. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- i. Seek to secure high-quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- ii. Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- iii. Contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouses gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 12 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

For clarity Braintree District Council has an up to date Local Plan as referred to above.

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 2013 (NWMPE) is also a material consideration in planning decisions.

Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste....
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment...

4. CONSULTATIONS

Summarised as follows and for all applications unless indicated otherwise:

BRAINTREE DISTRICT COUNCIL – For ESS/36/21/BTE Objection. Comments set out in Appendix A.

For ESS/98/21/BTE No objection.

BRAINTREE DISTRICT COUNCIL – ENVIRONMENTAL HEALTH – No response received.

ENVIRONMENT AGENCY – For ESS/36/21/BTE – No objection. Confirm a deposit for recovery permit will be required from the EA.

For ESS/51/21/BTE & ESS/98/21/BTE – No comments received.

NATIONAL HIGHWAYS (Formally HIGHWAYS ENGLAND) For ESS/36/21/BTE

and ESS/51/21/BTE – No objection.

For ESS/98/21/BTE – No objection.

Comment: “HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Following discussions with Brice Aggregates (the applicant) this application was submitted to address proposed changes to the approved mineral extraction schemes at the existing quarry that will be generated as a direct consequence of the implementation of our A12 Chelmsford to A120 widening scheme. National Highways are developing proposals to widen the A12 between Junctions 19 (Chelmsford) and 25 (A120 interchange). These works are identified in the DfT Roads Investment Strategy (2020-2025) to provide additional capacity to address congestion issues and provide resilience with increasing traffic demands along the corridor.

The A12 widening scheme is identified as a Nationally Significant Infrastructure Project (NSIP) and consequently is subject to a planning application for a Development Consent Order (DCO), which National Highways expect to submit during Summer 2022. The widening of the A12 will impact on the operation of Colemans Farm Quarry (“the quarry”) and National Highways has engaged with Brice Aggregates Limited; the operator of the quarry to understand the extent of that impact and how it can be minimised. In particular the proposed A12 alignment crosses the western section of the quarry and will need to bridge the void created by material extraction. Ongoing discussions have identified a revised programme of works (to that consented) which will enable the continuation of mineral extraction activity at the quarry, in advance of the construction of the A12 scheme, and continued extraction during and after the completion of the works, to the benefit of both parties. The outcome of these discussions has resulted in the submission of the following three planning applications:...

...The three planning applications enable the early extraction of material of economic value (western extension only) in the line of the proposed A12 widening and replaces the material with arisings from the quarry site and the wider local market. This is cost effective and reduces the cost of the scheme.

Granting of consent for these applications, will provide significant time and costs savings for National Highways in the delivery of the A12 scheme and reduces the quantum of resources needed as part of those works. Refusal will result in the A12 scheme, needing to identify sources for additional materials and their importation together with appropriate haulage routes. This will add cost and result in the A12 scheme taking longer to construct.

This response replaces previous responses to this application.

National Highways is supportive of the three planning applications for the reasons stated above. Therefore, we offer no objection”.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

COUNTY AIR QUALITY CONSULTANT (CAQC) – For all three applications: No objection.

COUNTY NOISE CONSULTANT (CNC) For ESS/36/21/BTE: No objection subject to “*continuation of noise related conditions in the existing consent (Conditions 26, and 28-31), as well as additional recommended controls:*

- *In order for ECC to ensure that Burghey Brook Cottages are only exposed to higher permitted levels (i.e., those within the higher limit of 70 dB LAeq,1hr) for up to 8 weeks per annum, the applicant should provide advanced written notice to ECC in advance of the commencement of any temporary operations that would require the higher limit.*
- *In order for ECC to ensure that the noise levels at Burghey Brook Cottages return to the limit value for routine workings (i.e., 55 dB LAeq,1hr), after this 8 week period has expired, monitoring should be carried out at Burghey Brook Cottages in accordance with the Noise Monitoring Scheme dated March 2021 within 1 month of the expiration of the 8 week period”.*

For ESS/98/21/BTE: Comment in their conclusions: “*The calculations have been undertaken using an atypical methodology not commonly used for minerals sites. Whilst the sample of results we have checked using the widely used BS5228-1 methodology are broadly consistent with the predicted noise levels, additional areas of uncertainty have been identified, such as the distances assumed from source to receptors. Predicted noise levels from mineral extraction, processing and backfill operations are summarised in Table 2 below.*

Table 2 –Predicted Noise Levels			
Monitoring Location	Noise Limit (dB LAeq 1 hr)	Activity (Proposed Phase)	Predicted Noise level (dB(A))
Colemans’ Cottage	51	5/6 excavations 5/6 backfilling	50 50
Colemans Farm	51		
Appleford Bridge Cottage	49		
Fair Rest (Rose Cottage)	55	4/9A backfilling	51
The Machtyns (air conditioned office building)	70	4/9A backfilling	52
Burghey Brook Cottages	55	5/7 excavations 7 backfilling	54 55

Predicted noise levels are equal to or just 1 dB below the accepted noise limits at Coleman’s Cottage and Burghey Brook Cottages. Taking into account the

uncertainty associated with the predictions, it is recommended that additional monitoring is undertaken:

- Within 2 weeks of commissioning, on-site monitoring should be undertaken to confirm that the noise emissions from the new recycling plant do not exceed the assumed sound power level. Measurements should also be undertaken at this time at all receptors, to ensure that the new plant is not leading to a breach of the noise limit.*
- Monthly monitoring should be carried out at all receptors when mineral excavation or backfill works are within the phases closest to each receptor. This requirement may be relaxed with the written approval of the MPA, once sufficient data has been accumulated to indicate that the noise limits are unlikely to be breached.*

In summary, we do not propose to object to the application, subject to the inclusion of the conditions on the following issues:

- Temporary operations noise limits of 70dB(A) for up to 8 weeks per year.*
- Normal operations noise limits as indicated in Tables 1 and 2 above.*
- Submission of an updated Noise Monitoring Scheme for the MPA's written approval, to reflect the revised phasing, recycling plant commissioning monitoring, and monthly monitoring when works are at closest approach.*
- Operational hours as currently consented.*
- HGV movements limited to a maximum of 330 per day, with the additional movements associated with this application restricted to the primary site access and prohibited from using the secondary site access.*
- Requirement for white noise reversing alarms.*
- Machinery to be fitted with effective silencers.*
- Agreement that Colemans' Farmhouse will not change ownership or occupation whilst the new recycling plant is operational".*

GREEN INFRASTRUCTURE – For ESS/36/21/BTE – No objection subject to supporting the applicant's comments in relation to them agreeing to an enhanced restoration scheme to deliver additional habitat and/or green infrastructure.

HIGHWAY AUTHORITY (HA) - For ESS/36/21/BTE and ESS/51/21/BTE comment
"The Highway Authority has thoroughly considered the transport information prepared by David Tucker Associates accompanying the planning application and is satisfied that the development will not have a material impact on the safety and efficiency of the local highway network.

For the avoidance of doubt the Highway Authority have not considered the necessity for restoration of the western extension to existing levels to facilitate future A12 improvements, which generates the proposed increase in vehicle movements. This is a matter for consideration by County Planning having regard to the documents submitted in support of the planning application.

Consequently, the Highway Authority would not wish to raise an objection to this planning application".

For ESS/98/21/BTE: the same observation as above "subject to the following measures:

- 1. Prior to development the provision of a suitable maintenance regime/contribution**

mechanism to cover the repair of any damage caused to the section of Little Braxted Lane between the site access and the main road network, details to be agreed by the Minerals and Waste Planning Authority in consultation with the Highway Authority.

Reason: To ensure that a satisfactory maintenance regime is in place to for the repair of any damage caused to the existing highway created by extraordinary use resulting from the proposed development in accordance with Development Management Policy DM22”.

HIGHWAY AUTHORITY (PUBLIC RIGHTS OF WAY) – Any comments received will be reported to the meeting.

PLACE SERVICES (ARBORICULTURE) – For ESS/36/21/BTE – Support subject to conditions to address tree protection.

For ESS/98/21/BTE comment “Whilst no direct comments by the Arboricultural Team appear to have been made in response to the earlier request for pre-app advice on this scheme, comments made with regard to previous application ESS/36/21/BTE clearly stated a requirement for a tree survey to properly assess the tree stock on site. In addition, an Arboricultural Impact Assessment has previously been requested to show all the trees potentially affected by the development within the application boundary and within 15m of the site. The report would need to be supported with suitable tree constraints and protection plans in accordance with “Trees in relation to design, demolition and construction – Recommendations” BS5837:2012. These comments are still pertinent, given that the proposals indicate the removal of hedges and trees”

PLACE SERVICES (ARCHAEOLOGY/HISTORIC ENVIRONMENT) – For ESS/36/21/BTE – Support subject to conditions to address archaeological investigation; excavation strategy, post excavation analysis, reporting and archiving. A Written Scheme of Investigation for geoarchaeology monitoring; completion of appropriate fieldwork and provision of post excavation assessment reporting.

For ESS/51/21/BTE – No objection noting” “any additional groundworks required within the boundaries of the original consented site will need to be assessed in terms of archaeological impact and a revised WSI may be required should it be demonstrated that additional groundworks are proposed, specifically the groundworks required for the diversion of the Burghey Brook“

For ESS/98/21/BTE – No objection and notes that should any remaining topsoils within unquarried areas be required for removal then the programme of archaeological investigation would need to cover those areas.

PLACE SERVICES (ECOLOGY) – For all three applications – No objection subject to securing biodiversity mitigation and enhancement measures.

PLACE SERVICES (HISTORIC BUILDINGS) – For ESS/36/21/BTE – No comment. For ESS/51/21/BTE – No objection. For ESS/98/21/BTE – No objection

PLACE SERVICES (LANDSCAPE) – For all three applications – No objection

subject to recommendations addressing tree and landscape management.

RIVENHALL PARISH COUNCIL – For ESS/36/21/BTE and ESS/51/21/BTE The Parish comment: *“Rivenhall Parish Council has the following comments to make relative to these two planning applications.*

This planning application is for:

- An increase to 330 HGV movements per day (165 in/165 out) via Little Braxted Lane (LBL). This is six times the number originally approved.*
- A 10% increase in sand and gravel to be extracted, the increase to come from a “western extension” to the site*
- The import of 425,000 tonnes of “inert” waste to infill this extension*
- Divert Burghey Brook*

In addition, the Supporting Statement suggests the promised “priority habitat” is at risk. This is a reference to the plan to restore large parts of the site to bio diverse habitat; it was vital in reducing opposition to the original application. It could be connected to much greater import of waste that Brice Aggregates (BA) mentioned at the most recent site meeting. That would change the heights and profiles of the restored land.

330 Lorry Movements

The initial application, which was approved in 2016, was for up to 58 lorry movements a day, 55 of them onto LBL. (The rest were to use the gate onto Braxted Road.) There were worries about safety then. Subsequently, the limit was raised to 175. This application by BA is for up to 330 lorry movements a day on LBL, for up to 2 years. Consequent issues are increased safety concerns and more damage to the road surface especially at the junction of LBL and the A12 slip onto the bridge. Also, if the intention is to import more waste over a longer period (as looks to be the case), then the higher HGV limit could be extended for a longer period.

Increase in extraction

The “western extension” is in an area that is due to be built over by the new A12 and new Witham North junction. The developer is arguing that without digging the mineral now, it would be lost (i.e., “sterilised” by the A12, but the fact is that there is no proven immediate need for further additional gravel extraction.

Imported waste

The developer is applying for more HGV movements so it can import waste. (The original conditions prohibited imports of waste and other materials.) BA says this is to infill the “western extension” after quarrying so that the land can be returned to agriculture and the new A12 at the appropriate level.

Further applications

This is the fourth planning application and it is unlikely to be the last because of the extent of the A12 route further towards the east through the site (and east of Braxted Road ?); the fact that the applicant told the Liaison Group that infill of voids would use waste over the whole A12 route and possibly wider site and the applicant’s clear statement in this application that there is uncertainty over the quarry access from the new A12 and where the plant area will be relocated to. In the document on justification for waste imports, it is stated that “waste disposal from major infrastructure projects” is under discussion and the Lower Thames

Crossing is cited.

Finally, the application papers give the impression (in terms of Community Engagement) that these plans have been raised with the Local Liaison Group (LLG) and “no concerns” were raised. That is not true. LLG members immediately raised concerns about the increase in HGV movements and the importing of waste as soon as BA first talked about it.

RPC further comments:

The western extension should be restored without the use of imported waste. Rivenhall Parish Council has grave concerns that allowing waste imports now could be the thin end of the wedge given the statements by the applicant about providing void space for spoil and waste from major infrastructure projects and the fact that he told the LLG that the whole of the A12 route through the site, and perhaps other land on the site, would be the subject of waste infill.

The number of HGV movements should remain as at present. This would still allow the sand and gravel from the western extension to be extracted.

New safety measures should be introduced at the LBL/slip road junction area. The developer should be required to pay for regular repairs to the road surface at the junction of LBL and the Colemans Bridge slip road.

The developer should be up-front to ECC and local parishes about why he is saying the agreed biodiversity-led restoration plans are at risk”.

For ESS/98/21/BTE – “The objection is made on the following grounds:

The applicants and Essex County Council were well aware when the original application was submitted that it was likely that the A12 rerouting would be through part of the application site. It was pointed out during the application determination meeting that this was the case and yet despite this, consent was given for a red line footprint larger than allocated in the Minerals Plan and including land closer to the current line of the A12.

The fact that the A12 is now a Preferred Route through the quarry site, as expected, is being used by the applicant to try to justify further, and very significant, industrial expansion of operations beyond those originally consented, and beyond those consented by the various further applications that have followed the original. Assurances were made at the time of the original application regarding limits to HGV movements, which have not been kept, with repeated application to raise HGV numbers. ECC has not allowed this for Bradwell Quarry, where the limit has been the same for decades.

This latest application proposes increasing the tonnage of imported waste by 756,000 tonnes, even before the application to import 918,000 tonnes of waste has been determined. The Parish Council maintains its strong objection to the importation of any waste to the site, which if allowed would be the thin end of another wedge.

The latest application seeks to make permanent the 330 HGV movements per day

that the applicant had applied for on a temporary basis. The Parish Council objects to any further increase in HGV movements, which are a hazard at the Colemans Bridge junction and are causing repeated damage to the road surface there.

The Parish Council strongly objects to the proposed change to the restoration plans using waste materials south of the A12 Preferred Route, and to the installation of waste processing machines which will further industrialise the countryside and which would be a further source of noise and dust to residents in Rivenhall End.

The Parish Council notes that even while the applicant continues to try to expand industrial activities in the countryside at the quarry site, he states in terms in this latest application that the access to the A12 when it is rerouted is unknown. Unless access direct to the A12 is proposed during construction of the A12 or when construction is completed (and National Highways do not indicate any such arrangements are proposed), then HGVs from the quarry will continue to use local roads and lanes through the Braxteds, Rivenhall Parish and through Witham. The volume of HGV tipper trucks through local communities associated with this quarry, other quarries and the many local development sites is already a source of great concern to residents before any further increases in HGV movements are considered. Furthermore, it was raised with ECC by Braintree District Council at the time of the formulation of the Minerals Plan that the cumulative impacts of so many quarries and development sites in the southern part of Braintree District would lead to such impacts, and yet ECC has allowed that to happen and the Parish Council is not aware of any cumulative impact assessments of HGV movements having taken place.

In conclusion, the planning history of Colemans Farm Quarry, which has not yet operated for a decade, is already one of significant planning creep and further intensification should be refused consent”.

WITHAM TOWN COUNCIL – For ESS/36/21/BTE – Objection, commenting *“recommend refusal on the basis that 300 HGVs movements a day is excessive and would impact on local roads and as such all HGVs should be required to use the adjacent A12”.*

For ESS/51/21/BTE – Objection, commenting *“particularly concerned about the increased HGV movements and where it was proposed to store the minerals. Concern was also expressed that by the removal of the minerals the proposed A12 improvements would prove more expensive to prevent subsidence. The Town Council therefore strongly recommends refusal of this application on the grounds that the accelerated extraction is not in accordance with the Aggregate Extraction Plan, the proposed 300 HGV movements a day would be excessive and impact on local roads and as such, all HGVs using this site should be required to use the adjacent A12”.*

GREAT BRAXTED PARISH COUNCIL – For ESS/36/21/BTE – *“I can advise that our council is in complete agreement with the comments [Comments from Little Braxted Parish Council set out below which were quotes from the Parish Council to the applicants agent in response to a Consultation leaflet] . We really are concerned about the possible increase in heavy traffic in and around our village”-*

The Little Braxted Parish Council Consultation leaflet response to the applicant's agent stated *"I am writing to set out the views of Little Braxted Parish Council on your proposals.*

1 In respect of your new proposals for restoration, we would like to see opinion from independent experts as to the implications for biodiversity and ecology. Pending this expert advice, we are opposed to importing waste onto the site, processing waste onsite and to any further increase in traffic. The A12 should use onsite aggregates, not imported waste, for construction. This would remove the need for extra traffic and create less pollution. Your plans would involve a sixfold increase in lorry movements on Little Braxted Lane since the original plans were approved; all this traffic would be using what HE staff (at a recent A12 consultation) referred to as a substandard junction.

2 You asked local residents to express a preference between two options. Why not combine them to provide both pieces of open water?

3 A number of local residents reported not having seen this document until we circulated it to them. To whom did you send it and when?

4 Some local residents took the opportunity to raise the issue of noise and working hours at the RMX plant. They reported occasional noise as late as 7.00pm and 8.00pm. This destroys their rural peace and is outside approved working hours. Their experience raises the question of noise and working hours on any future proposed activities including recycling and crushing.

5 There have also been reports of dust on local hedges. If this is a problem now what would happen if you were allowed to adopt these plans? Processing waste would result in a huge increase in dust and damage to hedges and wildlife.

6 The junction of Little Braxted Lane with the slip road needs repairing. The potholes are getting bigger and that is before any increase in quarry traffic.

7 Have you undertaken a review of flood risk of the combined impact of the A12 and infilling voids? Where would water draining off the A12, flood water from the river and excess rain water go if your new plans were adopted? We may need voids to provide spare capacity for excess water".

LITTLE BRAXTED PARISH COUNCIL – For ESS/36/21/BTE Objection, commenting: *"This Council objects to this application on the following grounds:- a) The site is not contained within the current Minerals Plan policy b) As the pre-application advice to the applicant (page 15) states (and restates later on a number of occasions) the sand/gravel which may lie under the surface cannot be claimed to be in danger of being sterilised by the proposed A12 as the route of the new A12 is not yet out to formal public consultation c) Should the A12 eventually cross the site such aggregates as lie beneath the site may best be used for on-site construction of the A12 at that time d) There is no evidence that, should this permission be granted, and the A12 route subsequently approved across this site, that the minerals can be extracted without delaying the construction of the A12 (With lorry movements taking aggregate from site remaining at 75 outward movements per*

day, even if no other aggregate or concrete mix was taken from site, it would take nearly 2.5 years to extract and export all the implied 500,000 tons because of the limitation already on the site of a maximum extraction of 225,000 tons/annum). e) With the current extraction limit on the existing site any extension at this stage can only result in a future need to extend the overall quarry life, to the detriment of the fauna, flora and nearby residents f) The local traffic network (particularly for vehicles travelling to the west ? Braintree and beyond - or the East ? Tiptree/Maldon) cannot cope with an additional 330 lorry movements g) The adjoining quarry was only narrowly included in the Minerals Plan because of the claimed extensive improvement in bio-diversity which would be likely to occur; the proposed importation of inert waste will not only impact upon the current habitats but make it less likely that the projected improvement will occur h) There is no clear indication of how the dust, already visible on hedges surrounding the current quarry, will be contained on the new extension, nor on the infilling process which, to comply with EA guidance requires physical separation of some solids i) This extension to the west brings the quarry closer to the neighbouring property across the A12 and without the benefit of established hedging is likely to impact on that property j) Without adequate screening the sight of the works immediately adjacent to the A12 is likely to be a driver hazard k) The need to line the voids with clay to prevent any leaching of the imported inert waste will have an impact on the ability of the site to absorb rainfall, leading to potential flooding issues both on the site and in the river, especially impacting upon the cottages and OTHER PROPERTIES”.

For ESS/98/21/BTE Objection, commenting “More HGVs We are opposed to any further increase in HGVs using the junction of Little Braxted Lane with the slip road from the A12 at Colemans Bridge. The proposal to increase the number of lorry movements to up to 330 a day should be rejected as it is unacceptable to many local residents. There were already serious concerns about safety in 2016 but now Brice Aggregates Limited is applying for six times the number of lorry movements that were originally approved. The junction is unsafe partly because traffic coming off the A12 cannot see lorries at the junction, which Highways England staff, at a recent consultation event, described as “substandard”. Putting so many more HGVs onto a “substandard” junction strikes us as high risk. The Case for Importing Waste for Voids under the A12 BAL has produced costings for four options for readying the void for the new A12 (Supporting Statement, page 6). The costs range from “30m/”40m for a bridge to “potentially cost neutral” for infilling the void with compacted waste. At a recent meeting of the Liaison Committee, BAL declined to give the source of these costings. If correct, they make a reasonable case for importing limited volumes of waste. We expect no decision to be made without independent verification of these figures. If permission is granted it should be conditional on: Approval for the new A12 route. (We note that the DCO has not even been submitted.) A time limit of two years (from approval) for importing, processing and recycling waste. After this time these activities should cease. Reject the application to Import Waste to Rest of the Site. We recommend this part of the application is rejected as BAL has failed to make a case for importing waste to the rest of the site. BAL says its application is based on the need to provide priority habitat consistent with the original approval but this is not what it has proposed. The original application promised a 15% increase in habitat units whereas the new application is for a 30% increase... If BAL stuck to a 15% increase which was sufficient to satisfy the ECC in 2016 it would not need to import

750,000 tonnes of waste, nor would there be need for 330 lorry movements a day. We recommend the Council requires BAL to stick to a 15% increase in habitat. There are further measures to consider: 1. Some of the required priority habitat should be provided on HE land. Both HE staff (at a recent consultation event) and BAL have said this would be possible. This would relieve the pressure on BAL to provide all the required priority habitat on its reduced space. 2. Some of the land shown on the Revised Restoration Plan as being restored to arable land (the area around the cross between the A and B axes) should be restored as lake, possibly with reedbeds. This is clearly possible: a plan for a lake at this position was included as option 2 in the consultation leaflet (see attached). 3. ECC could go further. In our response to the consultation leaflet we asked if the lakes in options 1 and 2 of the consultation leaflet could be combined. BAL rejected this suggestion partly because, it claimed, the lake would cross a bridlepath. This is not the case; the bridlepath runs below the lake in Option 2. We recommend approval is conditional on combining lakes in options 1 and 2, further reducing the need to import waste. 4. The original restoration plan (dated August 2015) showed a smaller lake and reedbed opposite Rose Cottage. This plan should be reinstated, further reducing the need to import waste. Given the number of options that we have identified, we see no need to import waste to meet the priority habitat requirement. With a little help from HE, BAL could deliver the 15% increase in priority habitat that previously satisfied ECC without importing waste, let alone processing and recycling it. The revised restoration plan should be rejected.

Community Gain If, despite our opposition, the council is minded to approve the application to import, process and recycle waste, it should only do so on condition of community benefit, given the profits that BAL stands to make from these additional freedoms. We have two proposals: 1 On restoration, the site should be turned into a permanent nature reserve, funded by BAL, providing free access to visitors at all times of year. Further, the reserve should extend beyond the site to cover fields on the other side of Little Braxted Lane, which we believe are in Brice family ownership, so that the reserve joins up with Whetmead Reserve, using the existing footpath round Colemans Fishery. 2 BAL should make a contribution to be kept in escrow to a new bridge to run parallel to the listed Appleford Bridge. The new bridge would allow traffic to cross the river Blackwater in one direction, while traffic going in the opposite direction uses the existing bridge. This would relieve pressure on the existing, frequently damaged listed bridge and help traffic flow locally. It would be widely appreciated by residents in the area. Flood risk assessment needed Any approval should be conditional on a flood risk assessment of the combined effect of the A12 and importing waste onto the site. If approved, both the profile of the land and its make up (notably imported clay) would be markedly different from plan that was originally assessed. In particular, the new plan does not contain the number of voids and open water sites of the original application; these voids are crucial in absorbing flood water. Noise and dust concerns An increase to 330 HGV movements a day, combined with processing waste and recycling, are likely to lead to yet more noise and dust. Already dust has been noted on hedges. (In our response to BAL's consultation leaflet we pointed this out but BAL mistakenly suggested we were concerned about dust on roads rather than hedges. See Supporting Statement Page 10.) We have also reported residents concerns about noisy working out of hours. These would only become more serious if approval were given. Non Compliance We note that BAL has: - In the past established stockpiles outside the permitted area - Started using its RMX plant before approval was given - Sited the RMX plant in a position which was not

authorised. (It has now applied for retrospective approval.) Used its logo on the RMX silo without approval. (We understand a further retrospective application will be made to address this.) Given this record of non compliance, we expect a strict monitoring and enforcement regime to apply. No Extension to Life of the quarry There should be no extension to the life of the quarry. The 2034 end date should apply to all activities in the existing quarry, in the western extension (if approved), at the RMX plant, and to importing, processing and recycling waste (if approved) as well as restoration, even if the A12 is delayed”.

