

**DR/36/14**

committee                      DEVELOPMENT & REGULATION

date                              26 September 2014

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Extension of Stanway Quarry on land at Five Ways Fruit Farm (FWFF) via the extraction of 2.95m tonnes of sand and gravel; extraction of remaining 0.5m tonnes of sand and gravel from Stanway Quarry; processing of remaining 1.5m tonnes of sand and gravel from Bellhouse Quarry to be imported via the existing conveyor link to Stanway Quarry by 31 October 2026; retention of the existing sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge and related infrastructure until 31 October 2026; retention of the existing inert recycling operation and associated mobile plant parking area until 31 December 2037; restoration of FWFF area using existing indigenous soils, clay and soil forming material from within the application site within 7 years of commencement of operations at FWFF; importation of approximately 2.35m cubic metres of inert waste material for the restoration of the central / eastern Stanway Quarry void by 31 December 2037; and implementation of a comprehensive restoration scheme for the application site comprising agricultural land, orchard, woodland, grassland, lakes, habitat creation and informal public access via permissive routes.**

Location: **Colchester Quarry (Stanway) and Five Ways Fruit Farm, Warren Lane, Stanway, Colchester, CO3 0NN**

Ref: **ESS/23/14/COL**

Applicant: **Lafarge Tarmac Trading Ltd.**

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Report by Director of Operations, Environment and Economy

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



## 1. BACKGROUND

The application site and surrounding area have a long and complicated planning history. Mineral extraction at the application site dates back to 1969.

In summary, there are currently two broad areas of note. The first, Stanway Hall Farm, is located to the east of Warren Lane in Stanway. Mineral extraction with restoration to low level agricultural use is currently permitted via permission ref ESS/06/09/COL.

This general area also contains an inert recycling facility, a dry silo mortar plant, a sand processing plant, a concrete plant and site offices/buildings associated with the use of the quarry.

This area known as Stanway Hall Farm benefits from the following permissions:

- 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’.

(This permission amends permission ref ESS/14/06/COL, which itself varies the ‘Review of Mineral Permission’ (ROMP) permission ref ESS/49/01/COL/R for the original mineral extraction permission ref LEX/342/68).

Condition 6 of this permission requires the submission and approval of a working and restoration scheme. The applicant has submitted such a scheme, which includes a proposal to import 2.5 million m<sup>3</sup> of inert material to restore the site to levels above the water table (which is at an average level of 20.5m AOD).

Following liaison between the applicant and the Minerals Planning Authority, it was considered that a full planning application would be more appropriate, hence the current application has been submitted. The submission under Condition 6 is being held in abeyance pending determination of the application the subject of this report.

- ESS/07/05/COL – ‘Erection of dry silo mortar plant, ancillary facilities, together with internal access improvements, as approved by application ESS/25/02/COL, without compliance with condition 2 (submitted details) to allow for amended plant layout and foundation levels’.
- ESS/17/05/COL – ‘Relocate inert recycling facility within the confines of Colchester Quarry’.
- ESS/21/02/COL – ‘Prior approval notification for replacement of sand

processing plant and weighbridge’.

- ESS/06/05/COL – ‘Creation of hardstanding for the proposed siting of a replacement sand and gravel processing plant, to provide an even hard surfaced area at a uniform level of 19.5m AOD’.
- ESS/05/99/COL – ‘Retention and continued use of existing quarry workshop’.
- ESS/04/14/COL – ‘Application for Prior Written Approval of a Concrete Batching Plant having regard to Condition 44 attached to permission ref ESS/06/09/COL and in accordance with Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).’

The following permissions exist but do not form part of the current application:

- ESS/63/06/COL – ‘Enclosed Mechanical and Biological Treatment (MBT), Anaerobic Digestion (AD) composting facility and biogas fired power generator for the treatment of residual municipal/commercial and industrial wastes together with environmental management compound for leachate treatment; offices; staff facilities; vehicle parking and visitor/education centre. Landfilling with residues, product and other pre-treated wastes to restore quarry to informal open space and recreational after use. Restoration of remainder of quarry to informal open recreational space.’

(Note: this permission has not been implemented. As such, permission will expire on 11 May 2015 if such implementation has not taken place).

- ESS/29/14/COL - Application for Prior Written Approval of a site office and welfare building having regard to Condition 44 attached to permission ref ESS/06/09/COL and in accordance with Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- ESS/33/14/COL – Erection of a staff welfare building.

The second area of note is located to the west of Warren Lane and is known as Bellhouse Farm and Abbotstone. Mineral extraction is currently taking place under permission ref ESS/48/01/COL/R and restoration to open space is taking place concurrently via landfill of commercial and industrial waste, under permission ref ESS/07/01/COL/REV.