LOCAL MEMBER – BRAINTREE – WITHAM NORTHERN – Any comments received will be reported.

5. REPRESENTATIONS

As a result of site, press (Braintree and Witham Times) and 42 neighbour notifications (5 letters returned undelivered for ESS/36/21/BTE; 6 letters for ESS/51/21/BTE; 12 letters for ESS/98/21/BTE; and 3 letters of representation have been received from District Councillors. Their comments are below.

- a) District Councillor James Abbott comments in respect of ESS/36/21/BTE and ESS/51/21/BTE:

The proposed extension at Colemans Quarry is not allocated within the current Adopted Minerals Plan. Essex County Council (ECC) has granted consent for further extensions at Bradwell Quarry to meet policy and landbank requirements and there is no planning need to allow for any further land to be granted for minerals at this time. Furthermore, as ECC is aware there is a standing objection from several local parishes and the district council to the intensity of extraction from the cluster of major sites (Bradwell, Great Leighs, Rayne and Rivenhall) in a relatively small area in and adjacent to the southern part of Braintree District. Since the Minerals Plan was Adopted, rather than seek to mitigate those concerns ECC has simply granted even more extraction and quarry activity in the area including the huge site A7 in open countryside (Bradwell Quarry).

In the pre-application advice to the applicant (page 15) it is stated (and restated later on a number of occasions) that the sand/gravel which may lie under the surface cannot be claimed to be in danger of being sterilised by the proposed A12 as the route of the new A12 is not yet out to formal public consultation. Should the A12 eventually cross the site, aggregates beneath the site could be used for on-site construction of the A12 at that time but that is not considered in this application. Furthermore, if the current application was granted by ECC, minerals could still be extracted without delaying the construction of the A12 (due to begin in late 2023) at the current permitted HGV movement levels. There is actually a counter risk that by allowing ever more activity at Colemans Quarry, that in itself could delay the A12 works. The applicant clearly states in the current application that the A12 plans have created uncertainty over the access arrangements for the quarry and the relocation of the plant and processing area. In my time as an ECC Member I repeatedly asked, including at D&R Committee, as to why there was such poor working between ECC/the quarry/Highways England about the relationship between the quarry and the A12. The new A12 was always likely to be in the corridor that now includes the Preferred Route. It appears little

has changed and just 2 years from when the A12 construction is due to start, local communities especially at Witham, Rivenhall and Little Braxted remain exposed to uncertainty and worry about what will happen. The main reason why the applicant wants to massively increase HGV movements to 330 per day is to import 425,000 tonnes of waste. This must not be permitted.

There is already significant environmental and highway stress on the A12 and on local roads through local communities such as Witham, Rivenhall and Silver End due to HGV tipper trucks from all the quarrying and housebuilding in the area. There has been no assessment by ECC of the cumulative impact of this HGV activity in the area. It is now commonplace for the weight restriction in Oak Road Rivenhall to be breached by tipper trucks as well as the unrestricted B1018/Rickstones Road - Western Road (Witham - Rivenhall - Silver End) route on some days seeing tipper trucks coming through at speed at a rate of one every few minutes.

The move to start importing waste is of great concern. The policy of ECC on local quarry sites such as at Bradwell has been to restore at the lower level and not to import waste to raise levels back up. It appears from what we currently know that a grant of consent to start importing waste at Colemans Quarry could be "the thin end of the wedge". The applicant has already informed the Local Liaison Group (LLG) of his intention to use waste landfilling by 'inert waste' for the rest of the A12 route through the quarry, not just the proposed extension. This waste could include soils and clays but also construction demolition wastes. The applicant also told the LLG of his intention to set up a waste crushing facility, but that is not in the current application.

The applicant says in the current application documents that the agreed biodiversity restoration plans are at risk. The quarry was only narrowly included in the Minerals Plan and the claimed extensive improvements in biodiversity were a major part of why the site was allowed. The applicant has failed to set out now why those plans are so at risk but landfilling the quarry voids at a higher level would clearly be a major change from the agreed lower-level biodiversity restoration plans.

The original application, which was approved in 2016, was for up to 58 lorry movements a day, 55 of them onto Little Braxted lane. (The rest were to use the gate onto Braxted Road.) There were worries about safety then. Subsequently, the limit was raised to 175. This application by Brice Aggregates is for an almost six-fold increase in HGV movements over the original consent, with up to 330 lorry movements a day onto Little Braxted lane, for up to 2 years. However, we would be very concerned that further applications would be submitted to extend the higher HGV movement period to allow for ongoing importation of waste. In the document setting out the justification for waste imports, it is clearly stated that commercial approaches have been made towards possible major sources of waste and the Lower Thames Crossing is listed as one such source for landfilling at the quarry. It is completely unacceptable that the historic single track Little Braxted Lane has been so extensively harmed by the quarry in the first place. A quarry extension closer to the lane and another major increase in HGV movements will add to that damage, further industrialising the area as well as the increased safety concerns - and more damage to the road surface - at the junction of Little Braxted

Lane and the A12 slip onto Colemans bridge. Did ECC include an agreement with the quarry to repair the road surface at the junction. It is currently in a terrible state due to HGVs turning at that location, reported several times to ECC and yet nothing has been done about it.

The proposed extension and increased HGV movements would add to the environmental stress of noise and pollution on the properties in the vicinity along the A12 and along Little Braxted Lane. The extension would be more visible immediately adjacent to the A12. The application proposes further environmental harm through the need to divert the Burghey Brook. The application papers give the impression (in terms of Community Engagement) that these plans have been raised with the Local Liaison Group and “no concerns” were raised. That is not true. LLG members immediately raised concerns about the proposed increase in HGV movements and the proposed importation of wastes as soon as BA first talked about it. In conclusion, this application should be refused for the reasons as set out above. The application not only seeks to change the quarry activities in a fundamental way, it creates undue uncertainty over a number of related matters including the relationship with the new A12 and the agreed biodiversity restoration. This application as we have seen on so many quarry and waste site applications previously in the area, amounts to classic 'planning creep'. Given the critical nature of the relationship to the A12, there needs to be a full and complete fresh application to define all parameters of what the applicant intends to do, informed by what Highways England intends to do”.

b) Braintree District Councillor Bob Wright comments:

“I wish to object to the proposed applications on the following grounds, An increase to 330 HGV moments a day this is an increase of nearly 6 times the original limit. The increase in gravel extraction on the western extension to this site. The importation of 425,000 tonnes of waste to infill this extension.

The reason I am objecting is that this is the same location as the proposed new A12 due to start in 2023, and this may cause a delay.

There will be an increase in lorry movements in the near by villages and towns due to the A12 works.

There will be an increase in noise and dust to near by residents”.

c) Braintree District Councillor Angela Kilmartin comments:

“I am a Braintree District Councillor with this site in Central Ward under the care of myself and colleague as above. I am also a Witham town Councillor. Living almost on the Avenue /Grove crossroads in Witham and instrumental with ECC Cllr Ross Playle on the receiving end of the deposits of gravel on The Avenue in Witham , I am absolutely appalled by the proposed increase in HGV movements, appalled.

These gravel-laden lorries do not all go onto the A12.

They are daily, several times now, depositing dangerous gravel and sand onto road

and pedestrian crossings in Witham.

I have had cleaners out regularly and sat taking notes of movements last year. This gravel acts like marbles for footwear on the crossings and can be airborne also by tyres into pedestrians faces as well as car windscreens. I don't want more of this! ECC Playle has a good group of photos too.

All the HGV's should be banned entirely from town roads and the A12 should itself have cleaning stages ready for spills.

I strongly object to these HGV's in town and absolutely reject all increases as described”.

6. APPRAISAL

The suite of three applications have primarily been held to enable them to be reported together given their interrelated aspects and for a holistic view to be understood of what was developing at this location.

Application ESS/36/21BTE effectively seeks mineral extraction and infilling with its accompanying VOC application ESS/51/21/BTE of the mother permission seeking to accommodate the dovetailing of the extant conditions to reflect the implications of the western extension proposals but also to accommodate an increased level of HGV's during the infilling process.

Application ESS/98/21/BTE also a VOC of the mother permission has followed on and itself seeks to accommodate a wider suite of changes namely; re-phasing of the working and restoration; changes to the approved restoration concepts with infilling of some of the voids; introduction of a recycling facility and continued importation through life of the quarry.

Given the passage of time the applicant has made clarification points to the submitted documentation with the planning statements reflecting the findings of the individual Environmental Statements. It has not been felt this clarification exercise which is more one of an administrative exercise has necessitated any need to formally reconsult and it is considered that no party has been prejudiced in this respect.

The appraisal section below has been taken on the basis of seeking to address the individual elements of the applications themselves as well as between the applications, although acknowledging that overlaps do occur or impacts could be seen as continuing through the applications.

The principal issues in respect of these applications are considered to be:

- A. Appropriateness for the “western extension” activities
- B. Implications With The County Landbank/Status Of The Western Extension Land Parcel
- C. A12 Road Realignment Implications

D. Infilling Implications

E. Retention of Recycling Facility; Revised Phasing; Associated Traffic Implications And Changes To The Restoration Scheme

F. Environmental – Noise; Dust and Air Quality

G. Ecology

H. Landscape

I. Community Gain.

A APPROPRIATENESS FOR THE “WESTERN EXTENSION” ACTIVITIES.

This section considers whether the western extension land parcel could be considered an appropriate location for mineral extraction in its own right. The implications for any mineral resource set against the county landbank is addressed separately.

The Colemans Farm site was originally identified and accepted as an preferred site for mineral extraction (Site A46) within the Minerals Local Plan (MLP).

An allocation is not in itself planning approval for that particular site but more one of identifying an area of land that is suitable for future mineral working/waste management activity subject to appropriate planning permission being gained.

Having a site allocated in the MLP which itself has then been through the plan-making process, provides some comfort to potential operators in respect of their future working programmes. It also clarifies to communities as to where potential sites may take place and to how a county would be able to meet its mineral demand requirements through that particular plan period.

Sites contained/allocated within development plans are always subject to more detailed assessment when individual applications are eventually submitted. Likewise, the final site area sought by applicants at planning application stage can be different.

An example of that differing site boundary was the one finally approved for this particular site as ESS/36/14/BTE (the original Colemans Farm). This application boundary was one considerably larger than had been identified at the time of the allocation inclusion.

As part of this suite of applications, an additional land area, that of the western land parcel, has now been included for consideration. Why the “western extension” area was not included at the time in either the original allocation area nor as part of the original planning application area is unclear. It appears to have been an oversight at the time and there are no obvious constraints that appear to have ruled this land area out from inclusion. The land now the subject of this application for the western extension constitutes a “non- preferred site” as it was not identified in the MLP.

That an application is now submitted to encompass the “western extension” land is not too surprising. Its inclusion could be seen as a refinement in the wider

complex's programme to ensure that viable mineral reserves are not ultimately sterilised, and that extraction can be achieved in an environmentally sustainable way whilst serving the economic demands of the area.

From that position the inclusion of the "western extension" land as a tidying up of a slight aberration in the original site boundary limits could be seen as not introducing any fundamental objections from a technical aspect.

Likewise, from a planning point of view the inclusion of the land, bearing in mind the majority of it lies within the approved quarry boundary in any case, is not in-itself considered objectionable. The specific environmental impacts are covered further in the report.

Braintree District Council has raised various comments including the issue of the principle of the development and the District concerns over the fact that based on the draft Review of the Minerals Local Plan the District could account for some 56% of the mineral requirements set out. A similar expression from District Cllr Abbott is that the application land is not allocated in the Minerals Plan and so no planning need for it. Similarly, that there has been no dialogue between the Highways England and County Council and operator on the road scheme with the line of the route not confirmed.

A further concern raised by Braintree District relates to the County Council having established the Essex Climate Action Commission which includes seeking to reduce carbon emissions within the county and that through its MLP to seek a spread of quarries how this interacts with reducing mineral miles. The District highlight the need for securing mineral extraction closer to the need would be more consistent with ensuring a reduced carbon footprint. Furthermore, should planning approval be forthcoming for this site then the District Council request that a similar sized quarry site is removed from those proposed within the Braintree area.

The points are noted. However, the issue of future site allocations is a matter to be addressed through the Mineral Local Plan Review (MLPR) process. It is not considered that this planning application is 'premature' related to that process given the MLPR is at a very early stage. In respect of the Colemans Farm site and the "western extension" this potential additional discrete mineral parcel arises not in respect of being a future site in any plan but one where sterilisation/windfall implications has arisen with the emerging road scheme implications.

Policy advice and guidance has been to ensure that viable mineral resources are not needlessly sterilised when development opportunities arise. In this particular case there is the potential for a mineral resource to be won from within an existing mineral complex site boundary and for that land to then be reinstated, as is being proposed, back to a suitable level to ensure that the impacting development, that of the road scheme, could follow on from. Such actions would avoid sterilising an amount of saleable mineral whilst still enabling a future development. In those terms the proposal would not be in conflict with policy/guidance advice.

In respect of sites closer to markets, Colemans Farm, as with many other sites, generally serves local markets. Sand and gravel is not a high-cost mineral that can

bear long distance travel costs. As noted above, the spread of future sites is one being looked at through the MLP process and, in this particular case, the nature of the western land parcel coming up for consideration is set against a particular background of a potentially sterilising mineral.

The western extension parcel brings with it certain specific circumstances; that of its location partially within and partially abutting an extant quarry boundary; that, as a result of the passage of time since the planning applications' submission dates, National Highways (NH) have submitted a DCO for the A12 road works and so and increased chance the land would be impacted arises; the winning of that mineral ahead of the potential road scheme to avoid its sterilisation could be considered an acceptable initiative. Notwithstanding the road scheme implications there could also be a similar argument for the mineral being won in any event. The application land's juxtaposition to the extant quarry, its discrete nature in terms of size/resource and there being unlikely further future extensions to this land parcel coming forward given the locational constraints exhibited by this land parcel and as described earlier in this report; the potential impacts arising from the workings are ones similar to those already identified as part of the greater Colemans Farm development; that extant conditions are in place to control potential and similar aspects of the quarrying development and the potential of any working of the extension land dovetailing with the extant quarry timescales. From that point of view the winning of the western mineral could also be considered on balance an acceptable proposition in its own right.

Overall, the principle of the development for this specific inclusion of the western land area is not considered to be in conflict with MLP policies S1; S2; S3; P1; nor SP1. Nonetheless, the principle of the development should be explored further, notably in respect of the county landbank and status of the western extension land parcel. This aspect is addressed below.

B IMPLICATIONS WITH THE COUNTY LANDBANK/STATUS OF THE WESTERN EXTENSION LAND PARCEL

The policy advice here is taken from the adopted MLP that has a purpose "to plan for a steady and adequate supply of aggregates" through the plan period to 2029 for Essex.

The MLP states "*As of 31 December 2011, the combined Essex and Thurrock updated landbank for sand and gravel was 8.3 years. Planning permissions secured on the Preferred Sites identified in this Plan **will increase the permitted landbank which otherwise decreases through sales of the aggregate***".
[authors emphasis in bold].

On a rolling apportionment the figures set through the MLP for Essex are for the supply of 4.31 million tonnes per annum of aggregate.

The MPA undertakes, on behalf of the East of England Regional Aggregates Working Party (EEAWP), an annual Aggregate Monitoring Survey (AMS) of operators to provide up-to-date sales and permitted reserves of aggregates data

within the county to help monitor and inform policy on aggregate supply. The AMS is carried out at the tier of Greater Essex, which incorporates the administrative areas of Essex, Thurrock and Southend-on-Sea. This means that data returns pertaining to Essex County Council and the unitary authorities of Thurrock and Southend-on-Sea are collated and published as a single figure under the reporting tier of Greater Essex. This is required for commercial confidentiality reasons. Once annual survey returns have been amalgamated in this way, they are required to be destroyed and as such it is not possible to disaggregate figures back to establish an 'Essex-only' position. However, it is considered reasonable to apply the Greater Essex figures to Essex-only. As set out above, Essex has an apportionment of 4.31mtpa set against a Greater Essex apportionment of 4.45mtpa. Using this proportional split as a proxy, 96.85% of the mineral contribution of Greater Essex is from Essex

The most up to date, as of 1st December 2022, aggregate figure for Greater Essex gives a landbank of 8.15 years and comparable figure for 2021 was 7.61 years. The jump has effectively resulted from one site having approval granted for over 6 million tonnes. Adding in the proposed western extension parcel, were it to be approved would only change the landbank to 8.21 yrs based on the December baseline figure.

Whilst the current landbank is above the seven year minimum set out in NPPF Paragraph 213f, it is not considered significantly above seven years. Further, planning policy and guidance does not state that planning applications should be refused if the landbank is above seven years – it is merely an indicator of need.

Notwithstanding the position of the landbank, as the site is not an allocated site in the MLP, Policy S6 of the MLP as it relates to mineral extraction outside of Preferred and Reserve sites applies. In this regard, Policy S6 states “*Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:*

- a. An overriding justification and/ or overriding benefit for the proposed extraction, and,*
- b. The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,*
- c. The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan”*

As the report has outlined, the western extension land parcel overlaps part of the extant Colemans Farm quarry complex permitted boundary. Its omission at the time when the original application that gave rise to the extant site has been noted earlier as a likely oversight at the time. It has also been reported earlier that indicative site boundaries at allocation stage can and do be different to when they finally make an application submission, as was the case in respect of this particular quarry. Had the land parcel been included at that original application stage then it is feasible that it would have formed part of the overall approved quarry development at that time. However, no weight is placed on this, and the extension is being determined on its own merits.

Policy S6 above sets out criteria in a) – c) that need to be satisfied to justify

permission for extraction to take place outside of Preferred and Reserve sites. Taking the western extension land on its own standalone merits and against the three criteria the parcel exhibits the following.

Against a) – Whilst the applicant has identified the A12 road realignment programme as being a justification for working the western parcel this report has also sought a balanced consideration of that discrete land parcel to stand on its own merits without influence of any outside factors. In essence given the two alternative views presented here, then it is appropriate to run two scenarios for the western land parcel's consideration.

Taking the applicant's line, then there is opportunity for avoiding sterilisation of a quantity of mineral ahead of a potential road realignment that is identified for crossing part of the extant quarry complex and directly over the western land parcel. That the applicant could also seek to infill the resultant void ahead of that road scheme without delaying the road programme is presented as a feasible option. Avoiding the unnecessary sterilisation of mineral that would result from delivery of the road programme, without compromising the road programme itself, is therefore being seen as an overriding justification to allow extraction as it will result in the recovery of an important mineral to add to the county landbank that would otherwise be lost. This would subsequently reduce the amount of mineral that will be required to be sourced through the MLPR. A secondary benefit would be allowing an outlet for handling inert wastes which is an area which the WLP recognises as requiring suitable outlets to accommodate the market arisings.

The above said, a second scenario is however required to be considered given that the route of the A12 is currently one at the application stage rather than one which has been permitted. This second scenario needs to consider the merits of the application should the final permitted route for the A12, if one is permitted at all, not result in the potential sterilisation of the mineral at the application site that provides the overriding justification required by Policy S6.

It has been referenced earlier that the western extension land parcel is a discrete area of land located partially within an extant quarry boundary. The operator has the ability to rephase their workings at this stage of the quarry's life, to adjust the working programme to allow winning of that mineral resource and process through an on-site processing plant and export through existing transport channels whilst operating within existing controlling conditions. The void could then be available for infilling with traffic again utilising an existing routeing system that allows ease of access to the strategic highway network. The report considers the traffic aspects further.

The working of the land parcel would not extend the consented timeframes for the complex. Working of the application site can therefore be seen as ensuring that all viable minerals were able to be won from the parcel without giving rise to any further environmental impacts than already occur. The benefits would be as just stated above; that sterilisation is avoided as the land would unlikely be available for working once the phasing elements of the quarry move sufficiently away. The MWPA is able to place weight on this sterilisation argument as the proposed extension is into a very clearly defined area that itself could not be further extended as there are hard boundaries on all sides of the proposed extension. This means that the applicant could not return with an application for extraction incorporating this land and additional land that would make the currently applied for extraction area viable in the future. Once extraction was completed the land

would be infilled to original ground levels and restored back to agricultural land marrying in with the wider return of the landscape to similar afteruse.

Taking the above into account it is considered that the over-riding benefit that could allow extraction at this non-allocated site is that it avoids the unnecessary sterilisation of mineral in accordance with the MLP/NPPF in what is a very clearly defined area (hard boundaries on all sides), where restoration timescales of the parent site would not be compromised, it is not introducing a new location for associated plant and there is no change in assessed impacts on sensitive receptors. In addition, at 265,000t, the amount proposed to be extracted represents 0.7% of the total amount of mineral allocated through the adoption of the MLP in 2014. Such an increase is not considered to undermine the Plan-led approach set out through Policy S6. Notwithstanding the further issues considered in the report, in respect of the principle of the development it is considered that the proposals are acceptable in terms of the first criteria (a) of Policy S6.

Under criteria b), which requires that the scale of the extraction being the minimal necessary, under both the road realignment or standalone viewpoints, the western extension land parcel has clearly defined physical parameters set by in essence what remains of the remaining mineral resource in that unworked area of land. As previously stated this parcel is discrete being bounded by highway land to the north and west and by the extant quarry to the east and south. The site boundary therefore dictates that scale of the extraction is no more than the minimum essential for the purpose of the proposal, which is to avoid the unnecessary sterilisation of mineral caused either by the future routing of the A12 or any residual mineral being unviable to extract once extraction ceases at the existing quarry.

Given the limiting factors set out above, the proposal is considered acceptable under criteria b) of Policy S6.

Criteria c) requires consideration of whether *the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.*

Taking the road realignment option, then the proposal for the western extension parcel has in this report been appraised against environmental acceptability and the conclusions against each aspect found acceptable. From a sustainability aspect; the programme is to ensure that all available mineral is removed from within what is effectively an extant planning permission boundary/constrained land area given the boundary parameters previously identified for what comprises the Colemans Farm complex and western land parcel setting. This recovery of all available mineral would normally be supported; seen as avoiding unnecessary sterilisation of a valuable resource and be seen as sustainable without giving rise to unacceptable environmental impacts. From a road realignment option this report finds the extraction consistent with MLP policies.

From the secondary 'in principle' position, which places no reliance on a future A12 route alignment potentially sterilising the mineral at the application site, the proposal is considered to be environmentally suitable and sustainable but its consistency with the other relevant policies of the MLP needs to be considered further to assess compliancy with criteria c) of Policy S6. The applications'

implications against the other policies, highlighted earlier in this report, are incorporated into the further following assessments below.

C. A12 ROAD REALIGNMENT IMPLICATIONS

That potential impacts could arise between the quarry complex and A12 has been known about for a number of years is noted by various representees including District Councillor Abbott. As are subsequent concerns over the uncertainty of the quarry and its relationship with the A12; the biodiversity commitments; and also potential delay in extraction and knock on effects to A12 programme.

Biodiversity aspects have been addressed earlier. The implications relative to the NH proposals have also been referenced earlier with confirmation that the DCO application having been accepted for examination by the Planning Inspectorate on 12 September 2022.

At the time of submission of the suite of three applications for the complex, the progress of the road alignment programme had only reached a Preferred Route Announcement with the application documents noting *“One of the key areas of concern highlighted in the pre application advice was the lack of certainty on the A12 scheme and the scope for prematurity that could be created were the A12 scheme not come into fruition. Since the advice was issued, HE have made a Preferred Route Announcement that commits HE to a defined route, which clearly passes through the site. The announcement also indicated timelines for the A12 works as follows:*

- *baseline and design work in 2020 and 2021;*
- *application for Development Control Order (“DCO”) for junctions 19-25 submitted late 2021;*
- *secure DCO for junctions 19-25 late 2023, and start works;*
- *road open to traffic 2027-2028.*

BAL have been in close liaison with HE since the inception of the A12 project and understand that even in the current climate the budget for the project is ring fenced. Although it is recognised that there is a DCO process to follow there is no reason why the project will not go ahead. Perhaps the only unknown is timelines slippages but at the moment BAL understand that HE are working to the timelines defined above”.

Events have progressed and the DCO is being processed. Road alignment implications to the quarry complex are clearer and its particular impact would be the road corridor crossing through the northern half of the quarry complex.

The road scheme does impact both Little Braxted Lane and Braxted Road with improved slip road access to the main carriageway. Such linkages would in themselves ensure better access availability from the quarry complex to the strategic highway network.