The Bellhouse Farm and Abbotstone area also contains the regional offices for the applicant, the site offices for the landfill operators, an asphalt plant and a concrete batching plant.

A plant to manage the landfill gas arising from the Bellhouse Farm and

Abbotstone areas is located within the Stanway Hall Farm site area. Permission refs ESS/24/00/COL, ESS/09/12/COL, ESS/09/12/COL/NMA and ESS/09/12/COL/NMA2 relate to this plant. It is noted that these permissions are not proposed to be included within the application the subject of this report.

In addition, planning permission ref COL/758/89 was granted on 08 March 1990 for the construction of a tunnel under Warren Lane for conveying aggregates between Stanway Hall and Bellhouse Pit. Condition 4 of this permission requires, in summary, that the conveyor tunnel is removed and the land reinstated within 6 months of the completion of mineral extraction under permission ref LEX/342/68 (which has now been superseded by permission ref ESS/06/09/COL).

It is noted that the retention and use of this tunnel would need to be the subject of a further planning application.

## **2. SITE**

The 94.2ha application site is located to the east of Warren Lane in Stanway, to the west of main developed part of Colchester and south of Stanway Village.

The application site encompasses an area of 78.3ha known as Stanway Hall Farm and an area of 15.9ha to the adjacent north, known as Five Ways Fruit Farm (FWFF). Vehicular access is and would continue to be via the existing priority junction access off Warren Lane.

The site is bounded by Warren Lane to the west, the B1022 Maldon Road to the south, Grymes Dyke to the east and partially bounded by Dyers Road to the north west. The northern boundary does not follow any physical features on the ground, but cuts across existing fields containing fruit trees associated with the existing FWFF.

The Stanway Hall Farm area has been almost fully worked for sand and gravel, to a depth of 14m AOD in the south eastern area and to average depths of between 18m AOD and 19m AOD across the base of the quarry.

FWFF is predominantly a mixture of arable agriculture, horticulture and orchard tree plantations. The westernmost field contains coniferous trees and rank grassland. The eastern part is generally flat, at an approximate elevation of 37m AOD, and there is an east-west valley in the west of the site, starting at approximately 36m AOD in the east and falling to 31m AOD in the west.

The FWFF area contains grade 3a and 3b agricultural land.

Sand and gravel deposits within FWFF are at a thickness of between approximately 12m and 23m. The deposit is generally glacially derived and thinner in the west and south of the area. The deposit is underlain by London Clay.

Bellhouse and Abbotstone minerals extraction/landfill site is located across Warren Lane to the west.

Colchester Zoo is located to the south across the B1022 Maldon Road.

The new Stanway Western Relief Road has been opened this year, linking Warren Lane directly to Essex Yeomanry Way to the west, thereby diverting traffic away from Stanway Village.

The northern and eastern parts of the existing Stanway Hall Farm Quarry have been designated as 'Warren Lane Pit' Local Wildlife Site (LoWS). 'Grymes Dyke' is also designated as a LoWS.

The nearest residential properties are located at Furze Hill and along Warren Lane to the west, along Dyers Road to the north west, at 'The Bungalow' to the north, along Heath Road and Maldon Road to the east, and 'Heckford Lodge', 'The Warrens', 'The Chase' and 'Priory Lodge' on Maldon Road to the south. There is also a property 'The Bungalow' located along Warren Lane to the south west.

Three Listed Buildings are located within 500m of the site, namely Wiseman's Farmhouse, approximately 90m from the application boundary; Cherrytree Cottage, approximately 180m from the application boundary; and Church of All Saints, approximately 140m from the application boundary.

Grymes Dyke Schedule Monument is located to the east, with fields containing the remains of Gosbecks Iron Age and Romano Site, a Scheduled Monument, beyond.

Footpath 39 (Stanway) runs from the north west of the application site in a southerly direction to the B1022 Maldon Road. Footpaths 25 and 36 (Stanway) run along Grymes Dyke to the east.

### **3. PROPOSAL**

The application seeks to consolidate all existing planning permissions on the site into one.

The inert recycling area is proposed to be retained beyond the current end date of 11 January 2015, to 31 December 2037.

It also seeks permission to continue with the extraction and processing of the remaining mineral at Stanway Hall Farm, together with the extraction of 2.95m tonnes of sand and gravel from the extension site at FWFF and processing of the same at Stanway Hall Farm.

The application includes a proposal to continue processing sand and gravel extracted from the Bellhouse Farm area until 31 October 2026.

In order to restore the entire site to a mix of agricultural land, orchard, woodland, grassland, lakes, habitat creation and informal public access, the application seeks permission to import 2.35m cubic metres of inert waste material with a completion date of 31 December 2037. The FWFF area would be restored using only existing soils, clay and overburden from within the Stanway Hall Farm and FWFF areas.

12.9ha of land would be disturbed within the FWFF area, with the remaining 3ha proposed to be used for temporary soil storage and a receptor area for Jersey Cudweed (which is protected under Schedule 8 of the Wildlife and Countryside Act 1981). The FWFF area would be worked broadly in an east – west direction, with concurrent restoration of the wider Stanway Hall Farm site.

The main hours of operation are proposed to remain as per the existing, namely:

0700 – 1800 hours Monday to Friday  
0700 – 1300 hours on Saturdays

With no working on Sundays or Bank/Public Holidays.

In addition, no stripping, movement, temporary or permanent placing of soil making materials is proposed to take place on any day prior to 0730 hours.

The application would also provide an area which would allow for the implementation of the existing Mechanical Biological Treatment facility (MBT) permission (ref ESS/63/06/COL).

An Environmental Impact Assessment has been required by the Minerals and Waste Planning Authority and submitted with the application. Details of the Environmental Statement are set out at **Appendix 1**.

#### Note

It is noted here that the application area has been amended without re-consultation. The amendment relates to the northern boundary of the Five Ways Fruit Farm area, which is proposed approximately 10m further north than the original red line drawing showed. The remaining supporting drawings did originally show the incorporation of an earth bund within this additional area and the extraction area is not proposed to change. It is therefore considered that no third party has been prejudiced by the altered drawing ref B030/00644A dated May 2014.

## **4. POLICIES**

The following policies of the Essex Minerals Local Plan, (MLP), Adopted July 2014, the Essex and Southend Waste Local Plan, (WLP), Adopted September 2001, the Colchester Focused Review of the Core Strategy and Development Policies, (CFR), Adopted July 2014, the Colchester Core

Strategy, (CCS), Adopted 2008, the Colchester Development Policies, (CDP), Adopted 2010, and the Colchester Site Allocations (CSA), Adopted October 2010, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>MLP</u>	<u>WLP</u>	<u>CFR</u>	<u>CCS</u>	<u>CDP</u>	<u>CSA</u>
Preferred and reserve sites for sand and gravel extraction	P1					
Presumption in favour of sustainable development/ Sustainable development locations	S1		SD1			
Creating a network of aggregate recycling facilities	S5					
Protecting and enhancing the environment and local amenity	S10					
Access and transportation	S11					
Mineral site restoration and afteruse	S12					
Development management criteria	DM1	W10 E				
Planning conditions and legal agreements	DM2	W10 A				
Primary processing plant	DM3					
Secondary processing plant	DM4					
Flood Control/Flood risk and management of surface water drainage		W4A			DP20	
Water Pollution		W4B				
Access		W4C				
Inert waste recycling		W7D				
Non-preferred sites		W9B				
Feasibility		W10 C				



Hours of operation	W10		
	F		
Public Rights of Way	W10		
	G		
Design and amenity		DP1	
Historic environment assets			DP14
Retention of open space and indoor sports facilities		DP15	
Nature conservation and protected lanes			DP21
Appropriate uses within the Stanway Growth Area			STA1
Open Space in Stanway Growth Area			STA5

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration. The NPPF combined and streamlined all planning policy except for Waste, so Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) continues to apply. Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF, while the NWMPE and PPS10 are material considerations in planning decisions.

Paragraph 214 of the NPPF states that, for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

Paragraph 215 of the NPPF states that in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The Colchester Core Strategy, Adopted 2008, the Colchester Development Policies, Adopted 2010, and the Colchester Site Allocations, Adopted October 2010, are considered to fall into paragraph 215, since the 12-month period has ended. Consideration will be given to the policies contained within these plans throughout the report.

Colchester Borough Council has carried out a Focused Review of the Core Strategy and Development Policies. This provides an up to date review of selected policies, as noted in this report, in accordance with paragraph 213 of the NPPF.

The level of consistency of the policies contained within the Essex and

Southend Waste Local Plan, Adopted 2001, is considered at **Appendix 2**.

The Essex Minerals Local Plan, Adopted July 2014, is considered to have full weight in the decision-making process, since it has been adopted taking the NPPF fully into account.

The emerging Essex and Southend Waste Local Plan is considered to be at too early a stage of preparation to be allocated any significant weight in the decision-making process.

Finally, the Stanway Joint Design Statement and Parish Plan was adopted as a Supplementary Planning Document in March 2011. However, there are no specific proposals in relation to the application site.

## **5. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – Supports the application in principle. Requests that the proposed permissive paths could also be used for cycling, and also that the existing Public Rights of Way are used for cycling. Requests conditions relating to full landscape proposals, a landscape management plan, a landscape maintenance plan and earthworks.