The discussions between the applicant and NH has included maintenance of the primary access route from the quarry onto the A12 whilst road works were taking place. Such implications would be for NH to accommodate rather than planning for this access point. Similarly impacts to the secondary access would arise.

From a planning determination aspect there has to be acknowledgment of the parallel DCO application. That the road scheme has reached its own submission and examination stage does increase the prospect that the road could take place and, at the very least, sharpens the focus as to the potential implications to the quarry complex.

If the road scheme goes ahead there would be a much wider environmental impact associated with that scheme in itself. Whilst the suite of applications have a linkage to the road scheme, it should also be recognised that if the road scheme does not emerge then consideration of the western extension parcel being worked and the infilling/recycling associated with the suite of applications being considered should also be assessed on their merits, irrespective of whether the road alignment goes ahead or not.

Discussion on the principle of the western extension parcel being worked has taken place earlier and found to be acceptable in planning terms. Other elements of the proposals such as the revisions to the restoration scheme and retention of the recycling facility with the associated traffic aspects are now addressed below.

D. INFILLING IMPLICATIONS

The appropriateness for entertaining a western extension land parcel has been addressed earlier and this has not been found unobjectionable or conflicting with policy, whether linked to the A12 road programme or as a standalone application.

Under either of the scenarios there arises the follow-on aspect being the proposed waste importation element and its associated traffic impacts. In support of the applications the applicant, at the time of the original submission, identified options for the western land parcel arising with leaving behind a void and infilling that void. Such options that appear to have been considered was highlighted by the applicant when they made reference to *“Liaison with HE has established that the A12 and specially the Junction 22 design is currently not sufficiently advanced to make any informed decisions about relocated the site access for the quarry or the plant site and ancillary facilities. However, the preferred route through the site is sufficiently “locked in” to be evolved through design. HE have considered options to enable the road to be constructed over the site, and have evaluated four options in cost and environmental feasibility as follows:-*

- (i) Option 1 – bridge over the extraction void – estimated budget £30 -40 million*
- (ii) Option 2 - use cut and fill from the wider A12 construction project supported by piling foundations to ensure long term integrity – estimated budget £5-10 million:*
- (iii) Option 3 – use aggregate or other material to fill the void – estimated budget £7-8 million; or*
- (iv) Option 4 – fill the extraction void using inert waste materials as a recovery operation to a compaction specification – potentially cost neutral to HE and its project partners.*

It can be seen in cost terms alone, the importation and use of inert material to restore the void is by far the cheapest option to enable the construction of the A12 along this particular stretch of the route. The option would also minimise primary

material consumption and the need for a complex engineering structure. Furthermore, the importation of materials and restoration of the landform in advance of the A12 works should have a positive effect on the A12 construction timeline. Each of these options will be subject to a review as part of the DCO application”.

The above was taken from extracts of the situation as it pertained at the time of the submission documentation.

Within the suite of applications now being considered, it is under ESS/36/21/BTE that the importation of fill option accompanies the winning of mineral from the western extension parcel. The accompanying application ESS/51/21/BTE seeks to accommodate a temporary increase in HGV movements to enable accelerated progression of restoration.

Elsewhere within the suite of three applications, importation arises with the intention to achieve infilling across a wider area alongside the provision of a long term recycling element. Whilst these aspects all form part of the overall package of development for the quarry being, here they effectively comprise the third application, ESS/98/21/BTE, and the wider infill option implications are considered on their own merit below.

In terms of the ESS/36/21/BTE importation element, Braintree District commented that there is no certainty on where the waste is ultimately to arise from. The District quote *“The Supporting Statement identifies arisings from new greenfield housing development, within the District and County as being one source of material. It also identifies a number of large infrastructure projects underway or planned in the wider region which it is claimed will also serve to place additional strain upon existing inert waste processing capacity within the county. Examples cited include the Lower Thames Crossing, Thames Tideway Sewer, Bradwell B power station, North East Chelmsford Relief Road, A120 Braintree to A12 dualling. With the exception of the last two road schemes (noting that the A120 scheme is currently neither consented nor funded) none of these schemes would be considered local”.* None of the potential waste arising locations are close by; that this infers long transport links, potential importation outside the County and if such long distances were being contemplated then the Waste Local Plan should be making provision for accommodating such regional wastes at locations closer to their origin to avoid the inequality of long distance travel of waste. The District highlight the lack of assessment on the minimum quantities of waste that could be accommodated to achieve the proposed road line reinstatement.

District Cllr Abbott’s in his comments in respect of the ESS/36/21/BTE (western extension land) picks up on the importation aspect where he sees the main reason being for the application that of importing waste. Also, that the applicant, at a site liaison group, confirmed their intention to seek infill of other voids along the road line; and for future recycling at the quarry. The proposals to infill other road line voids and the recycling aspects do form part of one of the other applications before this Committee and these particular aspects are addressed later in the report.

In respect of the infilling for the western extension land, the applicant did say as

part of the application that such an activity would need to take place over a tight timescale. That was at the time for the application being submitted and before the NH application being recently lodged for the A12 DCO.

Were planning approval to be forthcoming for both these applications, as well as the DCO being approved by the Secretary of State, then the applicant's ambition to work the western mineral and restore in little over two years would indeed be tight. It is understood that there is agreement between NH and the landowner for when possession of the land in question would take place and for either party at that stage to be discussing amongst themselves the situation at that time. Worst case scenario is of there being only partial mineral extraction/infilling then one of the parties would be backfilling the land to the levels needed for the road line to proceed. These would ultimately be contractual issues and the road line levels/needs are ones that would be determined through the DCO process. NH have not objected to the scheme being put forward by the applicant, are aware of the application details and support the applications. The applicant themselves does state in this regard: *"In the event that consent is granted in 2021, based on these operating rates and assuming consistent market conditions it is considered that there is enough time to work and restore the proposed extension in advance of the A12 development. Should there be any deterioration in broader market conditions or a decline in the availability of inert restoration materials available for importation, then there would be the opportunity as a contingency to utilise the over dig (ability to deepen the base of the Phases to release suitable infill material) practice already consented on site in order to complete the restoration in a timely manner in particular along the A12 corridor."*

The WLP acknowledges a recognised shortage of sites for waste arisings. As with minerals, waste is handled in the commercial market and operators, as with the applicant's own business, is a player in that market. Cost of travel is a factor as with the gate price for receipt of waste into sites. Whilst sites will or could serve local markets whether waste goes to these sites will depend on factors as outlined above. Innovative thinking is intimated by Braintree District as options for beneficial uses of waste such as that occurring for the creation of the nature reserve off Wallasea Island in Essex. In that instance such wastes could be transported via London to the site by rail/water. Such schemes are laudable, however, on the flip side, such wastes could be used to complete existing sites and restore land in other parts of the county.

Whilst the applicant has highlighted schemes where wastes could be sourced this is ultimately down to market forces. That there are recognised shortfalls in waste management facilities to handle waste arisings such as the type being proposed for the western extension land is recognised in the adopted WLP. That wastes will travel is a reflection of anything that operates in the commercial world; it goes where it is economical to go. In that worst case (if timescales arose such that NH took over the land with it incomplete in respect of having reached final levels) then it is understood that surplus materials from within the road line scheme could be utilised or for an alternate final level being agreed between the parties at that time. Any future DCO would at that stage be the controlling guidance for the land.

Infilling with imported waste is essentially a landfilling exercise and as such Policy 9 of the WLP (Waste Disposal Facilities) is applicable. That policy has been set

out earlier and against it the western extension parcel proposals can be considered.

- “1. *The landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development* – The western extension parcel has arisen as a standalone discrete area within/adjacent an extant quarry boundary and has been identified for being included within the line of a potential future road scheme. As such the relationship to landfill site allocations is not relevant in this case.
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* – As in 1 above the western extension parcel has arisen as a result of seeking to avoid mineral sterilisation against a potential forthcoming development. The applicant has identified potential suitable sources of waste arisings but these are subject to commercial aspects such as tenders; transport and cost aspects. Waste, as discussed earlier, is a commercial commodity and market will play its part. Seeking to limit, were approval forthcoming, to wastes having to be sourced locally would be difficult to control particularly if wastes were going through third parties and could delay completion dates longer than if no restrictions were placed in the first place.
3. *It is demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan* - The western extension parcel is located within the wider extant quarry boundary that itself was subject to Environmental Assessment at the time of the original quarry permission. Likewise, the applications the subject of this report have themselves been supported by Environmental Statements. Statutory consultees have not objected on the infilling aspects of the proposals and it is not considered there are any planning grounds in respect of the void areas themselves being considered suitable for inert infilling per se.
4. *That the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy* – The western extension parcel in itself is coming forward as a windfall type site avoiding sterilisation ahead of a future development. Infilling of the void to former levels would be beneficial to the road alignment scheme avoiding unnecessary costs on the public purse for alternative schemes/infilling needing to be completed as a separate road realignment necessity.

In addition, preference will be given to proposals:

a) for the restoration of a preferred or reserve site in the Minerals Local Plan; or...”
– In respect of this particular preference this is not really relevant to the western extension parcel as the land at the time of the original quarry permission was not identified for being extracted and so “restoration” in that sense would have been respreading of soils where within the western parcel the extant quarry activities would have impacted.

In terms of the principle for infilling within the western land parcel, whether viewed as part of a road programme or not, this is not in itself considered an objectionable activity. However, Infilling through importation implies traffic and the applicant has

sought for the western extension infilling process to be achieved through a temporary increase in HGV movements to the site.

There has been through the history of this site, concerns raised at the various applications that have developed the complex about traffic increases. This has seen:

- (i) ESS/39/14/BTE - 58 movements (no more than 29 in and 29 out of the combined access/egress points onto/from Little Braxted Lane and Braxted Road) per working day.
- (ii) ESS/10/18/BTE - no change.
- (iii) ESS/40/18/BTE - increase in annual throughput; to import construction materials in as raised or processed form and onward distribution/or to blend with on-site materials and to increase HGV activity from 58 movements (29 in/29 out) to 150 movements (75 in/75 out) per day.
- (iv) ESS/51/21/BTE proposes to *"increase the rate of HGV activity to 330 movements (165 in and 165 out per day). The HGVs would use the existing primary site access and the consented haul road This increased rate of activity would apply only to the importation activity with currently approved rates for mineral extraction remaining at 75 in and 75 out per day, making 150 total"*.

Increases in traffic can introduce negative impacts be it on the local highway network and local communities in the neighbourhood. For Colemans Farm the issues have been at a local level from the Parishes and District Council.

At the time of the original application, it was noted that *"Little Braxted Lane is a local road which is relatively close to the junction with the A12 trunk road (part of the main road network). Braxted Road is a secondary distributor (also known as Priority Route 2) but is proposed to be used very little for local traffic only. Therefore, the proposed access is considered to comply with the route hierarchy...*

Neither the Highway Authority nor Highways England has objected to the application. The Highway Authority has several requirements relating to visibility and accommodation of larger vehicles within the highway, as well as wheel washing and vehicle sheeting. The Highway Authority also requires provision for turning space should Heavy Goods Vehicles inadvertently turn into Little Braxted Lane. It is considered that all of these requirements could be reasonably required through the imposition of suitable conditions in the event that permission is granted".

Conditions were imposed and a legal agreement secured to ensure appropriate road and junction improvements took place. Use of the secondary access was restricted to local deliveries only.

Under ESS/40/18/BTE the highway matters discussed included those of concern for routing locally through Rivenhall and Oak Road and of the safety of increasing the amount of traffic. It was noted at the time that the legal agreement restricts site vehicles from using Oak Road.

In respect of traffic impacts: the continued use of the primary access; maintaining the restriction on the secondary access relating to local delivery use only and

seeking a restriction on its use for importation then the proposed traffic aspects would be acceptable.

The subsequent decision notice included a restriction on the secondary access to no more than 58 movements (29 in/29 out) per day.

For the present application particularly ESS/51/21/BTE Braintree District state *"The District Council would be concerned about any increase in HGV traffic using the Rivenhall End junction given that there are a number of residential properties near the junction and given the limited entry / exit slip roads. The District Council would assume that neither Highways England nor the Highway Authority would support the principle of additional quarry traffic using the Rivenhall End junction."*

The majority of HGV movements in and out of the site are understood to be from the A12, Junction 22 and along Little Braxted Lane. Whilst the site access and Junction 22 may well be designed in accordance with current standards the fact remains that the proposals will see a significant increase in HGV movements. It is noted that the Transport Statement argues that the number of HGV movements to and from the site is not significant when you measure the number of additional movements currently passing through Junction 22, and along this stretch of the A12, but the fact remains that this will result in up to 180 extra HGV movements within the District daily the increases now being put forward have again."

Local parishes highlight their concerns covering the sentiments discussed above including *"This application by BA [Brice Aggregates] is for up to 330 lorry movements a day on LBL, for up to 2 years. Consequent issues are increased safety concerns and more damage to the road surface especially at the junction of LBL [Little Braxted Lane] and the A12 slip onto the bridge. Also, if the intention is to import more waste over a longer period (as looks to be the case), then the higher HGV limit could be extended for a longer period."*

The number of HGV movements should remain as at present. This would still allow the sand and gravel from the western extension to be extracted.

New safety measures should be introduced at the LBL/slip road junction area. The developer should be required to pay for regular repairs to the road surface at the junction of LBL and the Colemans Bridge slip road...

The road improvement works were completed as a consequence of the original permission being granted. The quarry complex is virtually adjacent the greater strategic highway network such that traffic movements for this specific site to serve the western extension land infilling, could be supportable. That short stretch of Little Braxted Lane to the junction/slip road to the A12 has had some road deterioration occurring in the past at the junction line itself. Given the potential for increased traffic flows along this road associated with any accelerated increases in HGV movements then making good/contributions toward damage repairs would appear appropriate. Whilst neither National Highways nor the Highways Authority, have expressed an objection to the proposed traffic issues the latter has requested that a maintenance sum be sought for the stretch of road leading from the site access to the A12 slip road. This is considered a reasonable request given the potential increase in HGV traffic sought through these applications. The Local

Highway Authority have also clarified that at this stage it is unclear, were the new road scheme to result, as to the demarcation boundary between NH and Local Highway Authority would eventually be.

A further point to be considered in the circumstances of these suite of applications is that of the parallel DCO for the new road alignment. Were a DCO to be granted then the stretch of Little Braxted Lane currently used by the quarry complex would fall within the road line construction envelope and be realigned as part of that scheme. Alternative access for the quarry complex has been proposed through the road alignment programme at this location.

As the situation now stands, mineral traffic numbers entering/leaving via the secondary access onto Braxted Road are restricted in number whilst there is a prohibition on the importation of mineral/other materials into the site from that access. Were planning approval forthcoming for the suite of applications then the current restrictions would apply.

Such routing movements would be maintained under ESS/36/21/BTE as this application is proposed to be undertaken ahead of the disruption/land take of any successful DCO.

As noted earlier in this section, from a policy aspect, the working and infilling activities for the western extension parcel along with its associated traffic implications could be considered supportable for this element of the suite of applications. A temporary HGV increase finishing whichever is the sooner of when NH take over the land or infilling is completed within the road corridor, either date being notifiable to the MWPA, with HGV levels then reducing down. This would be a more comfortable and acceptable flow rate for the complex. Post completion of the A12 would see dedicated link roads allowing the complex access through to the A12 for the life of the complex and traffic movements linked to the quarry would be further removed from impacting sensitive locations.

Rivenhall Parish Council did note the increase of traffic over the life of this complex. They also pointed out in comparison that another quarry has not had any traffic increases permitted. In respect of the particular quarry highlighted, it is understood that the operator has not made any applications to seek traffic number changes in relation to their site.

As with any site, changes to operating practices can occur. Despite the third party representations about the changes that have and continue to take place at this complex, the applicant is following the correct procedures. They have made appropriate applications and these have been consulted upon and determined through the appropriate reporting sequence. As noted earlier, neither NH nor the Highway Authority have raised objections to the scheme.

The question over the installation of the recycling facility would introduce another infrastructure element to the complex. The applicant has stated that its siting would be on the base of the former Phase 1 void. Whether the road alignment were to progress or not, the recycling facility would not, given its siting, introduce any visual impact to the landscape and, in noise and dust emission terms, the extant controls on the quarry are considered, were approval forthcoming, to be

suitable to cover this facility.

In policy/guidance terms the co-location of such infrastructure within quarries is generally seen as being a complementary activity. The facility is not proposing extensions to the quarry life although, by its very nature, its siting would, as with the processing plant and stockpiling area, remain an active area of the quarry during its lifespan.

The applications, were the recycling plant to be introduced, would enable the recovery of suitable material to be then processed and returned to the market. Similar recycling initiatives have been approved by this Committee at other sites in the recent past and doing a similar job alongside the infilling of former void spaces.

As discussed earlier, the flow/availability of inert materials has been recognised as an area where the WLP has identified a shortfall in receptor sites. The provision of a recycling facility alongside any continued importation of inert material during the course of the life of the complex would present both a saving on virgin material having to be won in the first instance but also provide to the local market both a repository for waste materials but also a source of secondary aggregate produced through the recycling plant itself. Such activities in themselves would contribute to reducing vehicle miles and carbon emissions.

From a purely planning point of view the introduction of a recycling element would, subject to the conditions covering the existing quarry complex being carried forward, be an acceptable and complimentary facility and, together with the infilling element linked to that as discussed earlier, would not in itself introduce significant concerns such as to prejudice Policies S1; S3; S6(c); S10; S 11; S12; DM1; DM2 and DM4; Policy 1; 9; 10; 11 and 12; SP1; LPP67; LPP 70; LPP71 and LPP74.

The landform implications arising from any infilling are addressed further in the report.

E.. RETENTION OF RECYCLING FACILITY; REVISED PHASING; ASSOCIATED TRAFFIC IMPLICATIONS AND CHANGES TO THE RESTORATION SCHEME

Application ESS/98/21/BTE, the latest VOC application has been amended through the course of the processing of the suite of three applications to take on board the dovetailing implications of the VOC application ESS/51/21/BTE.

This application has sought to provide for “continued importation of inert materials to facilitate restoration; the re-phasing of the working and restoration of the consented site to enable accelerated progression of site restoration to return the land to formation level; changes to the approved restoration concepts and management plans; and the establishment and operations of an inert materials recycling facility, in advance of the A12 road widening.”

Rivenhall and Little Braxted Parish Councils together with District Councillor Abbott raised the issues of there appearing to be no wider HGV assessment having been undertaken; that the development would add intensity to the use of Little Braxted Lane; and the industrialisation of the area. Furthermore, that damage to the road network continues.

Braintree District, whilst having no objections on this particular application, did express comment to the other applications which are similarly relevant to this one, with concerns for traffic using the Rivenhall junction westbound and increase of levels even on the existing Junction 22 location.

The history of the quarry complex's relationship to the local highway network and its obligations has been outlined in previous planning reports. It was noted at these times that *"The site access onto Little Braxted Lane, secondary access onto Braxted Road and off site highway works to Little Braxted Lane were all agreed as part of the original planning consent for mineral extraction. The offsite highway works included adjustments to the kerblines and the entrance to Little Braxted Lane, clearance of vegetation on land between the A12 on slip and A12 road at junction 22 and additional traffic warning signs. These works were all subject to technical approval and road safety audit and were designed to accommodate two way flow of HGVs."*

In order to ensure that HGVs associated with this development use suitable roads to access the site an HGV routing agreement was put in place. This seeks to route all HGVs to/from the site access off Little Braxted Road to the A12 Trunk Road via Junction 22 A12 to avoid impact on Rivenhall. The secondary access onto Braxted Road is for use in connection with local deliveries only. Essentially deliveries were it is necessary to use Braxted Road to reach the destination rather than the A12.

The original planning application was supported by a transport statement and the current planning applications referred to above were supported by an updated transport statement which showed that the uplift in vehicle movements would of course be dispersed across the working day and whilst total daily HGV movements are significant they are not considered to be at level that would require further investigation of the operation of the local highway network during peak hours. National Highways (formerly Highways England) reached similar conclusions and did not require further assessment of the A12 junction.

As regards the poor road surface the S106 agreement accompanying the original planning application required a detailed condition survey of Little Braxted Lane prior to development and ongoing monitoring of this during the mineral extraction operation".

Application ESS/51/21/BTE confirmed that *"The HGVs would use the existing primary site access and the consented haul road (refer to Plan C45/09/02). It should be noted that a this is a maximum figure and day to day it is likely that there will be significant variation in the rates of activity at the site"*.

The continued HGV traffic being routed from the complex via the primary access point has been considered appropriate at the time of the original application and for the proposals under the western extension parcel and its implications. The applicant has confirmed that the continued higher levels of HGV traffic would reduce.

The agent stated in the clarification exercise that *"As a result of the A12 reducing*

overall site area, the ability to over dig parts of the BAL site to win restoration materials is severely hindered, and therefore as well as importing restoration materials into the A12 corridor there is a need to import material into the central part so the site... As a consequence of this constraint, it is proposed to import a further 320,000m³ (756,000 tonnes) of inert materials (Table 1 below summarises proposed HGV activity in this phase of activity) This further volume will need to be imported after the completion of the A12 scheme but could be undertaken at a reduced rate of activity of the order of 150,000 tonnes per annum. (Table 2 below summarises proposed HGV activity in this phase of activity, including for 75,000 tpa for recycling) The importation and deposition of this volume of materials will provide BAL with the resources needed to meet its obligations in respect of Priority Habitat creation. It is anticipated that this phase of activity would be based on a new access arrangement into the site post completion of the A12 works, although this isn't addressed as part of this application.

Table 1 – Summary of HGV movements

Operation	Capacity (tonnes per annum)	Weight per load (tonnes)	Typical Number of Loads per day (based on 275 days)	Typical Number of Movements
Graded Aggregates Products	200,000	20 - 32	36	72
Ancillary minerals importation	25,000	20-32	4	8
RMX (incl. cement and additive delivery)	20,000-30,000m ³ per annum	8.5m ³	16	32
Restoration material import	350,000	18	76	152

As with the mineral extraction, this importation is supply led and therefore will vary from day to day. This is an annual average figure and daily peak flows could vary in accordance with the seasonal availability of restoration materials. There is also the possibility that a proportion of the material will be brought in vehicles which leave with aggregates, reducing the number of total vehicle movements, the so-called back haul practice.

Therefore, when all aspects of the development are running concurrently the

typical daily number of movements generated by the site will be in the order of 120 loads per day 240 movements per day (120 in, 120 out). It is anticipated that 75,000 tonnes per annum of imported inert material will be processed on site to allow it to be recycled and sold as a recycled product. By backhauling the impact in terms of new vehicle movements can be minimised (neutral). The practice of backhaul is applied only to the recycled products but could apply to HGV's importing materials and exporting sand and gravel by return.

For avoidance of doubt, it is proposed to adopt a maximum of 165 movements in and out per day (making 330 total). The potential increase from HGV activity has been examined against these thresholds to consider the scope of appropriate assessment work. The increase in HGV activity associated with the proposals set out in this application have already been subject to examination by way of consultation of applications ESSS/51/21/BTE and ESS/36/21/BTE. The consultation responses provided by Highways England and the council's own Highways Unit identified no concerns, and it is in this context that underpins the assessment provided as part of this application.

It is proposed that this figure would apply to the extension area and the current site, with this higher figure for a temporary period until the western extension is worked and restored and Phases 2, 3, 4 and 8 of the current site as shown on Plan C45/01/03E are restored, or until NH take control of the land as part of the DCO for the A12 scheme. After that point, the maximum HGV numbers are proposed to reduce to 240 movements (120 in and 120 out) for the remainder of the operations, which are currently due to cease Sept 2034, with the split in HGV activity set out in Table 2 below.

Operation	Capacity (tonnes per annum)	Weight per load (tonnes)	Typical Number of Loads per day (based on 275 days	Typical Number of Movements
Graded Aggregates Products	200,000	20 - 32	36	72
Ancillary minerals importation	25,000	20-32	4	8
RMX (incl. cement and additive delivery)	20,000- 30,000m ³ per annum	8.5m ³	16	32
Restoration material import (inc 75,000 TPA for recycling	225,000	18	45	90

HGV activity at the current site (including in the event that consent is granted for the western extension, and for the changes detailed in this application) is and will continue to be subject to close regulation and control by the operator to ensure compliance with any HGV routing obligations. This will include for a reporting hotline to ensure that members of the local community can report any non-compliance with the policies and procedures put in place at the site.

It is proposed that this figure would apply to the extension area and the current site, with this higher figure for a temporary period until the western extension is worked and restored and Phases 2, 3, 4 and 8 of the current site as shown on Plan C45/01/03E are restored, or until NH take control of the land as part of the DCO for the A12 scheme. After that point, the HGV numbers are proposed to reduce to 230 movements (115 in and 115 out) for the remainder of the operations, which are currently due to cease Sept 2034.”