ENVIRONMENT AGENCY – No objection, subject to the consideration of conditions relating to water levels in domestic wells and a surface water attenuation scheme.

NATURAL ENGLAND – No objection. Recommends that possible impacts on local sites, local landscape character and local or national biodiversity priority habitats and species are assessed as part of the determination of the application. Recommends that opportunities for biodiversity enhancements are considered. Notes that a licence would be required for the translocation of Jersey Cudweed.

ESSEX WILDLIFE TRUST – No comments received.

ENGLISH HERITAGE – No objection, subject to condition and a legal agreement. Notes that the development would result in harm to non-designated archaeological remains but that this would be acceptably mitigated through a condition requiring a written scheme of archaeological investigation. Welcomes the proposal for a monument management plan in relation to the scheduled Grymes Dyke, which should be required via S106 Agreement.

COLCHESTER BOROUGH RAMBLERS ASSOCIATION – No comments received.

BRITISH HORSE SOCIETY – No comments received.

ESSEX BRIDLEWAY ASSOCIATION – No comments received.

UK POWER NETWORKS – No comments received.

NATIONAL GRID - No comments received.

ESSEX AND SUFFOLK WATER – Not affected.

OTHER POWER AND WATER COMPANIES – No comments received.

HIGHWAY AUTHORITY – No objection.

HIGHWAY AUTHORITY (Public Rights of Way) – No comments to make.

COUNTY COUNCIL'S NOISE CONSULTANT – Comments that, although there is some discrepancy over the method of calculation used, it is agreed that the calculated noise levels with mitigation would not exceed the proposed noise limits. Notes that it would not be appropriate to increase the noise limit at 'Randoms'. Compliance with the noise limit could be managed via noise monitoring and selection and disposition of plant items, with mitigation methods imposed as proposed by the applicant in the event that levels are exceeded.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to dust monitoring.

PLACE SERVICES (Ecology) – No objection, subject to conditions.

PLACE SERVICES (Trees) – No objection.

PLACE SERVICES (Landscape) – No objection subject to conditions covering a detailed restoration plan, detailed sections, details of surfacing and fencing and a management plan to cover a 50 year period.

PLACE SERVICES (Archaeology) – No objection subject to conditions covering a programme of archaeological work in accordance with a written scheme of investigation and a Conservation Management Plan for Grymes Dyke.

PLACE SERVICES (Listed Buildings) – No objection. Notes that development would be closer to Wiseman's Farm Grade II Listed Building, but the retention of hedge planting would avoid the setting being affected.

STANWAY PARISH COUNCIL – No comments received.

LOCAL MEMBER – COLCHESTER – Stanway and Pyefleet – Any comments received will be reported.

## **6. REPRESENTATIONS**

97 properties were directly notified of the application. 3 letters of representation have been received. These relate to planning issues covering

the following matters:

Observation

The supporting statement contains boundary alterations and an extension to the life of the Bellhouse site.

Comment

Boundary alterations are reflective of the applicant's desire to consolidate existing and proposed permissions into one.

The Bellhouse site is currently required to be extracted and restored by 31/10/2026 under permission ref ESS/48/01/COL(R). The end date for landfill has been brought forward to 31/03/2022 by permission ref ESS/07/01/COL/REV. It is suggested that a condition could be imposed to ensure that no mineral would be imported to the site from Bellhouse beyond the timescales permitted under ref ESS/07/01/COL/REV.

The plant parking area would be applied for retrospectively and is outside of the 1969 consented area.

The applicant has chosen this application as the mechanism to apply for the plant parking area.

The application proposes the importation of waste from London.

The source of waste is not proposed to be restricted.

Concern over long-term off-site impact of traffic.

See appraisal.

Consideration should be given to the cumulative impacts (offsite) of the proposed restoration scheme, ongoing quarry activity and proposed new housing developments.

See appraisal.

The application suggests that the faces need to be made safe, but why are they currently deemed unsafe and how could this be addressed without any importation?

The quarry faces have been worked, leaving steep faces. Fill material is proposed to create a 1 in 3 minimum slope.

Why does the site need to be filled so the base is above the groundwater?

The current permission (ref ESS/49/01/COL) requires that the land is restored to dry levels (although a decision has not been made on the proposal to import material under condition 6). See appraisal.

The NPPF says that restoration should be at the 'earliest opportunity' (para 143) which could be better achieved if left as a suitably landscaped lake.

See appraisal.

There is a discrepancy in the application between a proposed rate of infill of 100,000 tonnes or 100,000 m<sup>3</sup>.

The proposals are for a rate of 100,000m<sup>3</sup> of infill.

1.5 t/ m<sup>3</sup> for inert waste is very much on the low side and should be closer to 2 t/ m<sup>3</sup>.

This is considered appropriate.

Is there any certainty that it will be one or other of the MBT/AD scheme or the proposed application scheme, not both, and can this be assured through any permission granted?

An alternative restoration scheme could be required via S106 Agreement in the event that the MBT permission (ref ESS/63/06/COL) is implemented.

The bund north of Heckford Lodge has been agreed as retained.

The bund is proposed to be retained.

The junction of FP39 and the proposed east west permissive path would be better located further south.

It is not considered that this would have any particular benefit compared to the proposed scheme.

A cesspit located within the application site to the north west of Heckford Lodge has an overflow into the wood which would pose a health hazard to anyone walking in the area; hence an offer to purchase the area has been made.

The existence of a cesspit has not been confirmed. However, walkers would not be in the vicinity.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Policy considerations
- B. Need
- C. Landscape and visual Impact
- D. Ecology
- E. Noise, dust & odour
- F. Traffic & Highways
- G. Heritage Impact
- H. Water Management

## A POLICY CONSIDERATIONS

### The wider mineral extraction site

The MLP identifies Site A13 Colchester Quarry, Fiveways, as a preferred site for mineral extraction. It notes the following (in summary):

- that the working of the site should be integrated into the restoration of the wider quarry;
- that the working of the site must compromise the effective implementation of the strategic waste facility granted under permission ref ESS/63/06/COL;
- that the site would need to be worked ahead of any housing development in close proximity identified in Colchester Borough Council's Core Strategy and Site Allocation DPD;
- A Transport Assessment would be required;
- Warren Lane Local Wildlife Site would require protection;
- An ecological assessment and surveys would be required;
- Early consultation with English Heritage would be required in respect of the Grymes Dyke Scheduled Monument;
- An Agricultural Land Classification and Soil resources Study should be undertaken and proposals formulated for the sustainable use of soil resources;
- Restoration should be to Open Space, in conformity with the Colchester Site Allocations.

These criteria will be considered throughout the report.

MLP Policy P1 (Preferred and reserve sites for sand and gravel extraction) states, in summary, that, on preferred sites, the principle of extraction has been accepted and the need for the release of mineral has been proven.

Stanway is identified as a Growth Area in the Core Strategy. The Site Allocations DPD, via Policy STA1 (Appropriate uses within the Stanway Growth Area) identifies 3 new sites which will be expected to deliver new housing and employment. Two of those are in the vicinity of the application site, namely 'Fiveways Fruit Farm' and 'land between Dyers Road and Warren Lane'. Significant areas of public open space are also expected to be delivered through the restoration of the existing quarry and the proposed land at FWFF.

### Other infrastructure

MLP Policy DM3 (Primary processing plant), in summary, permits proposals for primary processing plant where it would be located within the mineral sites' boundary and would not have impact on the surroundings. It also states that imported minerals will only be acceptable where there are exceptional circumstances.

It is noted that the processing plant is already in place and is within the

mineral site's boundary. The importation of mineral from the Bellhouse site is also already permitted and, subject to a condition which restricts such importation to the timescales permitted by permission ref ESS/07/01/COL/REV, it is not considered reasonable that these existing developments should be refused. The plant is considered to comply with MLP Policy DM3.

MLP Policy DM4 (Secondary processing plant), in summary, will only be permitted where there would be no unacceptable impact on amenity, the environment, or the road network. Non-indigenous sources of minerals will only be allowable in exceptional circumstances and permission will only be granted for a temporary duration.

Two types of secondary processing plant are proposed to remain at the site, namely the dry silo mortar (DSM) plant and the concrete batching plant.

Since it is proposed that these facilities would be linked to the life of the proposed mineral extraction site, it is considered that they would be of temporary duration and, in principle their retention would comply with MLP Policy DM4.

MLP Policy S5 (Creating a network of aggregate recycling facilities) supports the safeguarding of existing Strategic Aggregate Recycling Sites (SARS), one of which is identified at the application site

WLP Policy W7D (Inert waste recycling), in summary, supports inert waste recycling facilities at current mineral working and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted end date for the site. The development must not cause unacceptable harm to the environment or residential amenity. This will be considered further throughout the report.

### Sustainable development

MLP Policy S1 (Presumption in favour of sustainable development) and CFR Policy SD1 (Sustainable development locations) reflect the presumption in favour of sustainable development put forward by the NPPF.

The NPPF states that there are 3 dimensions to sustainable development: economic, social and environmental. It goes on to state, in summary, that these roles should not be undertaken in isolation but should be sought jointly and simultaneously through the planning system.

The applicant has stated that the application site has become a strategically important source of sand and gravel and construction aggregate for the local economy, since it became operational in 1969.