The applicant has set out their justification for the importation aspect and, as with the western extension parcel, this programme of proposed infilling would, over the longer quarry life, be supported by the recycling activity sought through application ESS/98/21/BTE.

The revisions to the phasing programme to accommodate a reinstated landform within the road line corridor contours at original ground level and revisions to the overall site restoration landform, the latter having been appraised earlier in the

report, are not considered to introduce unacceptable impacts outside of the extended site's boundary.

The complementary nature of having recycling co located on mineral sites has been considered earlier in this report. Retaining the recycling element over the rest of the quarry life would provide for continued sustainable recovery of secondary aggregate, allowing its reuse. Traffic movements would themselves reduce down and, notwithstanding whether the new road realignment goes ahead or not under the proposals being considered, the flow rates onto the public highway network would remain at an acceptable level.

There has been comment from representees over the potential industrialisation of the area. Again, taking the major disruption a new road scheme would have during its construction phase out of the scenario, of the suite of applications being proposed the only real "industrialisation" aspect would be the physical presence of the recycling facility as a standalone feature. Even this itself only comprises a mobile crusher unit. Ancillary activities of traffic movements in and out of the complex would be along roads already utilised by quarry related traffic and, as shown previously, it is a short stretch of Little Braxted Lane that links the complex through to the strategic highways network that carries the bulk of the complex's traffic. A new road scheme would see that complex linked straight to the new road, further moving traffic away from local residents.

The applicant is not responsible for the new road line if it goes ahead and is counted towards industrialisation. Likewise, if local concern over industrialisation extends to traffic movement in the locality then the applicant, as with any mineral operator, does serve the local community/businesses with both their construction material needs and handling of waste materials. The closer needs are met by both sides reduces emissions, traffic miles and carbon generation. It is not felt that the suite of three applications in themselves, other than the introduction of the two features identified above, contribute to "industrialisation" in that sense of the word.

Overall, the retention of a recycling facility; its associated traffic implications; a revised phasing and landform changes are not considered to conflict with Policies: S1; S3; S10; S11; S12; DM1; DM2 and DM4; Policy 10; 11 and 12; SP1; LPP66; LPP67; LPP70 and LPP71.

F. ENVIRONMENTAL – NOISE; DUST AND AIR QUALITY

From an emissions point of view the existing site complex has in place extant controls for noise and dust generation. Were planning approval to be forthcoming then such control conditions would remain in place. The CNC has addressed local issues, picked up on by some of the representees, for example the properties at Burghley Cottages. Temporary increases in noise at this location has been accepted by the CNC, in line with guidance for the undertaking of temporary activities such as soil stripping. Recommended conditions would require notification to the MPA of start and finish of such activities so that closer eye can be kept on the activities during that time. A later start time of 08:00 hrs, as noted by the District Council, for the proposed provision of a soil screening mound in proximity to the Cottages would also be supported.

From a dust aspect, again schemes to address dust arising are in place. However, it has been noted during site monitoring visits that in dry weather conditions that internal hedgerows alongside the processing plant/stock piling locations have had dust coating and long term this would not be beneficial for the vegetation. The suite of applications would seek, if approved, an intensity of activity at the complex, and irrespective of whether the DCO is granted or not, there would be potential for further dust aggravation. Should planning approval be granted then a strengthening of the dust control scheme for the site to specifically target internal hedgerows/vegetation would be recommended.

The CAQC on dust aspects noted that *“Of the eleven sensitive locations considered, most are beyond 250m and therefore were considered to have a pathway effectiveness of ‘not significant’ for sand and gravel sites. Of the remaining sensitive locations dust risk impacts ranged from Negligible to Low. Burghey Brook Cottages was the only receptor indicating a Low dust impact risk, which could result in Slight Adverse effects without mitigation. The District Council requested a dust and particulate monitoring scheme for the Burghley Cottages and such a scheme could be recommended should approval be forthcoming”*.

One of the reasons for this suite of applications to be held has been ongoing detailed discussion between the applicant, their consultants and the CAQC. The CAQC noting in one of the later responses how these three applications have to an effect morphed into one consideration with the responses that *“The air quality assessment submitted as part of application ESS/36/21/BTE (which includes the AQTA as an addendum), was also used to support application ESS/51/21/BTE and more recently application ESS/98/21/BTE (which is not related to the proposed western extension but uses the scope for increased HDV movements). The recommendations outlined within those application responses relating to road traffic emissions are covered by this response. Given all three applications share a common air quality assessment, the outstanding comments of the applications above, are addressed in this response”*.

And likewise with the dust aspects, the CAQC noted *“The dust assessment for ESS/98/21/BTE also referenced applications ESS/51/21/BTE and ESS/36/21/BTE. Recommendations were made during consultation to update the Dust Action Plan (DAP) and management practices to include specifics relating to the recycling operations, particularly where practices differ. Those recommendations were carried through to application ESS/98/21/BTE. The DMP [Dust Management Plan] should be updated to include designed in dust suppression or additional measures required as a direct result of its operation”*.

The CAQC noted in terms of Air Quality designations that *“There are no designated sites within 2km of the application boundary or locally designated sites within 250m of the proposed western extension which require consideration in relation to air quality impacts”*.

In terms of working practices, the CAQC noted that *“The proposed working scheme for the western extension would not differ to current consented practices (i.e., a phased and progressive approach to the extraction of mineral reserves using hydraulic excavators, which would load dump trucks up for processing in the site plant via the haul route) and mitigation measures and best practices*

techniques employed would be implemented as per the existing site. The operation of the processing plant is therefore not included as part of the air quality assessment given its consented use already”.

In terms of road traffic emissions, the CAQC noted “The proposed maximum increase in HDV movements of 180 (90 in / 90 out) is above the Environmental Protection UK/ Institute of Air Quality Management (IAQM) screening criteria of a change of more than 100 annual average daily traffic movements (AADT) and as such, consideration of the potential impact of transport emissions at receptors in proximity to the A12 is typically required. No assessment or consideration of the potential impact of road transport emissions has been provided. It would be beneficial to provide a complete baseline review to include all road transport related pollutants (i.e., NOx, NO2, PM10 and PM2.5) and a review of local roadside monitoring to establish a complete understanding of existing air quality conditions around the application site and surrounding network likely to be affected by an increase in HDV movements”.

As a consequence of the discussions and revisions the CAQC now has no objection to the suite of applications. Conditions as recommended have been addressed should planning approval be forthcoming.

From an emissions point of view the proposals are, subject to the incorporation of the mitigation requirements set out in the recommended conditions not to conflict with Policies S1; S3; S10; S11; DM1 and DM2; Policy 10; 11 and 12; SP1.

G. ECOLOGY

At the time of inclusion in the MLP, the Colemans Farm site was also recognised as 1 of 5 “flag ship” sites identified in the MLP as having potential for enhanced biodiversity and habitat creation. These sites were seen as contribute to the county’s contribution towards the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006. They are habitats identified as requiring action in the UK Biodiversity Habitat Framework. For Essex, a number of habitat types were identified in relation to which the originally approved restoration/landscaping and afteruse scheme for the quarry land was seen to be supporting.

Consultees picked up on such issues with Braintree District supporting the Place Service comments from Ecology over the Burghey Brook and its links into the Blackwater Estuary. That they would be concerned over any undermining of the existing Biodiversity Enhancement Scheme for the quarry. Also noting that the NPPF requires all development to be offering biodiversity contribution net gains.

District Councillor Abbott noted that the applicants had stated there would be a risk to the biodiversity commitments for the extant quarry. Infilling at a higher level would be a change from the agreed lower level biodiversity plans.

Little Braxted Parish Council made comment about the options for restoration of the land and water body options/linkages and priority habitats.

The County Ecology Officer (CEO) has, since the time of the Braintree comments ,had, alongside the CLO, discussions with the applicant/consultants to address various matters. The revisions to the way the Burghley Brook would take place, outside of any DCO involvement have been addressed. The reinstatement proposals would be sympathetic to the wider landscape/ecological aspects and both the CEO and CLO are supportive of that aspect.

The CEO notes for ESS/36/21/BTE *“We are satisfied that there is sufficient ecological information available for determination of this application.*

This provides certainty for the MPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Environmental Statement (David L Walker Limited, November 2021) ecology chapter; Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension (SES, April 2022); Updated Biodiversity Enhancement Plan (SES, October 2021- issued November 2021); and Burghey Brook Stream Diversion – Method Statement should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance designated sites and protected Priority species and habitats.

We recommend that a Farmland Bird Mitigation Strategy should be provided as a condition of any consent, based on the detail set out within the Preliminary Ecological Appraisal. This should include the provision of Skylark Plots on nearby agricultural land, following the methodology for the Agri-Environment Scheme option: ‘AB4 Skylark Plots’, and further creation of areas of set-aside or ‘cover crops’ could also be created within the local area. The bespoke mitigation strategy will need to be set out prior to commencement and should include monitoring to determine the success of the compensation.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). This includes hedgerows and a more sinuous alignment, with wet/floodplain grassland margins for the replaced Burghey Brook.

The Biodiversity Enhancement Plan (October 2021) should be updated to take into account the most up-to-date restoration plans. The section 106 legal agreement should be updated, including provision for the on-site and off-site habitat requirements. A long-term Landscape and Ecology Management Plan (LEMP) – based upon details within the Biodiversity Enhancement Plan- should be provided for all habitat and species mitigation and enhancement areas. The details should include the long-term objectives, management responsibilities and schedules for all habitats/ areas for ecology, together with a timetable for the implementation.

This will enable MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006, and with Policy S12 of the Essex Minerals Local Plan (2014)”.

For ESS/98/21/BTE “We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the MPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Environmental Statement (David L Walker Limited, November 2021) ecology chapter; Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension (SES, April 2022) and Updated Biodiversity Enhancement Plan (SES, October 2021-issued November 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species and habitats.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021), and in Policy S12 of the Essex Minerals Local Plan (2014) and its associated Mineral Site Restoration for Biodiversity Supplementary Planning Guidance (Essex County Council, June 2016).

The restoration scheme has been revised due to the anticipated potential A12 scheme. This includes the replacement of a water body with arable land.

We have discussed our concerns with the applicant regarding the position of the two waterbodies with reedbeds being separated from each other by an arable field and located either side of the existing Colemans Reservoir. This could make the Priority habitats potentially less functional, ecologically.

In order to help maintain connectivity, the scheme has been recently amended so that trees and hedgerows will be avoided near the new water bodies in order to provide an open environment and to help prevent predation of wading and ground nesting birds. Tussocky grassland between the arable field margins and the Lowland Meadow and wetland habitats will help to counter spray drift. We also pleased that a proposed car park near to it has now been removed, as unnecessary human disturbance should also be avoided in this area as much as possible.

We are pleased that the replaced Burghey Brook will provide some enhancements, through a more sinuous alignment, with wet/floodplain grassland margins.

The Biodiversity Enhancement Plan (October 2021) should be updated to take into account the most up-to-date restoration plans. The section 106 legal agreement should be updated, including provision for the on-site and off-site habitat requirements. A long-term Landscape and Ecology Management Plan (LEMP) – based upon details within the Biodiversity Enhancement Plan- should be provided for all habitat and species mitigation and enhancement areas. The details should include the long-term objectives, management responsibilities and schedules for all habitats/ areas for ecology, together with a timetable for the implementation. This will enable MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006, and with Policy S12 of the Essex Minerals Local Plan (2014).

Impacts will be minimised such that the proposal is acceptable, subject to the conditions.”

Neither the Lead Local Flood Authority or Environment Agency are raising any objections on ecological; landscape or potential flood related issues.

Essex Green Infrastructure have in their comments noted that *“they also need to make it clear that if the National Highways scheme does not progress to construction that they would be willing to submit a revised restoration scheme for the land subject to application ESS/36/21/BTE to deliver a further quantum of habitat and / or green infrastructure provision on this land...”*

The applicant has confirmed this position and noted that this could be secured through an appropriate condition of any forthcoming permission.

The MLP Site Profile for Site A46 (Colemans Farm) had identified that “Restoration also provides the opportunity for significant biodiversity enhancement and habitat creation on site”. The subsequent approved restoration and landscaping scheme did provide for a large central water body. The revised plan that has emerged and which the CEO and CLO are more comfortable with has reduced size water bodies within a grassland/lowland meadow surround that with their design and securing long term management would maintain the biodiversity value as previously envisaged.

Impacts of the DCO, were it to proceed, on biodiversity compensation has been flagged up to NH and would be a matter pursued through the DCO process.

In overall ecological terms the proposals now being proposed through the suite of applications are not considered to conflict with Policies S1; S3; S10; S12; DM1 and DM2; Policy 10 and 11; SP1 and LPP65; LPP66; LPP67; LPP70 and LPP71.

H. LANDSCAPE

As with the ecology comments above the County Landscape Officer (CLO) has been in detailed discussion over the landscape elements of this complex.

The CLO in their final response to the applications noted *“Plan C45/08/05B shows the revised restoration plan. The restoration scheme has been revised as a result of changes to land take associated with the potential works to the A12. The main changes consist of the replacing one water body for arable land (AR6 label from plan 418/01E). Minor adjustments to the alignment of the reinstated Burghey Brook have been made and now shows a more sinuous alignment with wet grassland margins on either side. The indicative car park area has been moved to the new arable land parcel.*

In general landscape terms, we have no concerns over the changes described above apart from the proposed area for parking. We would not be supportive of a parking area on either of the proposed locations or within the restoration site area.

As per previous comments, consideration should be given to the provision of

further planting alongside the A12 and reinforcement/or supplementation of the planting along the remaining section of the retained Burghey Brook.

We are mindful of the potential works to the A12 which might compromise any new planting carried out within the intervention areas. Additional planting will be subject to the final alignment of the A12 and the restoration proposal may need to be modified or amended at the appropriate stage if the works are to take place.

We are generally satisfied with the proposed restoration plan C45/08/05B but we have the following comments to make:

Retained hedge along the southwest boundary

As discussed at the last teams meeting on the 06/06/2022, it was agreed that planting along this boundary (Little Braxted Lane and A12 slip road) will be checked and additional planting and /or replacement planting implemented to fill up any gaps along this boundary where necessary.

The findings and subsequent proposed planting should be shared with the LPA.

Reinstated Burghey Brook

Plan 418/01E includes detail on the proposed species hedge mix and tree species for new planting as requested. A new native hedgerow mix (B3 and B2) has been proposed along the reinstated Burghey Brook as requested with hedgerow trees. The new hedgerows are proposed to be planted with 3 plants per linear metre. We required that any hedgerow planting should be planted in double staggered rows with 5 plants per linear metre.

We are satisfied with the proposed hedgerow species.

We are satisfied with the proposed palette for hedgerow trees, but we noted that the species have not been identified on the plan.

Additional planting along the A12 boundary

As per previous comments, consideration should be given to the provision of further planting alongside the A12 and reinforcement/or supplementation of the planting along the remaining section of the retained Burghey Brook.

We are mindful of the potential works to the A12 which might compromise any new planting carried out within the intervention areas. Additional planting will be subject to the final alignment of the A12 and the restoration proposal may need to be modified or amended at the appropriate stage if the works are to take place.

In principle, we are satisfied with the proposed restoration plan C45/08/05B and 419/01E, but this is subject to addressing the matters raised above. Below is a summary of the actions to be taken:

- Change the hedgerow specification to double staggered rows with 5 plants per linear metre.*
- Tree species should be indicated on the planting plan.*

- The annotation 'Additional planting along the A12 subject to final alignment of the A12' indicated on the plan.
- South-west boundary and A12 slip road - check for additional planting and /or replacement planting to fill up any gaps and implementation of additional planting. Add the following annotation to the plans: 'Additional planting and /or replacement planting to fill up any gaps'".

These latter aspects could be secured through condition were approval to be forthcoming.

As noted above any provisioning of additional features such as car parks etc would not be supported as their provision would firstly require separate planning approval; car parking implies traffic and potential disturbance to the water bodies where nature conservation/biodiversity is proposed.

Overall, the design of the landform and its landscaping and ecological habitat provision has been designed such that it would support long term viability with appropriate long term management being in place.

The landscaping proposals are not considered to conflict with Policies S1; S3; S10; S12; DM1; DM2; Policy 10 and 11; SP1 and LPP65; LPP66; LPP67; LPP70 and LPP71.

I. COMMUNITY GAIN

Little Braxted Parish Council have expressed aspirations for what would be classed as Community Gain arising from the applications. The matter for whether community benefit ultimately secured from planning applications is not an area that can be taken into account during the planning process as it would not comply with the requirements set out at paragraphs 55-57 of the NPPF. Such discussions remain an area that needs to be outside of the planning process and between communities and applicants.

7. CONCLUSION

This report has considered the suite of three applications that have arisen as a consequence of the anticipated A12 road realignment programme that, if approved, would impact the northern half of the quarry complex.

The suite of applications seek changes at the quarry complex to essentially provide for winning of mineral from the western element of the complex lying underneath of the proposed road corridor and for the subsequent void to be infilled with inert materials through a temporary increase in traffic generation. The second application to effectively accommodate the dovetailing of conditions within the extant permission to enable the winning of the minerals and importation aspects to be accommodated. The third application has introduced the provision of a recycling facility; continued traffic generation; revised phasing and a revised restoration landform.

The report has noted that as a consequence of the passage of time since the applications were submitted a DCO application for the road realignment has been

accepted by the Planning Inspectorate for consideration.

The report has in its appraisal, whilst recognising the potential implications for the A12, considered the applications on their merits and against a backdrop of the current situation with no road scheme in place.

As a non-allocated site in the MLP, the application is required to be tested under Clause a of MLP Policy S6, which requires the demonstration of an overriding benefit before permission for extraction can be granted outside of a Preferred or Reserve site. The MWPA is satisfied that an overriding benefit is that extraction would avoid the unnecessary sterilisation of mineral in accordance with the MLP/NPPF, whilst restoration timescales of the parent site would not be compromised, there is no new location required for associated plant and there is no change in assessed impacts on sensitive receptors. The MWPA is able to place weight on this sterilisation argument as the proposed extension is into a very clearly defined area that itself could not be further extended as there are hard boundaries on all sides of the proposed extension. This demonstrates accordance with Clause b of Policy S6 and also means that the applicant could not return with an application for extraction incorporating this land and additional land that would make the currently applied for extraction area viable in the future – the mineral is required to be extracted as part of the current workings or will be lost.

The report has, through the appraisal section, sought to balance the consideration of the potential impact a western extension working would have from an environmental aspect. The report has found that the proximity of the parcel, overlapping in parts with the extant quarry complex, could be worked within the controlling conditions that pertain to the extant quarry complex. That disturbance would be limited and within acceptable levels that statutory interested parties have supported. The ability of the parcel to be worked and restored without impacting the overall quarry timeframe and for the land area to then be incorporated into the long term aftercare programme for the complex, would be sustainable and provide for the long term value of the land to be secured. Such proposals are considered consistent with Development Plan policies, including the MLP.

The discrete land parcel forming the application site is located partially proximate to and partially within the extant quarry that itself was a preferred site in the MLP and therefore already had support for being a site suitable for future mineral extraction. The application site offers the opportunity for valuable viable mineral to be won rather than sterilised, without impacting further on environmental aspects or overall quarry timescales. Extraction is therefore considered to be sustainable and will result in a complete package of land being restored, including the securement of long term management and maintenance and so in accordance with Clause c of Policy S6.

Further, at 0.7% of the total amount of mineral allocated through the adoption of the MLP in 2014, permitting extraction at the application site is not considered to undermine the Plan-led approach to extraction set out through Policy S6. Taking the above into account, and irrespective of whether any future agreed routing of the A12 would traverse the application site, the western land parcel would not be considered to conflict with Policies S1; S6; S10; S12; DM1; DM2 and SP1.

The report has found that from a mineral extraction aspect the suite of applications would be considered acceptable. In terms of the infilling element, the report has noted that any temporary increase in traffic generation would itself utilise existing haulage routes to gain access to the strategic highway system. Infilling activities would, as with any similar waste management facility, operate on a commercial basis to draw in supply and the report has not found there to be an objectionable development impacting local amenity such that it could be considered unacceptable.

The proposed rephasing of the quarry scheme could in itself be undertaken without impacting outside interests. Whilst the proposals are to seek infilling of mineral voids along the proposed A12 road alignment corridor through the complex, it is found that, even without the road scheme, infilling could be undertaken with the proposed temporary higher traffic implications and to achieve an equally acceptable reinstated landform to that previously approved.

The report notes that following completion of the infilling over Phases 5 to 8, or as the applicant has confirmed when NH under the proposed DCO takes control of the land corridor, traffic generation numbers for the importation of infill would reduce to continue at a lower level for the remaining life of the site.

Changes to the restoration landform have had significant involvement with the County Ecologist and Landscape Officers (CEO and CLO) such that the revisions proposed by this suite of applications are considered to offer biodiversity enhancements and measurable net gains for biodiversity alongside an acceptable landform in landscape terms. Additional landscaping could be accommodated through condition were a future road realignment not to materialise.

Overall, the suite of three applications are considered to be acceptable and not to conflict with policy and guidance.

8. RECOMMENDED

- A. The prior completion of an appropriate planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) including imposing the extant obligations in the Section 106 agreement dated 21st June 2016 (as varied) for the Colemans Farm site originally granted under planning reference number ESS/39/14/BTE and:
- i) Provision for the carrying forward of such subsequently approved scheme as required by Condition 13 of ESS/98/21/BTE of the Biodiversity Enhancement Plan including provision for the on-site and off-site habitat requirements.
 - ii) Provision of the evidenced number of Skylark nest plots within the land area of ESS/36/21/BTE being secured on nearby agricultural land, prior to commencement of mineral extraction and for the plot areas to be protected for the life of the development provided for under permission reference number ESS/98/21/BTE.
 - iii) No change to the occupation or ownership of Colemans' Farmhouse until after such time as the recycling plant has permanently ceased

- operation.
- iv) No infilling to take place under planning permission ESS/36/21/BTE until a suitably agreed maintenance regime/contribution mechanism to cover the repair of any damage caused to the section of Little Braxted Lane between the site access and the main road network has been agreed by the Minerals and Waste Planning Authority in consultation with the Highway Authority.

Following completion of the planning obligations referred to in A above, that planning permission be granted for planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE subject to the conditions set out below:

For ESS/36/21/BTE

NOTIFICATION DATES

1. The Mineral Planning Authority shall be notified in writing 7 days prior of:
 - (a) the intention to start soil stripping within any area/Phase.
 - (b) the commencement of infilling within each Phase.
 - (c) National Highways taking control of the land.

For clarity the evidence of National Highways taking control of the land shall be either written confirmation to the Mineral Planning Authority of such evidence as land transfer; the date that National Highways took up physically occupation or signing of licence or similar

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Policies S1, S6; S10, S12, DM1 and DM2 of the Essex Minerals Local Plan 2014 (Adopted July 2014).

DURATION

2. The development hereby permitted shall be completed within 3 years of the date of notification of start of soil stripping as required by Condition 1 or the land being taken control of by National Highways whichever is the sooner by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the restoration scheme set out in Condition 28 or as may be approved under Condition 30.

For clarity the evidence of National Highways taking control of the land shall be either written confirmation to the Mineral Planning Authority of such evidence as land transfer; the date that National Highways took up physically occupation or signing of licence or similar

Reason: In the interests of clarity and to ensure development is carried out

in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1, DM2, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

APPROVED DETAILS

3. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details submitted by way of the Planning Application (ESS/36/21/BTE) comprising
 - a) David L Walker Ltd covering letter dated 19th March 2021.
 - b) Application form from Brice Aggregates Limited dated 19th March 2021.
 - c) Drwg No: C45/09/04 entitled "Burghley Brook Diversion" dated February 2021
 - d) Drwg No: C45/09/05 entitled "Detailed Phasing Plans for Phases 5, 6 and 7" dated January 2021.
 - e) Drwg No: C45/09/07 entitled "Site Cross Sections" dated February 2021.
1. Email from Dan Walker to Terry Burns dated 8th April 2021 at 16:36 and accompanying
 - i. Drwg No: C45/09/01 entitled "Western extension – Location Plan" dated 02/21.
 - ii. Drwg No: C45/09/02 entitled "Western extension – Site Plan" dated 01/21.
2. E mail from Dan Walker to Terry Burns dated 4th November 2021 at 09:06 and accompanying:
 - a) Phoenix Consulting a r c h a e o l o g y l i m i t e d specifications for a Programme of Archaeological Investigation Western Extension Coleman's Farm Quarry Witham PC 397f" dated 25th October 2021.
 - b) SES report entitled "Arboricultural Impact Assessment" dated 23rd September 2021.
3. E mail from Dan Walker to Terry Burns dated 26th May 2022 at 13:14 and accompanying:
 - a) Undated "Burghley Brook Stream Diversion – Method Statement".