The materials produced at the site have been used in major local projects such as Abberton reservoir, Colchester United Football Club and the rebuilding of Colchester Garrison. Local housing and road schemes have

been supplied and some material is transported further afield via the rail siding at Marks Tey. This transported material has helped to build Heathrow and Stansted Airports.

The site provides direct employment for 26 local people and 7 hauliers. It contributes £1.1m per year to the economy.

The continuation of the existing operations and extension of the quarry would secure these employment opportunities and wider socio-economic benefits into the future.

The site would be well placed to provide aggregate for the Stanway Growth Area envisaged by the Colchester Development Framework. This would assist with the provision of a supply of housing required to meet the needs of the present and future generations, as well as the creation of a high quality built environment, all of which have economic and social benefits.

It is therefore considered that the proposal would fulfil the economic and social roles of the NPPF. The environmental role will be considered further throughout the report.

## **B NEED**

As stated previously in the report, the need for the release of mineral at Fiveways Fruit Farm has been proven via the Essex Minerals Local Plan and MLP Policy P1.

It is useful to note at this stage that the total extractable reserve across the site would be 2,950,000 tonnes based on:

- 40m stand off from Dyers Road;
- 50m from Grymes Dyke;
- 10m from the remaining site perimeter;
- Slope batters at 1 in 1.5m
- Conversion factor of 1.65t/m<sup>3</sup> for the main deposit and 1.70t/m<sup>3</sup> for the basal gravels;
- Average wastage factor of 8%.

At the time this planning application was made, there were only 0.5m tonnes of sand and gravel left in the wider Stanway Hall Farm site. The extraction of this mineral is already permitted until 22 February 2042. Therefore, the current application would reduce the time for the site to be worked and it is considered that need for the Stanway Hall Farm mineral does not require debate through the application the subject of this report.

However, the need for the importation of waste does require careful consideration.

WLP Policy W9B states:



*'Landfill..., for its own sake, without being necessary for restoration, will not be permitted. Landfill outside of the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.'*

The site is currently dewatered to ensure that the quarry void remains dry. Ground water levels would rise to approximately 22m AOD if the current water management was to cease. Therefore, restored levels are proposed at between 22m AOD – 24m AOD. This would require the importation of 2.35m m<sup>3</sup> of inert material, taking into account the available material on site.

The FWFF area would be restored using solely indigenous material, incorporating areas of irrigation water for the fruit farm. It is considered that the FWFF area therefore complies with WLP Policy W9B.

For the wider Stanway Hall Farm site, the proposed restoration scheme is considered in the context of the existing approved restoration scheme to low level agricultural use (the Hoveringham Scheme) stipulated within permission ref ESS/06/09/COL. The committee report dated January 2005 accompanying the original ROMP application ref ESS/49/01/COL(R) (which ESS/06/09/COL varies) recognised the difficulties associated with the then proposed importation of waste for restoration purposes within the ROMP. The report notes:

*'A review of 'old' mineral permissions cannot grant planning permission for development that exceeds that authorised by the original approval. Moreover, an approval of modern conditions can only require the implementation and completion of a previously agreed restoration scheme or impose a condition requiring a new scheme. It cannot grant approval to a significantly different restoration scheme, particularly one becoming a hybrid involving the substantial importation of waste categories not envisaged when the original permission was granted.'*

The report recognises that the original application did not contain borehole logs, and therefore the restoration scheme (the Hoveringham scheme) which was finally approved in 1973 was based on the premise that the workings and restoration would be dry with field drainage discharging to a soakaway as there was stated to be no 'subterranean water on the site.'

The report goes on to state:

*'The importation of a substantial amount of waste materials to reinstate Stanway Hall Quarry to original, pre-working contours did not form part of the original planning application (LEX/342/68).'*

It was considered at the time that any proposal for the importation of substantial volumes of waste would require planning permission in its own right and could not be considered as part of the Review application.

The restoration requirements of the current permission ref ESS/06/09/COL are that the site shall be restored to a beneficial afteruse in accordance with either the Hoveringham restoration scheme 'or any amendment to that scheme as may be approved'.

The Mineral Planning Authority is therefore in receipt of a separate submission for amendment to the Hoveringham scheme which is yet to be determined. This involves the importation of 2.5m m<sup>3</sup>.

The main consideration is that the site would flood with water if the pumps were turned off and the levels remain as they are.

Therefore, taking into account the ground water levels and the history of the site, it is considered that some landfill would be necessary for restoration, in compliance with WLP Policy W9B. The appropriateness of the proposed landform, and therefore of the proposed amount of imported material, will be considered further in the report.

## C LANDSCAPE & VISUAL IMPACT

WLP Policy W10E (Development Management criteria), in summary, requires satisfactory provision to be made in respect of the effect of the development on the landscape and countryside.

Similarly, MLP Policy DM1 (Development Management criteria), in summary, requires no unacceptable impact on public open space and the appearance, quality and character of the landscape, countryside and visual environment.

CFR Policy DP1 (Design and amenity) requires, among other things, that all development must respect or enhance the landscape.

CFR Policy DP15 (Retention of open space), in summary, aims to prevent the loss of existing or proposed open space.

MLP Policy S12 (Mineral site restoration and afteruse), in summary, permits mineral development if it can be demonstrated that the land is capable of being restored at the earliest opportunity to beneficial afteruse. It requires progressive restoration, restoration at low level as a first preference, and an aftercare period of not less than 5 years.

The existing site and associated infrastructure, which is now proposed as part of this consolidation application, is well screened from the surrounding area by vegetation along all of the boundaries. The infrastructure is also largely located within the existing quarry void and can't be seen from outside of the site.

The application proposes the following land uses within the restoration scheme:

- Dry woodland

- Dry scrub
- Orchard
- Existing woodland
- Acid grassland
- Species rich grassland
- Agricultural grassland;
- Reedbed;
- Wet woodland;
- Marginal aquatic vegetation;
- Jersey Cudweed protection areas;
- Reptile areas/mosaic habitat;
- Bare ground;
- Proposed tracks;
- Open water.

In addition, the following mitigation measures are proposed:

- Retention of all site periphery vegetation;
- Extraction in benches, with mobile excavators sited below adjoining ground level;
- A new hedge along the boundary between FWFF and Furze Hill;
- Bund creation on the northern boundary of the extension area;
- Retention and management of all existing soils;
- Progressive restoration;
- Use of imported material to achieve the proposed restoration scheme;
- Management of the vegetation of the proposed northern, western and eastern boundaries;
- Increased permissive public access through and across the restored site.

The ECC Landscape Officer has requested the provision of a Landscape Management Plan covering a period of 50 years.

Planning Practice Guidance states that Mineral Planning Authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

A period of 50 years is considered to be unnecessary in this case, not meeting the tests for conditions as set out in the Planning Practice Guidance. However, It is considered that the restoration and aftercare of the site could be appropriately secured through the imposition of the standard condition requiring a 5-year aftercare period together with an appropriate extended period of aftercare to be agreed with the developer.

The creation of screening bunds and the implementation of planting along the boundaries of FWFF would assist in mitigating any visual effects of the operational extension area.

No lighting is proposed within the application, but it is considered that a

condition could be imposed to ensure that no lighting is erected without the prior approval of the Minerals Planning Authority.

The proposed scheme incorporates areas of water and is not proposed to utilise landfill to restore to pre-existing levels. The scheme also contains less landfill than that associated with the undetermined scheme submitted under permission ref ESS/06/09/COL.

Overall, the proposed restoration is considered to provide a varied space which would be of benefit to landscape character and visual amenity, particularly when compared with the permitted schemes which cover the site. Additionally, the site is not proposed as open space but does propose additional permissive rights of way and could be used as open space subject to negotiations between the applicant and the developers of the proposed housing area to the north.

It is therefore considered that the development would comply with WLP Policy W10E, MLP Policies DM1 and S12, and CFR Policies DP1 and DP15.

## D ECOLOGY

MLP Policy DM1 (Development Management criteria), in summary, permits minerals development subject to it having no unacceptable impact on the natural and geological environment, including biodiversity and ecological conditions for habitats and species.

Similarly, WLP Policy W10E (Development Management criteria), permits waste management development, including landfill, where satisfactory provision is made in respect of the effect of the development on nature conservation, among other requirements.

The MLP site description for A13 Colchester Quarry, Fiveways, notes specific issues that are to be addressed. It states that the Warren Lane Local Wildlife Site would require protection and an ecological assessment based on appropriate survey work would be required with any application.

CDP Policy DP21 (Nature conservation and protected lanes) states, in summary, that development will only be supported where it is supported by acceptable ecological surveys, will conserve or enhance biodiversity, where it maximises opportunities for the restoration, enhancement and connection of natural habitats and where it incorporates beneficial biodiversity conservation and habitat creation.

MLP Policy S10 (Protecting and enhancing the environment and local amenity), in summary, requires that minerals development gives appropriate consideration to the natural environment, with appropriate mitigation measures, no unacceptable adverse impacts and that the opportunity is taken to improve/enhance the environment.

The applicant has undertaken various ecological surveys on the entire

application site.

A total of 8 Local Wildlife Sites are located within 2km of the application site, the most relevant of which is Warren Lane Pit, which is the northern part of the existing Stanway Hall Farm site and Grymes Dyke.