- b) SES report entitled “Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022” Revision A date of Issue 11 April 2022.
- 4. E mail from Dan Walker to Terry Burns dated 27th June 2022 at 15:15 and accompanying:
 - a) Drwg No: C45/09/03b entitled “Proposed Working Plan” dated June 2022.
- 5. E mail from Dan Walker to Terry Burns dated 17th November 2022 at 16:27 and accompanying:
 - a) Brice Aggregates statement entitled “Colemans Farm Quarry Witham, Essex Planning Application For Proposed Western Extension To The Current Site Using Existing Approved Facilities (Site Access, Plant Site, Mineral Processing Plant And Other Ancillary Facilities); Including For The Diversion Of The Burghey Brook; With Restoration To Arable Land Using Imported Inert Restoration Materials, And On-Site Materials In Advance Of The A12 Road Widening And Improvement National Infrastructure Project. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited March 2021 Update as at November 2022.”
- 6. E mail from Dan Walker to Terry Burns dated 30th November 2022 at 10:11 and accompanying:
 - a) Drwg No: C45/09/06C entitled “Western Extension Proposed Restoration Plan” dated Nov 2022.
 - b) Drwg No: 418/01E entitled “Detailed Landscape proposals” dated Nov 2022
- 7. E mail from Dan Walker to Terry Burns dated 2nd December 2022 at 15:57 and accompanying:
 - a) David Jarvis Associates “Landscape Restoration Scheme” dated 30th November 2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

AVAILABILITY OF PLANS

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

during the prescribed working hours.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

TREE PROTECTION SCHEME

5. No soil stripping shall take place until a scheme for the protection of trees to be retained has been submitted to and been approved in writing by the Mineral Planning Authority. The scheme shall include (include those that are pertinent):
 - a. A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS5837 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
 - b. Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS5837
 - c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 1989, 'Recommendations for Tree Work'.
 - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS5837.
 - e. Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
 - g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS5837.
 - h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
 - i. Details of any special engineering required to accommodate the

protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS5837.

j. Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.

k. Details of the working methods to be employed for the installation of drives and paths within the root protection areas of retained trees in accordance with the principles of “No-Dig” construction.

l. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, pumps etc) on site.

m. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

n. Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.

o. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS5837.

p. The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites and advice for landscaping strategy's to address mineral working related impacts.

ECOLOGICAL REQUIREMENTS

6. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime

of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. No soil stripping shall take place within the western extension land parcel as provided for under ESS/36/21/BTE a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on Construction Environment Management Plan (Biodiversity) (SES, 10th February 2021) Appendix 14 of Environmental Statement.

The CEMP (Biodiversity) shall include the following.

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

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site approved under Planning Ref. ESS/36/21/BTE and ESS/98/21/BTE.

Reason: To conserve and enhance protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works 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 Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

BIODIVERSITY ENHANCEMENT PLAN (BEP)

9. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, a Biodiversity Offsetting Metric Calculation that expresses habitat losses and gains in Biodiversity Units;
- iv . A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site

with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;

- v. A description of the specific techniques and practices for establishing each Priority Habitat;
- vi. A description of the sources and provenance of seeds or other plant material to be used;
- vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
- viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
- ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
- x. A description of the personnel or management body responsible for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
- xi. A full breakdown of costs for implementing the BEP; and
- xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g. requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

SKYLARK MITIGATION STRATEGY

10. No soil stripping shall take place until a scheme for a Skylark Mitigation Strategy to compensate the loss of any Skylark territories has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as approved and shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots;
- b) detailed methodology for the Skylark plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;

- d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.”

To allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

LANDSCAPING ALONG A12 BOUNDARY IF NO ROAD IMPROVEMENT SCHEME TAKES PLACE.

11. Within 5 years of the date of this permission if the A12 road widening scheme is not undertaken a scheme for additional planting along the northern site boundary parallel to the A12 carriageway shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall then be implemented. The scheme shall include, but not limited to:

- Planting species, size, numbers and location.
- A programme of implementation to include the provision for planting during the first available season following restoration.
- Boundary treatment.
- A programme of maintenance.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites and advice for landscaping strategy's to address mineral working related impacts.

ARCHAEOLOGY

12. No development or preliminary groundworks of any kind shall take place until the submission and approval of a Method Statement/Project Design to accompany the approved WSI (Phoenix, 2021) for archaeological excavation which details the excavation strategy, post excavation analysis, reporting and archiving.

Reason: To ensure that provision is made for the archaeological potential of the site being fully investigated and to preserve by record any archaeological features that will be destroyed by the proposed development. Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give

rise to unacceptable environmental impacts on the environment.

13. No development or preliminary groundworks of any kind shall take place until the submission and written approval has been received in writing from the Mineral Planning Authority of a Written Scheme of Investigation for geoarchaeological monitoring during the mineral extraction process which includes details of the monitoring methodology, sampling and recording strategy, analysis, reporting and archiving.

Reason: To ensure that provision is made for the archaeological potential of the site being fully investigated and to preserve by record any archaeological features that will be destroyed by the proposed development having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

14. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Mineral Planning Authority.

Reason: To ensure the archaeological and geoarchaeological potential of the site is fully investigated and mitigation measures as required within the Written Scheme of Investigation can be implemented having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

15. The applicant will submit to the Mineral Planning Authority a post excavation assessment and updated project design to include details for publication of results (to be submitted within 6 months of the completion of the archaeological excavation fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

16. The applicant will submit to the Mineral Planning Authority archaeological advisor a geoarchaeological monitoring assessment for each fieldwork visit

(to be submitted within two weeks of the completion of the fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

17. The applicant will submit to the Mineral Planning Authority a final geoarchaeological report (to be submitted within 4 months of the completion of the fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

DEPTH OF WORKING/STANDOFFS

18. No extraction shall take place below 6 metres Ordnance datum.

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 S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ENVIRONMENTAL PROTECTION

DUST

19. No soil stripping shall take place until a scheme to address dust monitoring around Burghley Cottages has been approved in writing with the Mineral Planning Authority. The scheme shall include, but is not inclusive of, such areas as:

- (i) A dust control plan based on the draft Dust Action Plan as set out in .
- (ii) Location(s) of dust monitoring points.

- (iii) The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.
- (iv) A programme of implementation to include for monitoring to commence two months prior to the commencement of any site operations to provide a baseline against which to compare future monitoring.
- (v) The results of dust monitoring over each three month period
- (vi) A log of complaints from the public and a record of the measures taken to be kept and submitted to the Mineral/Waste Planning Authority on request.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

MINERAL OUTPUT

- 20. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

SOIL HANDLING

- 21. No soil stripping shall take place until the provision for soil bund locations within the site boundary has been confirmed on a plan submitted to the Mineral Planning Authority with details of locations; heights and management and maintenance provisions prior to the stripping of soils.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

- 22. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/09/03B dated June 2022 and used in the restoration scheme as indicated on drawing reference C45/09/06C dated June 2022, unless amended by the scheme approved under Condition 20 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

23. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

Subsoil shall be stripped to full depth and shall, wherever possible, be immediately re-spread over the replaced overburden (low permeability cap). If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

SOIL HANDLING AND RESPREADING IF A12 ROAD SCHEME DOES NOT PROGRESS

24. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

25. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

26. 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 Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

27. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/09/06C dated June 2022.

Reason: To ensure proper restoration of the site and compliance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTORATION

28. The provision for restoration and landscaping shall be in accordance with the details of the scheme comprising the David Jarvis Associates "Landscape Restoration Scheme" dated 30 November 2022 and accompanying Drwg No: 418/01E entitled "Details Landscape Proposals" dated November 2022.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

29. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 27 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 Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

REVISED RESTORATION PLAN IF A12 ROAD SCHEME DOES NOT PROGRESS

30. Within 2 years of the date of this permission and the A12 Road Realignment Scheme not going ahead a revised restoration and landscaping plan based on Drwg No: 418/01E entitled "Details Landscape Proposals" dated November 2022 shall be submitted to the Mineral Planning Authority. The scheme shall make provision for:

- a) Additional planting up of the Boundary with the A12 carriageway.
- b) Provision for additional biodiversity and/or green infrastructure.
- c) Programme of implementation.
- d) Programme of management.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014

AFTERCARE

31. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use shall be submitted to and approved in writing by the Mineral Planning Authority prior to 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 Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
 - c. Unless the Mineral Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity/woodland and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

COMPLIANCE WITH OTHER PERMISSIONS

32. Except as specifically required by the conditions of this permission the development shall be carried out in compliance with the following conditions of the principal Planning permission Ref no: ESS/98/21/BTE:
- i) Condition 4 (Approved Details)
 - ii) Condition 15 (HGV Movements)
 - iii) Condition 16 (HGV Movement Recording)
 - iv) Condition 17 (Sheeting).
 - v) Condition 19 (Importation Secondary Access)
 - vii) Condition 21 -23 (Archaeology) as it relates to the previously approved Land. For land outside this coverage then Conditions 10 -15 of this present permission apply.

- viii) Condition 27 (Mineral Handling)
- ix) Condition 28 (Hours of Operation)
- x) Condition 29 – 33 (Noise)
- xi) Condition 34 – 35 (Dust)
- xi) Condition 36 – 37 (Permitted Development Rights).
- xii) Condition 38 - 39 (Storage aspects).
- xiii) Condition 40 (Lighting)
- xiv) Condition 41 -42 (Surface and Groundwater)
- xi) Condition 43– 55 (Soil Handling)
- xii) Condition 60 (Cessation)

Reason: To ensure that the development takes place in accordance with an existing planning approval for the development and restoration of the site which controls certain aspects of the development subject to this permission and is a factor in the Mineral Planning Authority's assessment of its acceptability having regard to the Essex Minerals Local Plan Adopted July 2014 Policies DM1, DM3, S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

FOR ESS/51/21/BTE

NOTIFICATION DATES

1. The Mineral Planning Authority shall be notified in writing 7 days prior of:
 - (a) the intention to start soil stripping within any area.
 - (b) commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Policies S1, S6; S10, S12, DM1 and DM3 of the Essex Minerals Local Plan 2014 (Adopted July 2014).

COMMENCEMENT AND DURATION OF PERMISSION

2. The development hereby permitted shall be completed by 19th September 2034 by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 55 restoration and landscaping) and shall be the subject of agricultural aftercare for a period of 5 years in accordance with a scheme

approved under Condition 57 (Aftercare) of this planning permission.

For clarity the commencement of development was notified as around 19th September 2016 as set out in the email from Dan Walker dated 7th March 2018 at 10:49.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

3. Any building, plant, machinery, foundation, hard standing, access, gate, 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 date specified in Condition 2 of this permission, following which the land shall be restored in accordance with the restoration scheme approved under condition 33 of this permission. Both access points (Little Braxted Lane and Braxted Park Road) shall be re-instated for agricultural use only.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Policies S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

APPROVED DETAILS

4. The development hereby permitted shall be carried out in accordance with the details submitted by way of the following. (For clarity those references in italics have been superseded by subsequent decision notices):
 - A. (i) the 'Planning Application' (ESS/39/14/BTE) dated 18th July 2014 as amended by the
 - (ii) email from David L Walker Limited dated 25th July 2014
 - (iii) cover letter dated 18 July 2014, together with drawing numbers:
 - (iv) *C45/01/01 entitled "Location Plan" dated July 2014;*
 - (v) *C45/01/02A entitled "Existing Situation" dated August 2015;*
 - (vi) *C45/01/05a entitled "Indicative Restoration Concept" dated August 2015;*
 - (vii) *C45/01/06 entitled" dated August 2015;*
 - (viii) *C45/01/08 entitled "Proposed Cycle path West of Little Braxted Lane" dated August 2015;*
 - (ix) 15057-02 entitled "Proposed Site Access" dated May 2013;
 - (x) 15057-05 entitled "Access Tracking and Visibility Splays" dated December 2014;
 - (xi) 15057-04 Rev A entitled "Visibility Splays" dated November

- 2014;
- (xii) 15057-07 entitled "Artic Track and Turning Area" dated March 2015;
 - (xiii) 15057-11 entitled "Artic Turning Area" dated August 2015;
 - (xiv) 15057-12 entitled "Proposed Junction Improvements" dated August 2015; together with the following documentation:
- a. *Supporting Planning Statement by David L Walker Limited dated July 2014;*
 - b. Non-technical summary by David L Walker Limited dated July 2014;
 - c. Environmental Statement and Appendices 1-9 by David L Walker Limited dated 'Final 12/07/14';
 - d. Water Framework Directive and Hydrogeological Impact Assessment by Hafren Water, Report ref: 1666/HIA-01, Version 2 dated October 2014;
 - e. Addendum to Witham Quarry Hydrological Impact Assessment: Report ref: 1666/HIA-01, Version 2, October 2014 by Hafren Water dated 21st November 2014;
 - f. Geoarchaeological investigation by Martin R Bates dated September 2014;
 - g. Archaeological Investigation by Headland Archaeology dated November 2014;
 - h. Response to Councillor Abbott's comments by Hafren Water dated 22nd December 2014;
 - i. 'Radii of influence (Northern area)' dated November 2013;
 - j. *Essex Field Club Datasearch Report Ref EFC1205 dated 20 Feb 2013;*
 - k. *Ecological Management Plan by David L Walker Limited dated January 2015;*
 - l. *January Bird Survey by Whitcher Wildlife Ltd. dated 21 January 2015;*
 - m. *Ecological Impact Assessment by Whitcher Wildlife Ltd. Ref 140210/EcIA/Final/Rev1 dated 10th February 2015;*
 - n. *Schedule of Habitats: Table 1 ref DW/CEW - C45/1.1/Rev1;*
 - o. *Schedule of Habitats: Table 2 ref DW/CEW – C45/1.1/Rev1;*
 - p. Response to S Baileys comments by Hafren Water dated 15 May 2015;
 - q. Response to Queries dated 14/05/15;
 - r. Letter from Hafren Water to Essex C Flood and Water Management dated 26 May 2015
 - s. *Addendum to EcIA dated 7th June 2015;*
 - t. Email from David L Walker Limited to ECC 9 June 2015 Points 1 and 2;
 - u. Built Heritage Assessment prepared by Phoenix Consulting dated 10 June 2015;
 - v. Letter from David L Walker Limited to ECC dated 25 August 2015;
 - w. Specification for Archaeological Works Phoenix Consulting dated 27 July 2015;
 - x. Letter from David L Walker Limited to ECC dated 25 August 2015;

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/39/14/BTE addressing:

- a) For Condition 6 (Plant Site Layout) – The layout of the plant site shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising the following details:

Drawings:

- i. WTM/001/A Layout and Traffic Management
- ii. WTM/002 Elevations of Weighbridge and Offices
- iii. WTM/003 Elevations of Workshop
- iv. WTM/004 Elevations of Messroom
- v. DUO16-017 Elevations of Main Plant;

The details specified on page 5 of Submission 4 document prepared by David L Walker, received on 26/07/2016.

It is noted that details of the bagging plant are not proposed at this time as it is not anticipated to be implemented for another 2-3 years.

It is noted that a further submission will be required in due course.

As amended by the revised scheme following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- (i) The Application form from Brice Aggregates Limited dated 08/09/17,
- (ii) Letter from David L Walker Limited dated 13/09/17,
- (iii) Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

For Condition 18 (Signage) shall be carried out in accordance with the details of the scheme approved on 27th July 2016 comprising those details as set out in:

- i. Drawing 15057-12 received on 28/06/2016 indicating proposed signage for Little Braxted Lane Exit.
- ii. Drawing C1135-001 received on 19/10/2016 indicating proposed sign at Braxted Road (secondary access).

For Condition 21 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 24 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 25 (Wheelwash) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in:

- i Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

For Condition 28 (Geoarchaeology) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out:

- i Geo-archaeological Evaluation and Mitigation Written Scheme of Investigation, prepared by Dr. Martin Bates dated January 2016.

For Condition 29 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the:

- i. Application form from Brice Aggregates Ltd dated 22nd July 2016,
- ii. Accompanying report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015).

The geo-archaeological fieldwork carried out to satisfy this condition is sufficient and no further fieldwork will be required. The report has provided an adequate assessment of the potential of the gravels for Palaeolithic artefacts however the report submitted does not contain an adequate or agreed post-excavation assessment of the paleoenvironmental potential of the lake sediments.

The lake deposits present are considered to be of regional if not national significance and have been found in association with Palaeolithic archaeological remains. Their assessment has not been completed to a standard which meets the aims of the fieldwork and will need to be completed to satisfy the condition.

In addition, the report does not provide adequate information on the potential for the development to impact on predicted unmapped lake deposits and provide a suitable mitigation strategy should they be encountered during the extraction process or disturbed through operations relating to the extraction process.

A post-excavation assessment should be submitted which contains:

- i. A proposal for the analysis of paleoenvironmental samples to satisfy the aims of the geoarchaeological fieldwork;
- ii. An impact analysis of the development on the potential extent of the lake deposits and potential lake edge margins; and

- iii. A suitable mitigation strategy should it be demonstrated that these deposits may be impacted upon during the course of mineral extraction."

For Condition 30 (Archaeological Mitigation) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

For Condition 32 (Groundwater Monitoring) – Monitoring of groundwater shall be carried out in accordance with the details of the scheme approved on 1st September 2017 comprising those details as set out in:

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

For Condition 33 (Landscape and Restoration) – Landscaping and Restoration shall be carried out in accordance with the details of the scheme approved on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.

For Condition 35 (Arboricultural Survey) – The Arboricultural survey shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), and dated May 2016.

For Condition 38 (Dust Mitigation) – Dust Mitigation shall be carried out in accordance with the details of the scheme approved on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

For Condition 40 (Soil Stripping) – Soil Stripping shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the 'Protected Species Walkover' report, prepared by Southern Ecological Solutions, dated 12/08/2016.

- i. The report covers the area indicated in Appendix 1, pre-

extraction phase.

- ii. A further report will be required if development at this location does not take place before 31 March 2017.
- iii. A report will also be required before commencement of work on Phase 1.

For Condition 41 (Construction Environmental Management Plan) shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016.

This document shall be read in conjunction with the following:

- i. *Landscape and Habitat Management Plan, approved under Condition 33.*
- ii. *Arboricultural Method Statement, approved under Condition 35.*
- iii. *Biodiversity Enhancement Plan, agreed under clause 1.1 of Schedule 1 of the s.106 legal agreement dated 21/06/2016.*

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development approved under Planning Ref. ESS/39/14/BTE.

For the avoidance of doubt, the lake outlines shall be as shown on drawing no 418/01B rather than C45/01/05a.

For Condition 42 (Soil Movement) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016.

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

For Condition 43 (Machine Movements) shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

For Condition 45 (Soil Bunds) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

For Condition 47 (Phased Plan for soil types, bunds etc.) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the following details:

- i. Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
- ii. Drawings Numbers:
- iii. C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- iv. C45/01/10 Bund location plan whole site

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

As amended by the Non Material Amendments under ESS/39/14/BTE comprising:

1. For Condition 14 (Importation Restriction) to accommodate Importation of stockpiled mineral to be carried out in accordance with the details of the scheme approved on 18th October 2017 comprising:
 - a) The Application form from Brice Aggregates Limited dated 18/09/17,
 - v) Letter from David L Walker Limited dated 18/09/17,

vi) Drwg No: C45/02/02 entitled "Site Plan" dated 06/17.

2. For Condition 2 (Approved Details) to accommodate amendments to site compound layout to be carried out in accordance with the details of the scheme approved on 31st October 2017 comprising:

- i. The Application form from Brice Aggregates Limited dated 08/09/17,
- ii. Letter from David L Walker Limited dated 13/09/17,
- iii. Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

3. To accommodate amendments to the site access layout to be carried out in accordance with the details of the scheme approved on 16th January 2018 comprising:

- i. The Application form from Brice Aggregates Limited dated 09/11/17,
- ii. Letter from David L Walker Limited dated 09/11/17,
- iii. Drwg No: C45/C6/02 entitled "Site Access Facilities – Little Braxted Lane" dated 11/17,
- iv. Drwg No: C45/C6/03 entitled "Site Access Facilities – Braxted Road" dated 11/17,
- v. Two A4 drawings of the gated access arrangement layout entitled "Coleman's Farm Gated Access Off Little Braxted Lane – Proposed Elevation"
- vi. "Coleman's Farm Gated Access Off Braxted Road – Proposed Elevation"
- vii. Technical specifications for "HIKVISION" DS-2CD4A26FWD-1Z (H) (S) 2MP Low Light Smart Camera.

subject to:

- (i) These amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.
- (ii) Removal off site of the solar panel structure and fenced enclosure which is situated behind the hedge line near the weighbridge within 1 month of the date of this decision letter.

B. As amended by planning application ESS/10/18/BTE comprising:

- (i) Letter from David L Walker Limited dated 4th May 2018.
- (ii) Planning Application form from Mr Oliver Brice dated 4th May 2018.
- (iii) Supporting Statement entitled "Planning Application to Vary Approved Documents Approved under Conditions 2, 6 and 47 of Planning Consent ESS/39/14/BTE to enable the re-phasing of the working and restoration of the site, changes in soils bunds configuration and to provide car parking for visitors in the ancillary plant site area. Environmental and Supporting Statement" dated June 2018.
- (iv) *Drwg No: C45/01/03D entitled "Proposed Working Plan" dated April 2018.*
- (v) *Drwg No: WTM/001/E entitled "Plant Site Layout Plan" dated 27/04/18.*

For Condition 17 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th June 2019 comprising those details as set out in the following details:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and accompanying scheme as detailed in the:
- (ii) Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

C. As amended by Planning application ESS/40/18/BTE comprising:

- i. Letter from David L Walker dated 4th December 2018.
- ii. Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii. Email from Dan Walker to Terry Burns dated 25th January 2019 at 15:51hrs.
- iv. Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
- v. *Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.*
- vi. 2 Emails from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs and 13:47hrs.
- vii. Email from Dan Walker to Terry Burns dated 17th May 2019 at 09:53hrs.

D. As amended by Planning application ESS/51/21/BTE and accompanying:

- i. David L Walker Ltd covering letter dated 20th April 2021.

- ii. Application form from Brice Aggregates Limited dated 20th April 2021.
- iii. E mail from Dan Walker to Terry Burns dated Brice Aggregates statement entitled “Planning application for the continuation of mineral extraction and ancillary use without compliance (for a temporary period ceasing upon the working and restoration of the western extension) with conditions 12 (hgv movements), 25 (mineral handling), 27 (restoration materials importation), and 35b (restrictions on permitted development rights) of planning consent ESS/40/18/BTE that was an earlier variation of conditions under planning consent ESS/10/18/BTE to enable the importation of as raised sand and gravel from a proposed western extension to the site; the importation of inert materials (for use in the restoration of the proposed western extension); the inclusion of additional water lagoons on site; and a temporary increase in HGV movements to enable accelerated progression of proposed western extension restoration scheme to return the land to formation level in advance of the a12 road widening and improvement national infrastructure project supporting statement (including a planning statement) prepared by: Prepared By: David L Walker Limited April 2021”.
- iv. Drwg No: C45/08/01 entitled “Application to Vary – Location Plan” dated 04/21.
- v. Drwg No: C45/08/02 entitled “PA to Vary - Site Plan” dated 04/21.
- vi. E mail from Dan Walker to Terry Burns dated 16/11/22 at 11:38 and accompanying:
 - a) DUSTSCAN AQ report entitled “Air Quality Assessment” dated November 2022. Report ref: ZVCF_AQA date of issue 16/11/2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

AVAILABILITY OF PLANS

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

WORKS

6. The highway improvement works as provided for under Condition 21 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. The highway improvement works as provided for under Condition 23 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety and to comply with Policies S1, S3, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

8. The highway improvement works as provided for under Condition 24 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ARBORICULTURAL SURVEY

9. The Arboricultural survey of the site shall be in accordance with the details submitted in accordance with Condition 35 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the

Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), dated May 2016.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ECOLOGICAL REQUIREMENTS

10. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

11. Within 2 months of the date of this permission a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on that previously approved under Condition 41 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016. The revised CEMP shall also have regard to the background information based on the western extension land parcel as provided for under ESS/36/21/BTE and its revised Construction Environmental Management Plan (CEMP: Biodiversity) based on Construction Environment Management Plan (Biodiversity) (SES, 10th February 2021) Appendix 14 of Environmental Statement.

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site approved under Planning Ref. ESS/36/21/BTE and ESS/98/21/BTE.

Reason: To conserve and enhance protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works 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 Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

BIODIVERSITY ENHANCEMENT PLAN (BEP)

13. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, a Biodiversity Offsetting Metric

Calculation that expresses habitat losses and gains in Biodiversity Units;

- iv . A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;
- v. A description of the specific techniques and practices for establishing each Priority Habitat;
- vi. A description of the sources and provenance of seeds or other plant material to be used;
- vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
- viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
- ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
- x. A description of the personnel or management body responsible for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
- xi. A full breakdown of costs for implementing the BEP; and
- xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g., requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

PLANT SITE LAYOUT

- 14. The layout of the plant site shall be in accordance with the details set out in the following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:
 - i The Application form from Brice Aggregates Limited dated 08/09/17,
 - ii Letter from David L Walker Limited dated 13/09/17,
 - iii Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13th October 2107.

As amended by:

- i Letter from David L Walker dated 4th December 2018.
- ii Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 2.

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 minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014.

HGV MOVEMENTS

15. The total number of daily heavy goods (HGV) vehicle movements associated with the development hereby permitted shall not exceed the following limits:

Operation	Maximum Number of Loads	Maximum number of Movements
Graded Aggregate	51	102
Ancillary Minerals Importation	4	8
Ready Mix Concrete inclusive of cement and additive delivery	20	40
Recycling inclusive of Restoration Material delivery	90	180
Total	165	330

- 330 movements (165 in/165 out) (of which no more than no more than 58 movements – 29 in/29 out – shall be through the secondary access on Braxted Road) per working day.

No HGV movements shall take place outside the hours of operation authorised in Condition 26 of this 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 S1, S11, DM1 of the Essex Minerals Local Plan Adopted

July 2014.

HGV MOVEMENT RECORDING

16. A written record shall be maintained at the site office of:

- (i) 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 state which access point used;
- (ii) the nature and quantity of imported material/minerals;

Such records shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policies S1, S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

17. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 50mm in diameter.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

18. No unbound material shall be used in the surface finish of the site access roads at Little Braxted Lane and Braxted Road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

19. No materials/minerals shall be imported into the site through the secondary access on Braxted Road.

Reason: For the avoidance of doubt; in the interests of highway safety, safeguarding local amenity and imposing a restriction on use of the secondary access to minimise environmental disturbance was a determining factor in the acceptability of the application and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

WHEELWASH PROVISION

20. The provision of the wheelwash shall be in accordance with the details submitted in accordance with Condition 25 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising the Submission 2 Document, by David Walker Ltd, dated June 2016 and

received on 19/09/2016.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ARCHAEOLOGICAL FIELDWORK

21. The archaeological fieldwork within the phases of mineral extraction based on the report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015) received on 28/06/2016 shall be in accordance with the details submitted in accordance with Condition 10 of planning permission ESS/10/18/BTE dated 11th January 2019 and approved by the Mineral Planning Authority on 14th June 2019. The details comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and
- (ii) Accompanying schemes for Condition 17 as detailed in the Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

Reason: To enable the continued monitoring of any identified areas of high Palaeolithic potential through the mineral extraction process and disseminate findings and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

22. The provision for archaeological mitigation shall be in accordance with the details of the scheme submitted in accordance with Condition 30 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

Reason: to enable full recording and understanding of areas of known archaeological remains and to ensure identification and recording of areas of unknown potential for archaeological remains and to determine the nature, significance and extent of archaeological deposits and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

23. Within 6 months of the completion of the archaeological fieldwork in each phase (or such other timescale as has been previously approved in writing by the Mineral Planning Authority), as approved under condition 19, a post-excavation assessment shall be submitted to the Mineral Planning Authority for its approval in writing. The approved post-excavation assessment shall be followed by analysis, leading to full site archive and publication report.

Reason: To disseminate the results of the archaeological investigations and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

DEPTH OF WORKING/STANDOFFS

24. No extraction shall take place below 6 metres Ordnance datum.

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 S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

25. No excavation shall take place closer than 5 metres from the limit of the planning permission boundary line as shown on drawing C45/01/03G dated June 2022.

Reason: To ensure the development is contained within its permitted boundaries, to avoid effects on the surrounding land and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

MINERAL OUTPUT

26. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

MINERAL HANDLING

27. No materials/minerals shall be imported to the site other than:
- a) from the mineral arising from working the western extension parcel under planning permission ESS/36/21/BTE;
 - b) the 25,000 tonnes per annum of construction type material, comprising MOT type 1 and soft sand as identified in the application documents accompanying the planning application ESS/40/18/BTE namely:

(i) Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot

and/or blend with on site materials" dated December 2018 Rev A.

(i) Email from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs.

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 Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan Adopted July 2014.

ENVIRONMENTAL PROTECTION

HOURS OF OPERATION

28. 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, servicing, environmental monitoring, maintenance and testing of plant, no operations, including temporary operations as described in Condition 28, shall be carried out outside of the following times:

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

(b) No servicing, maintenance and testing of plant shall be carried out at the site after 1800 hours or before 0700 hours on any day (or at any time on Sundays, 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 1800 hours Monday to Friday and;
0800 hours to 1300 hours Saturdays

(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 policies S10 and DM1 of the Essex Local Minerals Plan 2014.

29. No waste shall be imported to the site other than provided for under planning permission ESS/36/21/BTE.

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 Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan 2014.

NOISE LIMITS/MONITORING TEMPORARY

30. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties specified in the approved scheme under Condition 29 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 Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

NOISE LIMITS

31. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/98/21/BTE/A entitled "Noise Monitoring Locations":

<i>Noise Levels</i>			
<i>Monitoring Location</i>	<i>Noise Limit (dB LAeq 1 hr)</i>	<i>Activity (Proposed Phase)</i>	<i>Predicted Noise level (dB(A))</i>
<i>Colemans' Cottage</i>	<i>51</i>	<i>5/6 excavations 5/6 backfilling</i>	<i>50 50</i>
<i>Colemans Farm</i>	<i>51</i>		
<i>Appleford Bridge Cottage</i>	<i>49</i>		
<i>Fair Rest (Rose Cottage)</i>	<i>55</i>	<i>4/9A backfilling</i>	<i>51</i>
<i>The Machtyns (air conditioned office building)</i>	<i>70</i>	<i>4/9A backfilling</i>	<i>52</i>
<i>Burghey Brook Cottages</i>	<i>55</i>	<i>5/7 excavations 7 backfilling</i>	<i>54 55</i>

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

NOISE MONITORING

32. Within two months of the date of this permission an updated Noise Monitoring Scheme shall be submitted to the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) Reflecting the revised phasing, recycling plant commissioning monitoring, and monthly monitoring when works are at closest approach to sensitive receptors as detailed in b) and c) below
 - b) Within 2 weeks of commissioning, on-site monitoring should be undertaken to confirm that the noise emissions from the new recycling plant do not exceed the assumed sound power level. Measurements should also be undertaken at this time at all receptors, to ensure that the new plant is not leading to a breach of the noise limit.
 - c) Monthly monitoring should be carried out at all receptors when mineral excavation or backfill works are within the phases closest to each receptor. This requirement may be relaxed with the written approval of the MPA, once sufficient data has been accumulated to indicate that the noise limits are unlikely to be breached.

For clarity - The noise limits will apply to all site attributable noise (i.e., noise from excavations, haulage and processing under this consent, noise from the stocking operations and recycling facility).

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

NOISE ALARMS

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

DUST

35. Within two months of the date of this permission a revised Dust Management scheme shall be submitted for the approval of the Mineral Planning Authority. The scheme shall be based on the previously approved dust mitigation scheme set out below and shall also make provision for

(i) Previous scheme details set out in the scheme dated 21st November 2016 received by the Mineral Planning Authority on 28 June 2016 submitted in accordance with Condition 38 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

(ii) Including provision for the recycling activities and amending the previously approved scheme where practices differ.

(iii) Such other measures needing to be added in as a direct result of the activities approved under this permission.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

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 Little Braxted Lane vehicular access unless they open inwards from the public highway towards the site and shall be set back from the nearside edge of the carriageway to allow an HGV inadvertently entering Little Braxted Lane to utilise the site access for turning as shown on drawing 15057-07.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan 2014.

38. Notwithstanding the provisions of part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

(a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site/quarry complex except the maintenance workshop, messroom, bagging plant building, weighbridge and offices, mineral processing plant and main access route as indicated on drawing WTM/001/F dated 06/11/18.

(b) No mineral waste shall be deposited at the site/quarry complex, except from silt processing for the establishment of reed beds as shown on Drawing No. C/45/PL08/02 without prior planning permission from the Mineral Planning Authority.

Reason: To protect the amenities of the area in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

39. No scrap, mobile or fixed plant, equipment, empty skips or containers shall be retained on site.

Reason: To help minimise the visual impact of the development, in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

40. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference WTM/001/F dated 06/11/18.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

41. 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 Mineral 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 in the interests of highway safety) and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

SURFACE AND GROUNDWATER

42. The provision for groundwater monitoring shall be in accordance with the scheme submitted in accordance with Condition 32 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 11st September 2017 comprising those details as set out in the

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

Reason: To protect groundwater from pollution and to comply with Policy DM1 of the Minerals Local Plan 2014.

43. 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 Policies S1, S3, S10, and DM1 of the Essex Minerals Local Plan 2014.

HANDLING AND STORAGE OF SOIL AND SOIL FORMING MATERIAL

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

Reason: To prevent loss and damage of the soil resource having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

45. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

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

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to The Essex Minerals Local Plan (adopted July 2017) Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

46. The provision for soil handling shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 42 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016; and subsequent documents approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

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 Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

47. The provision for machine movements for the stripping and replacement of soils shall be in accordance with the details of the scheme submitted in accordance with Condition 43 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

48. 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 46 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

49. The provision for soil bunds shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 45 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with

Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

50. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/01/03D dated May 2018 and used in the restoration scheme as indicated on drawing reference C45/01/05 dated August 2015, unless amended by the scheme approved under Condition 46 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

51. The provision for bund phasing shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 47 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the following:

- (i). Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
Drawings Numbers:
- (ii) C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- (iii) C45/01/10 Bund location plan whole site

and further submissions approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

52. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

Subsoil shall be stripped to full depth and shall, wherever possible, be immediately re-spread over the replaced overburden (low permeability cap). If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use

in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

53. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

Subsoil shall be stripped to full depth and shall, wherever possible, be immediately re-spread over the replaced overburden (low permeability cap). If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

54. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

55. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

56. 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 agricultural operations are not impeded and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

57. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/01/05a dated August 2015 as may have been amended by the scheme approved under Condition 55 of this permission.

Reason: To ensure proper restoration of the site and compliance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTORATION AND LANDSCAPING

58. The provision for restoration and landscaping shall be in accordance with the details of the scheme submitted in accordance with Condition 33 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

59. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 58 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 Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

AFTERCARE

60. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural/amenity use shall be submitted to and approved in writing by the Mineral Planning Authority prior to 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 Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

CESSATION

61. In the event of a cessation of winning and working of mineral for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Condition 55,(Restoration and Landscaping) which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Within 6 months of the cessation of winning and working of mineral the revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority, for approval in writing. The development shall be implemented in accordance with the 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 Policies S2, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

For ESS/98/21/BTE

NOTIFICATION DATES

- 1 The Mineral Planning Authority shall be notified in writing 7 days prior of:
 - (a) the intention to start soil stripping within any area.
 - (b) commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Policies S1, S6; S10, S12, DM1 and DM3 of the Essex Minerals Local Plan 2014 (Adopted July 2014).

COMMENCEMENT AND DURATION OF PERMISSION

2. The development hereby permitted shall be completed by 19th September 2034 by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 55 restoration and landscaping) and shall be the subject of agricultural aftercare for a period of 5 years in accordance with a scheme approved under Condition 57 (Aftercare) of this planning permission.

For clarity the commencement of development was notified as around 19th September 2016 as set out in the email from Dan Walker dated 7th March 2018 at 10:49.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

3. Any building, plant, machinery, foundation, hard standing, access, gate, 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 date specified in Condition 2 of this permission, following which the land shall be restored in accordance with the restoration scheme approved under condition 33 of this permission. Both access points (Little Braxted Lane and Braxted Park Road) shall be re-instated for agricultural use only.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Policies S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

APPROVED DETAILS

4. The development hereby permitted shall be carried out in accordance with the details submitted by way of the following. (For clarity those references in italics have been superseded by subsequent decision notices):
 - A. (i) the 'Planning Application' (ESS/39/14/BTE) dated 18th July 2014 as amended by the
 - (ii) email from David L Walker Limited dated 25th July 2014
 - (iii) cover letter dated 18 July 2014, together with drawing numbers:
 - (iv) *C45/01/01 entitled "Location Plan" dated July 2014;*
 - (v) *C45/01/02A entitled "Existing Situation" dated August 2015;*
 - (vi) *C45/01/05a entitled "Indicative Restoration Concept" dated August 2015;*
 - (vii) *C45/01/06 entitled" dated August 2015;*
 - (viii) C45/01/08 entitled "Proposed Cycle path West of Little Braxted

- Lane" dated August 2015;
- (ix) 15057-02 entitled "Proposed Site Access" dated May 2013;
 - (x) 15057-05 entitled "Access Tracking and Visibility Splays" dated December 2014;
 - (xi) 15057-04 Rev A entitled "Visibility Splays" dated November 2014;
 - (xii) 15057-07 entitled "Artic Track and Turning Area" dated March 2015;
 - (xiii) 15057-11 entitled "Artic Turning Area" dated August 2015;
 - (xiv) 15057-12 entitled "Proposed Junction Improvements" dated August 2015; together with the following documentation:
- a. *Supporting Planning Statement by David L Walker Limited dated July 2014;*
 - b. Non-technical summary by David L Walker Limited dated July 2014;
 - c. Environmental Statement and Appendices 1-9 by David L Walker Limited dated 'Final 12/07/14';
 - d. Water Framework Directive and Hydrogeological Impact Assessment by Hafren Water, Report ref: 1666/HIA-01, Version 2 dated October 2014;
 - e. Addendum to Witham Quarry Hydrological Impact Assessment: Report ref: 1666/HIA-01, Version 2, October 2014 by Hafren Water dated 21st November 2014;
 - f. Geoarchaeological investigation by Martin R Bates dated September 2014;
 - g. Archaeological Investigation by Headland Archaeology dated November 2014;
 - h. Response to Councillor Abbott's comments by Hafren Water dated 22nd December 2014;
 - i. 'Radii of influence (Northern area)' dated November 2013;
 - j. *Essex Field Club Datasearch Report Ref EFC1205 dated 20 Feb 2013;*
 - k. *Ecological Management Plan by David L Walker Limited dated January 2015;*
 - l. *January Bird Survey by Whitcher Wildlife Ltd. dated 21 January 2015;*
 - m. *Ecological Impact Assessment by Whitcher Wildlife Ltd. Ref 140210/EclA/Final/Rev1 dated 10th February 2015;*
 - n. *Schedule of Habitats: Table 1 ref DW/CEW - C45/1.1/Rev1;*
 - o. *Schedule of Habitats: Table 2 ref DW/CEW – C45/1.1/Rev1;*
 - p. Response to S Baileys comments by Hafren Water dated 15 May 2015;
 - q. Response to Queries dated 14/05/15;
 - r. Letter from Hafren Water to Essex C Flood and Water Management dated 26 May 2015
 - s. *Addendum to EclA dated 7th June 2015;*
 - t. Email from David L Walker Limited to ECC 9 June 2015 Points 1 and 2;
 - u. Built Heritage Assessment prepared by Phoenix Consulting dated 10 June 2015;
 - v. Letter from David L Walker Limited to ECC dated 25 August 2015;
 - w. Specification for Archaeological Works Phoenix Consulting dated 27 July 2015;
 - x. Letter from David L Walker Limited to ECC dated 25 August 2015;

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/39/14/BTE addressing:

- a) For Condition 6 (Plant Site Layout) – The layout of the plant site shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising the following details:

Drawings:

- i. WTM/001/A Layout and Traffic Management
- ii. WTM/002 Elevations of Weighbridge and Offices
- iii. WTM/003 Elevations of Workshop
- iv. WTM/004 Elevations of Messroom
- v. DUO16-017 Elevations of Main Plant;

The details specified on page 5 of Submission 4 document prepared by David L Walker, received on 26/07/2016.

It is noted that details of the bagging plant are not proposed at this time as it is not anticipated to be implements for another 2-3 years.

It is noted that a further submission will be required in due course.

As amended by the revised scheme following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- (i) The Application form from Brice Aggregates Limited dated 08/09/17,
- (ii) Letter from David L Walker Limited dated 13/09/17,
- (iii) Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

For Condition 18 (Signage) shall be carried out in accordance with the details of the scheme approved on 27th July 2016 comprising those details as set out in:

- ii. Drawing 15057-12 received on 28/06/2016 indicating proposed signage for Little Braxted Lane Exit.
- ii. Drawing C1135-001 received on 19/10/2016 indicating proposed sign at Braxted Road (secondary access).

For Condition 21 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 24 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278

Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 25 (Wheelwash) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in:

- i Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

For Condition 28 (Geoarchaeology) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out:

- i Geo-archaeological Evaluation and Mitigation Written Scheme of Investigation, prepared by Dr. Martin Bates dated January 2016.

For Condition 29 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the:

- i. Application form from Brice Aggregates Ltd dated 22nd July 2016,
- ii. Accompanying report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015).

The geo-archaeological fieldwork carried out to satisfy this condition is sufficient and no further fieldwork will be required. The report has provided an adequate assessment of the potential of the gravels for Palaeolithic artefacts however the report submitted does not contain an adequate or agreed post-excavation assessment of the paleoenvironmental potential of the lake sediments.

The lake deposits present are considered to be of regional if not national significance and have been found in association with Palaeolithic archaeological remains. Their assessment has not been completed to a standard which meets the aims of the fieldwork and will need to be completed to satisfy the condition.

In addition, the report does not provide adequate information on the potential for the development to impact on predicted unmapped lake deposits and provide a suitable mitigation strategy should they be encountered during the extraction process or disturbed through operations relating to the extraction process.

A post-excavation assessment should be submitted which contains:

- i. A proposal for the analysis of paleoenvironmental samples to satisfy the aims of the geoarchaeological fieldwork;
- ii. An impact analysis of the development on the potential extent of the lake deposits and potential lake edge margins; and

- iii. A suitable mitigation strategy should it be demonstrated that these deposits may be impacted upon during the course of mineral extraction."

For Condition 30 (Archaeological Mitigation) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

For Condition 32 (Groundwater Monitoring) – Monitoring of groundwater shall be carried out in accordance with the details of the scheme approved on 1st September 2017 comprising those details as set out in:

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

For Condition 33 (Landscape and Restoration) – Landscaping and Restoration shall be carried out in accordance with the details of the scheme approved on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.

For Condition 35 (Arboricultural Survey) – The Arboricultural survey shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), and dated May 2016.

For Condition 38 (Dust Mitigation) – Dust Mitigation shall be carried out in accordance with the details of the scheme approved on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

For Condition 40 (Soil Stripping) – Soil Stripping shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the 'Protected Species Walkover' report, prepared by Southern Ecological Solutions, dated 12/08/2016.

- i. The report covers the area indicated in Appendix 1, pre-

extraction phase.

- ii. A further report will be required if development at this location does not take place before 31 March 2017.
- iii. A report will also be required before commencement of work on Phase 1.

For Condition 41 (Construction Environmental Management Plan) shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016.

This document shall be read in conjunction with the following:

- i. Landscape and Habitat Management Plan, approved under Condition 33.*
- ii. Arboricultural Method Statement, approved under Condition 35.*
- iii. Biodiversity Enhancement Plan, agreed under clause 1.1 of Schedule 1 of the s.106 legal agreement dated 21/06/2016.*

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development approved under Planning Ref. ESS/39/14/BTE.

For the avoidance of doubt, the lake outlines shall be as shown on drawing no 418/01B rather than C45/01/05a.

For Condition 42 (Soil Movement) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016.

As amended by those details approved on 24th September 2018 comprising:

- (ii) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

For Condition 43 (Machine Movements) shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

For Condition 45 (Soil Bunds) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

For Condition 47 (Phased Plan for soil types, bunds etc.) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the following details:

- i. Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
- ii. Drawings Numbers:
- iii. C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- iv. C45/01/10 Bund location plan whole site

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

As amended by the Non Material Amendments under ESS/39/14/BTE comprising:

- 1. For Condition 14 (Importation Restriction) to accommodate Importation of stockpiled mineral to be carried out in accordance with the details of the scheme approved on 18th October 2017 comprising:
 - b) The Application form from Brice Aggregates Limited dated 18/09/17,

vii) Letter from David L Walker Limited dated 18/09/1,

viii) Drwg No: C45/02/02 entitled "Site Plan" dated 06/17.

2. For Condition 2 (Approved Details) to accommodate amendments to site compound layout to be carried out in accordance with the details of the scheme approved on 31st October 2017 comprising:

- i. The Application form from Brice Aggregates Limited dated 08/09/17,
- ii. Letter from David L Walker Limited dated 13/09/17,
- iv. Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

3. To accommodate amendments to the site access layout to be carried out in accordance with the details of the scheme approved on 16th January 2018 comprising:

- i. The Application form from Brice Aggregates Limited dated 09/11/17,
- ii. Letter from David L Walker Limited dated 09/11/17,
- iii. Drwg No: C45/C6/02 entitled "Site Access Facilities – Little Braxted Lane" dated 11/17,
- iv. Drwg No: C45/C6/03 entitled "Site Access Facilities – Braxted Road" dated 11/17,
- v. Two A4 drawings of the gated access arrangement layout entitled "Coleman's Farm Gated Access Off Little Braxted Lane – Proposed Elevation"
- vi. "Coleman's Farm Gated Access Off Braxted Road – Proposed Elevation"
- vii. Technical specifications for "HIKVISION" DS-2CD4A26FWD-1Z (H) (S) 2MP Low Light Smart Camera.

subject to:

- (i) These amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.
- (ii) Removal off site of the solar panel structure and fenced enclosure which is situated behind the hedge line near the weighbridge within 1 month of the date of this decision letter.

B. As amended by planning application ESS/10/18/BTE comprising:

- (i) Letter from David L Walker Limited dated 4th May 2018.
- (ii) Planning Application form from Mr Oliver Brice dated 4th May 2018.
- (iii) Supporting Statement entitled "Planning Application to Vary Approved Documents Approved under Conditions 2, 6 and 47 of Planning Consent ESS/39/14/BTE to enable the re-phasing of the working and restoration of the site, changes in soils bunds configuration and to provide car parking for visitors in the ancillary plant site area. Environmental and Supporting Statement" dated June 2018.
- (iv) *Drwg No: C45/01/03D entitled "Proposed Working Plan" dated April 2018.*
- (v) *Drwg No: WTM/001/E entitled "Plant Site Layout Plan" dated 27/04/18.*

For Condition 17 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th June 2019 comprising those details as set out in the following details:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and accompanying scheme as detailed in the:
- (ii) Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

As amended by Planning application ESS/40/18/BTE comprising:

- i. Letter from David L Walker dated 4th December 2018.
- ii. Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii. Email from Dan Walker to Terry Burns dated 25th January 2019 at 15:51hrs.
- iv. Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
- vii. *Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.*
- viii. 2 Emails from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs and 13:47hrs.
- vii. Email from Dan Walker to Terry Burns dated 17th May 2019 at 09:53hrs.

- C. As amended by Planning application ESS/51/21/BTE and accompanying:
- A) David L Walker Ltd covering letter dated 20th April 2021.
 - B) Application form from Brice Aggregates Limited dated 20th April 2021.
 - C) Brice Aggregates statement entitled “Colemans Farm Quarry Witham, Essex Planning Application For Proposed Western Extension To The Current Site Using Existing Approved Facilities (Site Access, Plant Site, Mineral Processing Plant And Other Ancillary Facilities); Including For The Diversion Of The Burghey Brook; With Restoration To Arable Land Using Imported Inert Restoration Materials, And On-Site Materials In Advance Of The A12 Road Widening And Improvement National Infrastructure Project. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited March 2021”.
 - D) Drwg No: C45/08/01 entitled “Application to Vary – Location Plan” dated 04/21.
 - E) Drwg No: C45/08/02 entitled “PA to Vary - Site Plan” dated 04/21.
 - F) Drwg No: C45/09/07 entitled “Site Cross Sections” dated February 2021.
 - G) *Vibrock report entitled “Air Quality Traffic Assessment for the Proposed Western Extension at Colemans Farm Quarry, Witham, Essex BRICE AGGREGATES LIMITED R22.11199/6/JM Date of Report: 22 July 2022”.*
 - H) *4 pages of “JM Response/Comment” against Jacobs Road transport emission review.*

As amended by Planning Application: ESS/98/21/BTE and accompanying:

- a) Email from Dan Walker to Terry Burns dated 9th November 2021 at 13:44 and accompanying
 - b) Application form from Brice Aggregates Limited dated 9th November 2021.
 - c) Drwg No: C45/08/01 entitled “Application to Vary – Location Plan” dated 04/21.
 - d) Drwg No: C45/08/02 entitled “PA to vary – Site Plan” dated 04/21.
 - e) Drwg No: C45/08/06 entitled “Site Cross Sections” dated July 2021.
 - f) Drwg No: C45/08/04 entitled “Detailed Phasing Plans for Phases 4, 8 and 9” dated July 2021.
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- 1) E- mail from Dan Walker to Terry Burns dated 27th June 2022 at 15:15 and accompanying:
 - Drwg No: C45/09/03G entitled “Proposed Working Plan” dated June 2022.
 - Drwg No: C45/08/05C entitled “Revised Restoration Plan” dated June 2022.
 - 2) E mail from Dan Walker to Terry Burns dated 16/11/22 at 11:38 and accompanying:

- b) DUSTSCAN AQ report entitled “Air Quality Assessment” dated November 2022. Report ref: ZVCF_AQA date of issue 16/11/2022.
- 3) E-mail from Dan Walker to Terry Burns dated 21st November 2022 at 09:21 and accompanying:
- a) Brice Aggregates Ltd supporting statement entitled “Colemans Farm Quarry Witham, Essex Planning Application For The Variation Of Conditions 4, 11, And 55 Of Planning Consent ESS/40/18/BTE And Approved Ecological Management Plan Under The Attendant Section 106 Agreement To Enable The Continued Importation Of Inert Materials To Facilitate Restoration; The Re-Phasing Of The Working And Restoration Of The Consented Site To Enable Accelerated Progression Of Site Restoration To Return The Land To Formation Level; Changes To The Approved Restoration Concepts And Management Plans; And The Establishment And Operations Of An Inert Materials Recycling Facility, In Advance Of The A12 Road Widening And Improvement National Infrastructure Project On Land At Colemans Farm Quarry. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited November 2021 REV B Update as at November 2022.”
4. E mail from Dan Walker to Terry Burns dated 30th November 2022 at 10:11 and accompanying:
- a) Drwg No: 418/01/E entitled “Detailed Landscape Proposals” dated November 2022.
5. E mail from Dan Walker to Terry Burns dated 2nd December 2022 at 15:57 and accompanying:
- a) David Jarvis Associates “Landscape Restoration Scheme” dated 30th November 2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

AVAILABILITY OF PLANS

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions

ensure that development does not allow unacceptable adverse impacts on the environment.

WORKS

6. The highway improvement works as provided for under Condition 21 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. The highway improvement works as provided for under Condition 23 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety and to comply with Policies S1, S3, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

8. The highway improvement works as provided for under Condition 24 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ARBORICULTURAL SURVEY

9. The Arboricultural survey of the site shall be in accordance with the details submitted in accordance with Condition 35 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), dated May 2016.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ECOLOGICAL REQUIREMENTS

10. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

11. Within 2 months of the date of this permission a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on that previously approved under Condition 41 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016. The revised CEMP shall also have regard to the background information based on the western extension land parcel as provided for under ESS/36/21/BTE and its revised Construction Environmental Management Plan (CEMP: Biodiversity) based on Construction Environment Management Plan (Biodiversity) (SES, 10th February 2021) Appendix 14 of Environmental Statement.

The CEMP (Biodiversity) shall include the following.

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of "biodiversity protection zones".
- iii. 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).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features.
- v. The times during construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- viii. Use of protective fences, exclusion barriers and warning signs.
- ix. Containment, control and removal of any Invasive non-native species present on site

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site.

Reason: To conserve and enhance protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

- 12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works 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 Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

BIODIVERSITY ENHANCEMENT PLAN (BEP)

- 13. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, a Biodiversity Offsetting Metric Calculation that expresses habitat losses and gains in Biodiversity Units;
- iv. A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;
- v. A description of the specific techniques and practices for establishing each Priority Habitat;
- vi. A description of the sources and provenance of seeds or other plant material to be used;
- vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
- viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
- ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
- x. A description of the personnel or management body responsible for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
- xi. A full breakdown of costs for implementing the BEP; and
- xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g., requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

PLANT SITE LAYOUT

14. The layout of the plant site shall be in accordance with the details set out in the following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- i The Application form from Brice Aggregates Limited dated 08/09/17,
- ii Letter from David L Walker Limited dated 13/09/17,
- iii Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13th October 2107.

As amended by:

- i Letter from David L Walker dated 4th December 2018.
- ii Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 2.

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 minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014.

HGV MOVEMENTS

15. The total number of daily heavy goods (HGV) vehicle movements associated with the development hereby permitted shall not exceed the following limits:

Operation	Maximum Number of Loads	Maximum number of Movements
Graded Aggregate	51	102
Ancillary Minerals Importation	4	8
Ready Mix Concrete inclusive	20	40

of cement and additive delivery		
Recycling inclusive of Restoration Material delivery	90 (60 Following the completion of infilling within Phases 5 – 8)	180 (120 Following the completion of infilling within Phases 5 – 8)
Total	165 (135 Following the completion of infilling within Phases 5 – 8)	330 (270 Following the completion of infilling within Phases 5 – 8)

a.330 movements (165 in/165 out) (of which no more than no more than 58 movements – 29 in/29 out – shall be through the secondary access on Braxted Road) per working day.

No HGV movements shall take place outside the hours of operation authorised in Condition 26 of this 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 S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

HGV MOVEMENT RECORDING

16. A written record shall be maintained at the site office of:

- (i) 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 state which access point used;
- (ii) the nature and quantity of imported material/minerals;

Such records shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policies S1, S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

17. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 50mm in diameter.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

18. No unbound material shall be used in the surface finish of the site access roads at Little Braxted Lane and Braxted Road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

19. No materials/minerals shall be imported into the site through the secondary access on Braxted Road.

Reason: For the avoidance of doubt; in the interests of highway safety, safeguarding local amenity and imposing a restriction on use of the secondary access to minimise environmental disturbance was a determining factor in the acceptability of the application and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

WHEELWASH PROVISION

20. The provision of the wheelwash shall be in accordance with the details submitted in accordance with Condition 25 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising the Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

ARCHAEOLOGICAL FIELDWORK

21. The archaeological fieldwork within the phases of mineral extraction based on the report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015) received on 28/06/2016 shall be in accordance with the details submitted in accordance with Condition 10 of planning permission ESS/10/18/BTE dated 11th January 2019 and approved by the Mineral Planning Authority on 14th June 2019. The details comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and
- (ii) Accompanying schemes for Condition 17 as detailed in the Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

Reason: To enable the continued monitoring of any identified areas of high Palaeolithic potential through the mineral extraction process and disseminate findings and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

22. a) The provision for archaeological mitigation shall be in accordance with the details of the scheme submitted in accordance with Condition 30 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.
- b) The archaeological mitigation/investigation work measures shall be extended to those areas of the site such as remaining topsoils within unquarried areas.

Reason: to enable full recording and understanding of areas of known archaeological remains and to ensure identification and recording of areas of unknown potential for archaeological remains and to determine the nature, significance and extent of archaeological deposits and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

23. Within 6 months of the completion of the archaeological fieldwork in each phase (or such other timescale as has been previously approved in writing by the Mineral Planning Authority), as approved under condition 19, a post-excavation assessment shall be submitted to the Mineral Planning Authority for its approval in writing. The approved post-excavation assessment shall be followed by analysis, leading to full site archive and publication report.

Reason: To disseminate the results of the archaeological investigations and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

DEPTH OF WORKING/STANDOFFS

24. No extraction shall take place below 6 metres Ordnance datum.

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 S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

25. No excavation shall take place closer than 5 metres from the limit of the planning permission boundary line as shown on drawing C45/01/03G dated June 2022.

Reason: To ensure the development is contained within its permitted boundaries, to avoid effects on the surrounding land and to comply with

MINERAL OUTPUT

26. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

MINERAL HANDLING

27. No materials/minerals shall be imported to the site other than:
- a) from the mineral arising from working the western extension parcel under planning permission ESS/36/21/BTE;
 - b) the 25,000 tonnes per annum of construction type material, comprising MOT type 1 and soft sand as identified in the application documents accompanying the planning application ESS/40/18/BTE namely:
 - (i) Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
 - (i) Email from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs.

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 Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan Adopted July 2014.

ENVIRONMENTAL PROTECTION

HOURS OF OPERATION

28. 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, servicing, environmental monitoring, maintenance and testing of plant, no operations, including temporary operations as described in Condition 28, shall be carried out outside of the following times:
 - 0700 hours to 1800 hours Monday to Friday; and;
 - 0700 hours to 1300 hours Saturdays.

(b) No servicing, maintenance and testing of plant shall be carried out at the site after 1800 hours or before 0700 hours on any day (or at any time on Sundays, 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 1800 hours Monday to Friday and;
0800 hours to 1300 hours Saturdays

(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 policies S10 and DM1 of the Essex Local Minerals Plan 2014.

NOISE LIMITS/MONITORING TEMPORARY

29. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties specified in the approved scheme under Condition 29 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 Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

NOISE LIMITS

30. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/98/21/BTE/A entitled "Noise Monitoring Locations":

<i>Noise Levels</i>			
<i>Monitoring Location</i>	<i>Noise Limit (dB LAeq 1 hr)</i>	<i>Activity (Proposed Phase)</i>	<i>Predicted Noise level (dB(A))</i>
<i>Colemans' Cottage</i>	<i>51</i>	<i>5/6 excavations 5/6 backfilling</i>	<i>50 50</i>
<i>Colemans Farm</i>	<i>51</i>		
<i>Appleford Bridge Cottage</i>	<i>49</i>		
<i>Fair Rest (Rose Cottage)</i>	<i>55</i>	<i>4/9A backfilling</i>	<i>51</i>
<i>The Machtyns (air conditioned office building)</i>	<i>70</i>	<i>4/9A backfilling</i>	<i>52</i>
<i>Burghey Brook Cottages</i>	<i>55</i>	<i>5/7 excavations 7 backfilling</i>	<i>54 55</i>

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

NOISE MONITORING

31. Within two months of the date of this permission an updated Noise Monitoring Scheme shall be submitted to the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
 - i) Reflecting the revised phasing, recycling plant commissioning monitoring, and monthly monitoring when works are at closest approach to sensitive receptors as detailed in b) and c) below
 - ii) Within 2 weeks of commissioning, on-site monitoring should be undertaken to confirm that the noise emissions from the new recycling plant do not exceed the assumed sound power level. Measurements should also be undertaken at this time at all receptors, to ensure that the new plant is not leading to a breach of the noise limit.
 - iii) Monthly monitoring should be carried out at all receptors when mineral excavation or backfill works are within the phases

closest to each receptor. This requirement may be relaxed with the written approval of the MPA, once sufficient data has been accumulated to indicate that the noise limits are unlikely to be breached.

For clarity - The noise limits will apply to all site attributable noise (i.e., noise from excavations, haulage and processing under this consent, noise from the stocking operations and recycling facility.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

NOISE ALARMS

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

DUST

34. Within two months of the date of this permission a revised Dust Management scheme shall be submitted for the approval of the Mineral Planning Authority. The scheme shall be based on the previously approved dust mitigation scheme set out below and shall also make provision for

- (i) Previous scheme details set out in the scheme dated 21st November 2016 received by the Mineral Planning Authority on 28 June 2016 submitted in accordance with Condition 38 of planning permission

ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

(ii) Including provision for the recycling activities and amending the previously approved scheme where practices differ.

(iii) Such other measures needing to be added in as a direct result of the activities approved under this permission.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

36. 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 Little Braxted Lane vehicular access unless they open inwards from the public highway towards the site and shall be set back from the nearside edge of the carriageway to allow an HGV inadvertently entering Little Braxted Lane to utilise the site access for turning as shown on drawing 15057-07.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan 2014.

37. Notwithstanding the provisions of part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

(a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site/quarry complex except the maintenance workshop, messroom, bagging plant building, weighbridge and offices, mineral processing plant and main access route as indicated on drawing WTM/001/F dated 06/11/18.

(b) No mineral waste shall be deposited at the site/quarry complex, except from silt processing for the establishment of reed beds as shown on Drawing No. C/45/01/5A without prior planning permission from the Mineral Planning Authority.

Reason: To protect the amenities of the area in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

STORAGE ASPECTS

38. No scrap, mobile or fixed plant, equipment, empty skips or containers shall be retained on site.

Reason: To help minimise the visual impact of the development, in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

39. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference WTM/001/F dated 06/11/18.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

LIGHTING

40. 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 Mineral 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 in the interests of highway safety) and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

SURFACE AND GROUNDWATER

41. The provision for groundwater monitoring shall be in accordance with the scheme submitted in accordance with Condition 32 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 11st September 2017 comprising those details as set out in the

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

Reason: To protect groundwater from pollution and to comply with Policy DM1 of the Minerals Local Plan 2014.

42. 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 Policies S1, S3, S10, and DM1 of the Essex Minerals Local Plan 2014.

HANDLING AND STORAGE OF SOIL AND SOIL FORMING MATERIAL

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

Reason: To prevent loss and damage of the soil resource having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

44. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it

is not damaged by machinery passage over it.

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

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to The Essex Minerals Local Plan (adopted July 2017) Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

45. The provision for soil handling shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 42 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016; and subsequent documents approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

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 Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

46. The provision for machine movements for the stripping and replacement of soils shall be in accordance with the details of the scheme submitted in accordance with Condition 43 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th September 2016 comprising those details as set out in the Scheme of

machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

47. 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 46 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

48. The provision for soil bunds shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 45 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

49. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/01/03G dated June 2022 and used in the restoration scheme as indicated on drawing reference C45/01/05 dated June 2014, unless amended by the scheme approved under Condition 46 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

50. The provision for bund phasing shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 47 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the following:

- (i) Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
Drawings Numbers:
- (ii) C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- (iii) C45/01/10 Bund location plan whole site

and further submissions approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

51. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

Subsoil shall be stripped to full depth and shall, wherever possible, be immediately re-spread over the replaced overburden (low permeability cap). If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

52. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

53. 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 Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

54. 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 agricultural operations are not impeded and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

55. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/01/05C dated June 2022 as may have been amended by the scheme approved under Condition 56 of this permission.

Reason: To ensure proper restoration of the site and compliance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

RESTORATION AND LANDSCAPING

56. The provision for restoration and landscaping shall be in accordance with the details of the scheme submitted in accordance with the David Jarvis Associates "Landscape Restoration Scheme" dated 30th November 2022.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

57. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 56 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 Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

REVISED RESTORATION PLAN IF A12 ROAD SCHEME DOES NOT PROGRESS

58. Within 2 years of the date of this permission and the A12 Road Realignment Scheme not going ahead a revised restoration and landscaping plan based on Drwg No: 418/01E entitled "Details Landscape

Proposals" dated November 2022 shall be submitted to the Mineral Planning Authority. The scheme shall make provision for:

- a) Additional planting up of the Boundary with the A12 carriageway.
- b) Programme of implementation.
- c) Programme of management.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014

AFTERCARE

59. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural/amenity use shall be submitted to and approved in writing by the Mineral Planning Authority prior to 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 Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
 - c. Unless the Mineral Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

CESSATION

60. In the event of a cessation of winning and working of mineral for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Condition 55,(Restoration and Landscaping) which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a

revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Within 6 months of the cessation of winning and working of mineral the revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority, for approval in writing. The development shall be implemented in accordance with the 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 Policies S2, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

INFORMATIVES

The applicant is advised that other approvals/Licences may be required such as Environmental Permitting as well as works to watercourses.

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would not be located within distance 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 these planning applications, the Mineral 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 were 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 – WITHAM NORTHERN

Our ref: 21/01684/ECC
Your Ref: ESS/36/21/BTE
Direct Dial: 01376 552525 ext. 2523
Ask for: Neil Jones
Date: 12.08.2021



Development Management
Causeway House, Bocking End,
Braintree, Essex, CM7 9HB

Tel: 01376 557779
Email: planning@braintree.gov.uk

Mr Terry Burns
Planning Development Management Team
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

By e-mail only

Dear Mr Burns

APPLICATION NO : 21/01684/ECC

DESCRIPTION : Consultation on Essex County Council application no. ESS/36/21/BTE - Proposed western extension to the current site using existing approved facilities (site access, plant site, mineral processing plant and other ancillary facilities); including for the diversion of the Burghey Brook; with restoration to arable land using imported inert restoration materials, and on-site materials in advance of A12 road widening and improvement national infrastructure project.

LOCATION : Colemans Farm Quarry, Little Braxted Lane, Rivenhall End, Witham, Essex, CM8 3EX

I refer to your consultation under the above legislation for the proposed development described above and apologise for the delay in submitting this letter.

Under powers delegated to me, I write to inform you that an objection is raised by this authority to the proposal as set out below.

Principle of Development

It is acknowledged that the proposed realignment of the A12, as part of Highway England's widening scheme, has created a situation where the landowner has wanted to consider the extraction of sand and gravel deposits prior to the highway widening works taking place, in order that it is not sterilised by the proposed highway improvements.

As the District Council has set out in previous representations and consultation responses to the Mineral Planning Authority (MPA) there is a growing concern over the burden that this District is carrying in terms of mineral extraction within the County. The draft revisions to the Minerals Plan, even without this proposed extension to the Colemans Farm quarry, would see the Braintree District supplying 56% of the sand and gravel requirements for the whole County (22.78mt to be extracted within the Braintree District, measured against a target for the whole County of 40.824mt over the plan period). Taking the area of land that is proposed to quarried

as an alternative measure then the picture is similar with 55% of the land area allocated to be quarried being located within the Braintree District (338ha out of 615.5ha).

The District Council considers that the approach to allocations that are set out in the Essex Minerals Local Plan Review continues to fail to meet the requirements of Strategic Objective 2, which seeks to minimise mineral miles. Point 7 of SP2 also states that the Minerals Planning Authority (MPA) will require a geographic dispersal of sand and gravel across the County. Given the facts above concerning the planned land areas and extraction volumes it is hard to see how Mineral Miles are being minimised. Having established the Essex Climate Action Commission the County Council have stated that they will work to reduce carbon emissions within the County. Reducing the number of Mineral Miles by directing mineral extraction closer to user markets would be consistent with this aim.

If the MPA ultimately considers that this application to extend the Colemans Farm quarry is acceptable and grants planning permission then the District Council considers that it is imperative that a similar sized quarry site is removed from those that are proposed to be allocated within the Braintree District, in the draft Essex Minerals Local Plan Review. Failure to modify the Minerals Local Plan Review to reflect a further permission granted for this site would further add to the proliferation of mineral sites in the District, the length of time that sites are worked and generally have a negative impact on the Districts communities and infrastructure networks.

Deposition of Inert Waste

The application documentation states that it will be necessary to restore existing ground levels when the mineral extraction is complete. In order to achieve the restoration of the landform within the proposed extension it is stated that it is proposed to import approximately 236,000 m³ (425,000 tonnes) of inert material at a typical rate of 350,000 tonnes per annum. There is no certainty on where the inert waste will be transported from. The Supporting Statement identifies arisings from new greenfield housing development, within the District and County as being one source of material. It also identifies a number of large infrastructure projects underway or planned in the wider region which it is claimed will also serve to place additional strain upon existing inert waste processing capacity within the county. Examples cited include the Lower Thames Crossing, Thames Tideway Sewer, Bradwell B power station, North East Chelmsford Relief Road, A120 Braintree to A12 dualling. With the exception of the last two road schemes (noting that the A120 scheme is currently neither consented nor funded) none of these schemes would be considered local. The District Council feels that our communities and infrastructure are already carrying an unfair burden in terms of mineral extraction. That inert waste is then also being imported, largely from outside the District and quite possibly from outside the County, in such very large volumes further exacerbates the sense of inequity. If Essex, as a County, is required to accommodate inert waste from regional infrastructure projects then the Waste Plan should be identifying suitable sites that can meet this need as close to the source of the material as possible and ideally to sites where the material can be transported by water and or rail.

There does not appear to have been any assessment within the application of whether it would be possible to still construct the A12 highway improvements with a reduced amount of imported waste material, i.e. with lower ground levels. It is noted that the planning application includes typical cross sections of the site which shows extraction occurring to varying depths but in places exceeding 10m so some changes to levels are likely to be required but it is not clear whether reinstatement to existing levels is absolutely necessary, with the resulting HGV movements importing waste to reinstate the current levels.

The District Council do not support the principle of significant amounts of inert waste being imported from outside the County, particularly where this requires large numbers of HGV movements. With more innovative thinking, better solutions may be possible. For example the excavation of the Crossrail tunnels produced material that was used to support the creation of a new RSPB nature reserve at Wallasea Island. It is understood that nearly 80% of the excavated materials were exported from London by rail and water, removing approximately 150,000 Lorries from London roads. Some 3 million tonnes of excavated material was moved to the

Essex coast in 1528 shipments before being used to help create the nature reserve. As a destination for large volumes of inert waste the attractiveness of the Colemans Farm site should be limited as it cannot be reached by rail or water. This means that all imported inert waste will need to be moved by road, adding to congestion on the A12 and with resulting vehicle emissions.

Highways

The existing quarry operation operates with a restriction through the planning permission which restricts the maximum number of HGV movements to 150 per day (granted under ESS/40/18/BTE). It is intended that the mineral extraction proposed by this planning application would have up to 330 HGV movements per day. The Transport Statement explains that the increased number of vehicle movements is a result of the need to import inert waste to the site, over a relatively short period, to restore the existing ground levels following the extraction of the sand and gravel.

It is noted the Transport Statement refers to the ability for vehicles leaving the site to access the westbound carriage way of the A12 by the Rivenhall End junction. The District Council would be concerned about any increase in HGV traffic using the Rivenhall End junction given that there are a number of residential properties near the junction and given the limited entry / exit slip roads. The District Council would assume that neither Highways England nor the Highway Authority would support the principle of additional quarry traffic using the Rivenhall End junction.

The majority of HGV movements in and out of the site are understood to be from the A12, Junction 22 and along Little Braxted Lane. Whilst the site access and Junction 22 may well be designed in accordance with current standards the fact remains that the proposals will see a significant increase in HGV movements. It is noted that the Transport Statement argues that the number of HGV movements to and from the site is not significant when you measure the number of additional movements currently passing through Junction 22, and along this stretch of the A12, but the fact remains that this will result in up to 180 extra HGV movements within the District daily.

It is noted that Highways England have registered that they have no objection to the proposals. Although the publicity / consultation period for this application has now passed I note that at the time of writing this letter no consultation response from the Highway Authority has been received / published. Given the significant increase in HGV movements proposed by the application, the District Council would not expect this application to be determined until such time as the views of the Highway Authority are known.

Ecology

The Development Management Team at Braintree takes specialist ecological advice on development proposals from Place Services. It is noted that the Ecology team at Place Service have registered a holding objection to the proposals in respect of the ecological assessment and potential impact.

Having reviewed the comments of Place Services, the District Council consider that their concerns appear well founded and are of a significant concern, particularly given the proposals to temporarily divert the Burghey Brook, given the fact that the watercourse feeds directly into the River Blackwater, which then joins into the Blackwater Estuary. The Estuary is subject to a number of statutory designations including Site of Special Scientific Interest, Special Protection Area, Ramsar site as is therefore afforded a high level of protection. In addition the Whetmead Local Nature Reserve is only a short distance downstream on the River Blackwater. Further information would need to be provided to demonstrate that the development would not adversely affect these protected environments.

It is further noted that the existing consented quarry operation at Colemans Farm is designated as a Biodiversity Flagship Site in the Essex Minerals Local Plan. The District Council note that Place Services have raised no concerns that the required Biodiversity Enhancement Scheme

for the existing quarry site would be adversely affected by this proposed extension to the west, however we would ask that the MPA satisfy themselves that this is the case. The District Council would be very concerned if this proposed extension were to undermine the significant biodiversity enhancement scheme.

Whilst the rehabilitation of the consented quarry is intended to be to an exemplar standard the proposed ecological enhancements proposed in respect of the proposed western extension are extremely limited, with an apparent commitment to do no more than reinstate to arable farmland. The NPPF is clear that all development should be contributing to biodiversity net gains where possible. Whilst it is accepted that proposals for reinstatement need to be cognisant of the A12 scheme it is not clear why the reinstated arable land cannot include native species hedgerows around field boundaries and along ditches. The Place Services Ecologist also highlights that the reinstatement of Burghey Brook could be carried out in a far more sympathetic manner which would enhance the brooks current biodiversity value. It is understood that the County Council has a team advising on Green Infrastructure and although they do not appear to have been consulted we would assume they would be able to provide further advice on this matter.

Whilst the Environment Agency have been consulted and have submitted a consultation response at the time of writing this response I cannot see any comments from the ECC Watercourse team. Assuming that consent will be required to divert the watercourse the District Council would question whether the ECC Watercourse Team need to review the proposals and confirmed that they have no objections.

Air Quality & Noise

It is noted that the proposed development would allow working at just 100m from the boundary of Burghey Brook Cottage which lies alongside the A12 carriage way.

The information presented within the application document confirms that the existing noise conditions applied to the site (and as applicable to mineral working sites) will not be exceeded at nearest residential property in particular Burghey Brook Cottages and Colemans Cottage as a result of the implementation of the proposals.

Noise levels at Burghey Cottages are already influenced significantly from road traffic noise on the A12. Works to construct a noise barrier (bund) of 3m height will take place prior to the commencement of soil stripping and extraction works. If they are minded to approve the application, then the MPA should ensure that the height, length and design of the bund represents best practice to minimise noise and so achieve acceptable noise levels and that an appropriate noise management plan is in place to implement best practicable means at the time of construction.

It is noted that works to construct the noise bund will commence at 0800 hours rather than 0700 hours as a typical start time.

It must be ensured that dust levels are controlled as the CEMP 4.7 states that dust levels are likely to be problematic under dry conditions and dust suppression will be carried out. The dust assessment for the report confirms that there will be a slight adverse effect due to dust at Burghy Cottages and therefore consideration to permanent dust and particulate matter monitoring would be appropriate.

Whilst the proposed increase in vehicle movements will inevitably increase vehicle emissions this will for the most part add to emissions from existing traffic on the A12. It is acknowledged that the routing of the majority of HGVs on to the A12 through the Colemans Bridge junction will limit exposure of increased traffic emissions to any sensitive residential developments as the traffic will not then need to pass directly by residential property.

Notwithstanding the numerous controls that have been imposed on the operation of the existing quarry operation to protect the amenity of the area, the District Council are concerned that the apparent tight timetable for the extraction of the sand and gravel and for site reinstatement could well result in pressure being applied by the operator to relax the controls over site in the future and that this could be detrimental to the amenity of the area.

Yours faithfully

Data Protection Act

A large black rectangular redaction box covering the signature area.

For Planning Development Manager

DR/02/23**Report to:** DEVELOPMENT & REGULATION (27 January 2023)**INFORMATION ITEM: Report on the programme of Periodic Review of Mineral Planning Permissions****Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821**1. PURPOSE OF THE REPORT**

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

2. BACKGROUND

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

The Planning Practice Guidance (PPG) outlines the manner in which Periodic Reviews are undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also subject to a provision that the interval between any two reviews not being less than 15 years.

It is not the case that all old mineral planning permission will require review. The PPG advises "*Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware and has not been able to address*"

3. PERIODIC REVIEWS

Under the Environment Act 1995 the MPA is required to review mineral planning permissions issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This report addresses the permissions to be 15 years old between February 2024 and February 2025 i.e. permissions issued from 22 February 2009 to 21 February 2010. This gives the authority the necessary 12 months prior notification.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site by the applicant. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

The Periodic Review programme in Essex

Mineral Permissions Previously Identified for Review

For permissions issued between Feb 2008 and Feb 2009 two permissions were identified for review. A permission (Ref ESS/26/08/COL) for clay extraction at Marks Tey Brick Works, Colchester was identified for review and a ROMP application was submitted in November 2022. A permission (ESS/24/04/TEN/REV) for sand and gravel extraction at Wivenhoe Quarry was also identified but on closer examination of the planning history it was established that the planning permission had been superseded by a subsequent planning permission and no ROMP was required.

Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2009 and 21 February 2010 and has assessed them for the need for Periodic Review.

Only 1 mineral planning permission has been identified issued in the relevant period potentially requiring review see Appendix 1. The one planning permission potentially requiring review is a permission subject of a previous ROMP review. The planning permission is ESS/51/08/ROC (R) at Barling Quarry. Mineral extraction and landfilling has been completed at the site, but the site has not completed restoration. There is a separate planning permission that permits

surcharging of the site ESS/47/10/ROC, but this does not cover the full area of planning permission ESS/51/08/ROC(R). In addition there remains an outstanding application for Barling Quarry ESS/38/16/ROC a variation of ESS/47/10/ROC, seeking additional time to complete the surcharging and restoration. The determination of this application has been delayed due to the proximity of the site to ecological sensitive areas and the need for Appropriate Assessment under the Habitats Regulations. If and when determined the outstanding application anticipates the restoration would be completed by end of November 2025. As explained in section 2 of this report it is possible under the Environment Act to agree a longer period than 15 years for a review, in this case it is considered appropriate to delay the requirement for a Review until 1 December 2025, by which time hopefully the restoration will have been completed and a ROMP not required. The operator is agreeable to this approach and this will be confirmed in writing.

4

THE FUTURE PERIODIC REVIEW PROGRAMME

A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in late 2023/early 2024.

BACKGROUND PAPERS

70.421.50

Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

ROCHFORD – Rochford South

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2009 to 21 February 2010 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2024 and February 2025.

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
24 421 17b	Southminster Hall, Goldsands Road, Southminster, CM0 7JR SOUTHMINSTER	ESS/09/08/MAL	Cont. of dev for "Digging of sand & gravel & Erection of Washing Plant" (ref ESS/15/97/MAL[R]) without complying with condition 1 (approved plans, 2 (time limit), 3 (removal of permitted development rights) to allow for the ext. of time for completion of S&G ext. & restoration until 31 August 2015 & amend. to working scheme, access & inclusion of mobile soil screener resulting in variation of cond. 4,10,13,16,18 & 25 also consequential amendments to details condition 6, 7&15	31/03/2009	No Superseded by ESS/34/10/MAL and then ESS/54/13/MAL.
34 421 15	Barling Marsh Quarry and Landfill Site, Mucking Hall Road, Barling Magna, Rochford, SS3 0NR ROCHFORD SOUTH	ESS/51/08/ROC R	Review of Old Mineral Planning Permission (ROMP) application for Planning Permission ref: ROC/634/90 dated 19 November 2003 at Barling	29/04/2009	Yes – but review to be postponed until 1 December 2025.

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
14 421 18	Plumptons Farm, Ford Lane, Alresford, Colchester, CO7 8BB BRIGHTLINGSEA	ESS/04/09/TEN	Marsh Quarry and Landfill Site Continuation of development without complying with condition 17 (restoration) attached to planning permission ref ESS/52/97/TEN (R) seeking variations to the approved restoration Scheme to allow for revised contours and the existing amenity lakes to be used for nature conservation purposes, angling and the creation of wet grassland conservation areas	22/05/2009	No Superseded by ESS/57/12/TEN,
13 421 19	Colchester Quarry (Stanway Hall), Warren Lane, Stanway, Colchester, CO3 0NN STANWAY and PYEFLEET	ESS/06/09/COL	Continuation of development without compliance with conditions 6 (working and restoration scheme) and 15 (restoration scheme) attached to planning permission reference ESS/14/06/COL to extend the time for the submission of a detailed working and restoration scheme until 01 June 2010 (AMENDED DESCRIPTION)	29/06/2009	No The area of ESS/06/09/COL was included within the application for ESS/23/14/COL and thus supersedes the older permission.

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham WITHAM NORTHERN	ESS/23/09/BTE	Continuation of removal of minerals in the course of constructing an agricultural reservoir without compliance with condition 6 (time limit of 04 May 2009) attached to planning permission ref ESS/26/07/BTE to allow a further 12 months for completion of development by 04 May 2010	20/10/2009	No Superseded by ESS/14/10/BTE and in any event site completed and restoration and aftercare completed.
13 421 09	Fingringhoe Quarry, Ballast Quay, Fingringhoe, Colchester STANWAY and PYEFLEET	ESS/35/09/COL	Continuation of extraction of sand and gravel as an extension to existing workings, restoration to agriculture and temporary diversion of Furneaux Lane without compliance with condition 2 (location of conveyor tunnel) of planning permission ESS/22/00/COL to amend the position of the conveyor 120 metres to the east of the original position under the new Furneaux Lane	05/11/2009	No Mineral extraction is completed and the site is being restored. The restoration and aftercare conditions are considered adequate, such that no ROMP is required.
11 421 18	Hollow Road, Widdington, Saffron Walden, CB113SL	ESS/44/08/UTT	Continuation of the evacuation of sand and subsequent restoration of the land to agricultural use,	27/11/2009	No Superseded by ESS/34/13/UTT, ESS/30/14/UTT, ESS/03/16/UTT

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
	STANSTED		including deposit of refuse (inert waste only), without compliance with conditions 3 (cessation of operations by 30 June 2009 and restoration by 30 June 2010) and 4 (removal of buildings, plant and machinery by 30 November 2009) attached to planning permission reference ESS/33/02/UTT/REV		ESS/35/18/UTT and ESS/68/21/UTT (decision pending legal agreement)
23 421 32	Old Hall and Generals Farms, Boreham, Chelmsford, CM2 6GF CHELMER	ESS/33/09/CHL	Continuation of removal of minerals in the course of constructing an agricultural reservoir (planning permission ESS/05/09/CHL) without compliance with condition 2 (permission end date September 2009) to require cessation of permission and completion by 26 September 2011	07/12/2009	No Site completed including restoration and aftercare
24 421 20	Curry Farm, Mill End, Bradwell-on-Sea, Maldon, CM0 7HL SOUTHMINSTER	ESS/46/09/MAL	Continuation of use as a mineral extraction site without compliance with conditions 3 (site and restoration time limit) & 10 (removal of plant) attached to planning permission	21/12/2009	No Superseded by ESS/38/13/MAL and ESS/34/18/MAL

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
			ESS/53/08/MAL to allow for all operations and uses associated with the winning and working of sand and gravel, its processing and ancillary uses to be completed by 31 December 2013 and restoration to be completed by 31 December 2014		
24 421 20	Curry Farm, Mill End, Bradwell-on-Sea, Maldon, CM0 7HL SOUTHMINSTER	ESS/40/09/MAL	Variation of condition 3 (completion of site operations and restoration) and condition 10 (removal of development) relating to planning permission reference ESS/52/08/MAL to allow all site operations to be completed by 31 December 2013 and restoration to be completed by 31 December 2014 (condition 3), and the removal of all buildings, plant machinery foundations, hardstanding, roadways, structures and erections to be removed by 31 December 2014 (condition 10)	21/12/2009	No Superseded by ESS/37/13/MAL and ESS/33/18/MAL

DR/03/23

Report to: DEVELOPMENT & REGULATION (27 January 2023)
Information Item: Enforcement of Planning Control Update
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: Shaun Long (Planning Enforcement Officer) – Telephone: 03330 322837

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 September to 31 December 2022.

2. DISCUSSION

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

A. Outstanding Cases

As at 31 December 2022 there were 28 outstanding cases.

B. Closed Cases

13 cases were either resolved or closed during this period.

Local Member notification

Countywide

District: Basildon

Location: Belvedere, Blind Lane, Billericay, Essex

Nature of problem: Burning of waste and possible ELV

Remarks: Reports relating to burning on site have been forwarded to Basildon EHO and the Environment Agency to investigate under appropriate legislation. If in the future the District or the EA consider that there is a change of use of the land they will advise ECC as WPA. No further complaints or communications received since 2021. Case closed.

District: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH

Nature of problem: Stockpile heights

Remarks: Condition 17 of planning permission ESS/13/15/BAS states that no material is to be stockpiled at a height greater than 4 metres. Stockpile heights were found to be exceeding this limitation and a Breach of Condition Notice was served on 22/09/2023 requiring compliance with the relevant condition. Compliance due by 22/09/2023. Ongoing monitoring.

District: Basildon

Location: Mackers Metals, Wrexham Road, Laindon, SS16 6PX

Nature of problem: New building constructed

Remarks: Erection of a new building without the benefit of planning permission. Basildon Council initially invited a retrospective planning application to retain the building to be submitted to them. This is now however being submitted to ECC as WPA for consideration/determination. Case to remain open pending determination of aforementioned application.

District: Braintree

Location: Bluegate Farm, Braintree Road, Great Bardfield

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission a material change of use of land to inert recycling. The operators agreed to cease the use and clear the land of all waste. Importation has ceased, a large quantity of waste has been removed from the land and the operators are working with the WPA to clear the remaining material. Ongoing monitoring.

District: Braintree

Location: Bradwell Quarry

Nature of problem: PRow issues

Remarks: PRow temporarily closed by operator without permission, concerns raised about the condition of PRow and PRow Diversion Order noted as expired. Planning application and PRow diversion application submitted by operator. Case closed.

District: Braintree

Location: Land North of Bluebridge Industrial Estate, Halstead

Nature of problem: Reports of odour

Remarks: Complaints passed to the Environment Agency as the authority responsible for controlling pollution. Case closed.

District: Braintree

Location: Land to rear of Former Hanger Site, New Pastures Lane, Great Saling, Braintree, CM7 5ER

Nature of problem: Alleged waste activity specifically soil importation and skip business

Remarks: Following investigation deemed not a County Matter. It is considered that the land is being used as an extension to the existing use which operates under a Braintree District Council

permission ref: 19/01129/FUL. BDC duly advised.

District: Braintree

Location: R P Bareham, Codham Little Park Farm, Codham Park Drive, Braintree, CM7 5JQ

Nature of problem: Waste is being imported and sand is being extracted from site and sold

Remarks: Without the benefit of planning permission the importation, deposition and processing of waste (inerts). Together with the unauthorised extraction of mineral. Landowner required to cease the use, infill the void and remove the material deposited to raise the level of the land. Void has now been infilled and restored. Some waste removed from the land however, further waste still to be removed. Ongoing monitoring.

District: Braintree

Location: Straits Mill, Bocking, Braintree, CM7 9RP

Nature of problem: A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

Remarks: The importation and processing of the waste has ceased however the waste remains. The WPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch

Nature of problem: Waste operations

Remarks: Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was served and this took effect 05/07/2022. The EN required all imported material to be removed and the site restored to its former condition by 05/11/2022. A visit in December 2022 confirmed that whilst the use had ceased and some of the waste removed, waste still remained on the land. A letter was sent to landowner seeking to confirm EN needs to be complied with and requesting an update within 28 days. A follow up visit is scheduled.

District: Brentwood

Location: French's Farm, Wigley Bush Lane, Brentwood, CM14 5QP

Nature of problem: Waste Activity

Remarks: Planning permission ref: 20/00544/FUL was granted by BBC for the construction of landscape bunds along the A12. Land raising/bunding appears to run adjacent to Wigley Bush Lane. Information passed to BBC to check development which has occurred is in accordance with the agreed plans. Case Closed.

District: Castle Point

Location: Unit 6 Scotts Yard, Northwick Road, Canvey Island, Essex, SS8 0PU

Nature of problem: End of Life Vehicle recycling

Remarks: End of Life Vehicle facility operating without the benefit of planning. Following joint working with the Environment Agency the site has been cleared of waste and operations have

ceased. Case closed.

District: Chelmsford

Location: Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

Nature of problem: Operating hours

Remarks: Investigations ongoing following reports of early morning working and noise. Meeting held with operator to discuss next steps.

District: Chelmsford

Location: Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG

Nature of problem: Waste activities

Remarks: The unauthorised importation, deposition and spreading of waste, mainly soils and builder's waste. A Temporary Stop Notice was served on 04/11/2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on 14/01/2020 for the removal of all waste material. The Enforcement Notice has not been complied with.

Officers are attempting to re-opening dialogue with the parties involved with the aim of providing a separate update to members in due course.

District: Chelmsford

Location: Land at Meadow Lane

Nature of problem: Waste activities specifically land raising area (classified as a platform by Chelmsford City Council) and skip business

Remarks: CCC have advised that they are considering serving an Enforcement Notice for removal of land raising area. In line with the joint working protocol with the Environment Agency, the EA are leading in relation to the skip business. ECC as WPA have confirmed to all involved that we are available to support continued investigations, if required, and/or any potential newly reported activity.

District: Colchester

Location: Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH

Nature of problem: Early morning operating

Remarks: Since the reports in 2019/2020 about early morning operations the WPA have not received any reports alleging that the operators continue to be in breach of their working hours. Case closed. If in the future further reports are received a new case will be opened and investigated.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

Nature of problem: Importation of waste

Remarks: The use of the land for importation, deposition, storing, processing and spreading of waste materials (including soils, and other similar waste materials), subsequently raising the levels of the land. On the 06/03/2017 ECC as WPA attended Chelmsford Magistrates Court to prosecute the landowner and tenant for failure to comply with the Enforcement Notice served. Following the prosecution this case was reported to members in October 2017 with a recommendation that no further action is taken in respect of the breach of the EN served, subject to the land being sold and any new landowners working with the WPA towards compliance with the notice. Members agreed the recommendation. A visit in January 2022 confirmed that waste remains. However, the land and residential property are not occupied and remain unsold.

District: Colchester

Location: Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

Nature of problem: Wood and metal recycling operation

Remarks: Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for windrows and associated landscaping has been submitted to the WPA for consideration. Case to remain open pending determination of aforementioned application.

District: Epping Forest

Location: Ashlyns Farm, Epping Road, Ongar CM16 6RZ

Nature of problem: Odour and Breach of Condition

Remarks: Non material amendment ref: ESS/09/20/EPF/NMA1 was approved to allow one windrow height to be increased on a temporary basis to 4-metres. The temporary permission expired at the end October 2022 at which time the approved height of the windrow was to revert to the 3-metre limitation. An application is to be submitted for consideration by the WPA for the permanent retention of the 4-metre windrow height.

District: Epping Forest

Location: Bliss Heights, 140 London Road, Abridge RM4 1XX

Nature of problem: Alleged illegal deposit of waste

Remarks: Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the WPA, dated the 08/04/2022. The Enforcement Notice was appealed. However, on 02/11/2022 the WPA received notification, from the Planning Inspectorate that the appeal had been withdrawn. Therefore, the Enforcement Notice immediately took effect and full compliance was due by 18/12/2022. In November 2022 the WPA were informed that the land was to be sold and the new owner would be responsible for compliance with the EN. As the material imported is still on the land, and the EN not complied with, contact has been made with the new owner and a site meeting is scheduled for January 2023. Further updates will be provided in due course.

District: Epping Forest

Location: Former pet cemetery site, Claverhambury Road, Waltham Abbey

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission the importation and deposition of waste, raising the levels of the land and the erection of two new buildings for residential use. Joint investigations by ECC and EFDC. A Planning Contravention Notice issued by EFDC requires information to be provided as to the activities on the land. ECC and EFDC will continue with joint visits and await the information provided within the PCN to consider which authority will lead on this case.

District: Epping Forest

Location: Keeble Skips, Paynes Lane, Nazeing, EN9 2EX

Nature of problem: Skip company operating

Remarks: Part of the land at Paynes Lane is being used by a skip company. The company considers that the use of the use is lawful and a Certificate of Lawful Use was submitted to the WPA. The CLEUD submitted was for 'sorting and storing of skip waste from loaded skips and the importation and exportation of the same' (application ref: ESS/64/22/EPF). The application was refused as it was considered that, on the balance of probability, the use had not been taking place for a period of more than 10 years. Ongoing site monitoring and negotiation.

District: Epping Forest

Location: Land adjacent to Harvey Automobile Engineering, Paynes Lane, Nazeing, EN9 2EX

Nature of problem: Noise, dust and concrete crushing

Remarks: Waste soil being stored outside of CLEUD area. WPA working with the landowner to move material to within the certificate area. Ongoing monitoring.

District: Epping Forest

Location: Luxborough Lakes, Luxborough Hill, Chigwell, Essex, IG7 1DF

Nature of problem: Importation of waste

Remarks: Following investigation the WPA consider that this is not waste disposal but engineering/operational development and as such falls within the remit of EFDC. Case closed and passed to EFDC.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, CM4 0LN

Nature of problem: Use of land for waste recycling

Remarks: Part of the land at Norton Field Farm is currently being used as an inert transfer/recycling facility. It would appear that construction and demolition waste is imported, processed/screened/crushed on-site and exported. The landowners have a demolition/groundworkers company and consider that the use of the land for recycling is lawful. A CLEUD application (ESS/94/21/EPF) was submitted to the WPA. The application was considered and was refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

District: Epping Forest

Location: Tile Hill Farm, Pynest Green Lane, Waltham Abbey, EN9 3QN

Nature of problem: Alleged unauthorised use of land and creation of hardstandings

Remarks: Without the benefit of planning permission a material change of use of the land to the use for vehicle recovery and storage. Importation of waste for the development of associated hard surfaces. WPA consider that this is not waste disposal but engineering/operational development and EFDC are leading on the case. TSN has been issued by EFDC to landowner.

District: Maldon

Location: Morley Skips, Park Farm, Park Lane, CM9 8HB

Nature of problem: Alleged breach of conditions

Remarks: Report received alleging breach of planning conditions relating to number of daily vehicle movements. Ongoing investigation to ensure compliance with conditions.

District: Maldon

Location: Royal Oak Quarry

Nature of problem: Breach of Conditions

Remarks: Reports received of mud on road. Ongoing monitoring to ensure compliance with planning conditions

District: Rochford

Location: Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD

Nature of problem: Unauthorised mineral extraction

Remarks: On the 17/12/2021 a Stop and Enforcement Notice was served for the unauthorised extraction of minerals from the land. The EN took effect on the 28/01/2022 and requires the void to be restored within a compliance period of 12 months. A site visit will be undertaken in January 2023 to confirm compliance with the EN served.

District: Tendring

Location: Crown Quarry, Old Ipswich Road, Tendring, CO7 7QR

Nature of problem: Mud on Old Ipswich Road

Remarks: Following alleged reports of mud on the road, operator is ensuring compliance and carrying out all necessary mitigation measures. Case closed. If new reports relating to this issue are received a new case will be opened and investigated.

District: Tendring

Location: Martells Utility Company, Martells Quarry, Slough Lane, Ardleigh

Nature of problem: Use of land by a Utility Company

Remarks: Without the benefit of planning permission the material change of use of part of the land to use for outside storage by a utility company. Letter sent to landowner as part of ongoing investigations.

District: Uttlesford

Location: Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

Nature of problem: Waste soil and aggregate operation

Remarks: A planning application for the site at Boro Farm was submitted to the WPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Both appeals are currently with the Planning Inspectorate. Two new applications have now been submitted and the appeals will be held in abeyance with the Planning Inspectorate until March 2023 whilst the WPA considers the new applications submitted.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield

Nature of problem: Waste activities - unauthorised landfill and land raising

Remarks: Investigations on-going with EA as to potential unauthorised landfill and land raising. Together with breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration. In line with our joint working protocol, the Environment Agency are currently leading investigations.

District: Uttlesford

Location: Fullers End Farm, Tye Green Road, Bishops Stortford, CM22 6EA

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission the importation and deposition of waste. The owner has ceased importation and spreading of the waste and the material will be removed from the land. Due to recent adverse weather conditions removal will commence in the drier months. No further activity and officers will agree timescales for the imported materials to be removed from the land. Ongoing monitoring.

District: Uttlesford

Location: Highwoods Quarry

Nature of problem: Relocate the access track

Remarks: Issues with relocating the access track that cuts diagonally across the site and in particular through phase E. Ongoing discussion with operator to resolve issue.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

Nature of problem: Working outside of CLUED and installation of new plant

Remarks: Without the benefit of planning permission the installation of a new wash plant. An

application is to be submitted to the WPA for consideration.

District: Uttlesford

Location: Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

Nature of problem: Waste soil and aggregate operation

Remarks: Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the WPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following the serving of the TSN works have ceased. Planning Contravention Notices have been served for further information to be provided as to the activities on the land.

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted, CM24 8SS

Nature of problem: Importation of waste

Remarks: Importation, depositing, storing and spreading of waste materials on the land. On the 05/10/2015 an Enforcement Notice was served by the WPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. Prosecution to be held until further discussions with ELS take place, following scheduled meeting with new owners.

District: Uttlesford

Location: Old House Barn, Parsonage Road, Takeley, Bishop's Stortford, CM22 6PU

Nature of problem: Waste activities

Remarks: The land is being used for storage, not waste related activities, and therefore not considered a County Matter. Case closed and information passed to UDC to investigate the current use of the land.

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington, CB11 3SL

Nature of problem: Working out of permitted hours

Remarks: Following alleged reports of operating outside of permitted hours, site monitoring was conducted, and this was not substantiated. Case closed. If new reports relating to this issue are received a new case will be opened and investigated.

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington, CB11 3SL

Nature of problem: Creation of bund

Remarks: Report received regarding the creation of bund. Condition 13 of the recent Member resolution, relating to this site, requires that all indigenous and imported topsoil, subsoil and soil making material is required to be retained on the site for use in the restoration of the site. Case closed.

DR/04/23**Report to:** DEVELOPMENT & REGULATION (27 January 2023)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of November	46
Nº. Decisions issued in December	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 December	2
Nº. applications where Section 106 Agreements pending at the end of December	9

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of November	6
Nº. Decisions issued in December	2
Nº. Decisions issued this financial year	35
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in December	2

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in December	4
Nº. Committee determined applications issued in December	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	173
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of December	58
Nº. of referrals to Secretary of State under delegated powers in December	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of December	5
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	1

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of November	28
Nº. of cases cleared this financial year	28
Nº. of enforcement notices issued in December	0
Nº. of breach of condition notices issued in December	0
Nº. of planning contravention notices issued in December	0
Nº. of Temporary Stop Notices issued in December	0
Nº. of Stop Notices issued in December	0