Warren Lane Pit has been designated for its inactive parts of a sand pit, including cliffs and water bodies. Grymes Dyke has been designated for its wooded earthworks, Colchester Green and an area of acid grassland.

The habitats and flora of the FWFF area have been assessed as of local importance and the Stanway Hall area is of district importance.

Two reptile translocation areas are proposed (one within FWFF, one within Stanway Hall Farm) as well as Jersey Cudweed Protection areas. Jersey Cudweed is protected under Schedule 8 of the Wildlife and Countryside Act 1981. Additionally, sand and gravel will be placed within FWFF to replicate the existing quarry faces in the Local Wildlife Site.

It is noted that the Warren Lane Pit Local Wildlife Site would be lost under both of the permissions which the site already benefits from (ESS/06/09/COL and ESS/63/06/COL).

Neither Natural England nor the ECC Ecologist have raised objection to the proposals, subject to conditions.

It is therefore considered that, subject to the imposition of suitable conditions, the proposed development would not have unacceptable impact on ecology, in compliance with MLP Policies DM1 and S10, WLP Policy W10E and CDP Policy DP21.

## E NOISE, DUST & ODOUR

MLP Policy S10 (Protecting and enhancing the environment and local amenity), in summary, requires that consideration is given to public health and safety, amenity and quality of life of nearby communities (among other requirements), that appropriate mitigation measures are included, that no unacceptable impacts would arise and that opportunities have been taken to improve/enhance the environment and amenity.

MLP Policy DM1 and WLP Policy W10E, in summary, require that there should be no unacceptable impact on local amenity.

CFR Policy DP1 (Design and amenity), in relation to amenity, requires that existing residential amenity is protected.

WLP Policy W10F (Hours of operation) states:

'Where appropriate, the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and

the nature of the operation’.

### Noise

Baseline noise measurements have been taken at 7 different locations within the vicinity of the site. Some of these locations have noise limits already set via the existing permission ESS/06/09/COL. Suggested noise limits have been proposed at 8 locations.

Although the ECC noise consultant disagrees with some of the methodology used to calculate noise levels and proposed limits, it is agreed that, with mitigation, appropriate noise limits could be achieved. One receptor (Randoms) has the potential for difficulty to arise in achieving the proposed noise limits; however with noise monitoring conditions and mitigation in the form of managed site operations, it is considered that noise levels would be achievable.

Therefore, the noise limits currently set out in permission ref ESS/06/09/COL would not be exceeded as a result of the proposed development and it is considered that, subject to the imposition of conditions, there would be no undue impact on amenity as a result of noise, in compliance with MLP Policies S10 and DM1, WLP Policy W10E and W10F and CFR Policy DP1.

### Air quality

The development proposed includes the importation of inert waste material. This is not of a nature which would cause particular odour.

A Dust Management Plan is already in place across the site. However, this application would not automatically carry it forward, if granted. Therefore, it is considered that a Dust Management Plan incorporating all existing and proposed operations could be required by condition, in the event that permission is granted.

It is noted that neither the Environment Agency nor the ECC air quality consultant has raised objection on grounds of air quality.

It is therefore considered that, subject to the imposition of a condition requiring a Dust management Plan, the proposed development would comply with MLP Policies S10 and DM1, WLP Policy W10E and W10F and CFR Policy DP1.

## **F TRAFFIC & HIGHWAYS**

Paragraph 32 of the NPPF states, in summary, that applications for development should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and whether improvements can be undertaken within the transport network that cost effectively limit the

significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

MLP Policy S11 (Access and transportation), in summary, permits minerals development where it would not have unacceptable impacts on the efficiency and effective operation of the road network. It permits transportation by HGVs where the road network is (or can be made) suitable. It also prefers that access is via a suitable section of existing road to a suitable existing junction with the main road network.

WLP Policy W4C (access) has similar requirements for waste management sites.

MLP Policy DM1 and WLP Policy W10E (Development Management criteria), in summary, respectively permit minerals and waste development subject to it having no unacceptable impact on the safety and capacity of the highway network, among other requirements.

Vehicular access to the existing site is currently via Warren Lane and is this not proposed to change.

Although mineral extraction under permission ref ESS/06/09/COL is almost complete, the permission does not restrict vehicle movements. Therefore, based on sales of 500,000 tpa over 6 working days per week, 182 vehicle movements (91 vehicles) per day are currently, in principle, allowed under the current permission until the year 2042 (although it is recognised that only a small amount of mineral remains to be exported in reality).

The undetermined ROMP submission would involve the importation of 100,000m<sup>3</sup> of inert material (150,000 tonnes) per annum, resulting in 64 movements (32 vehicles) per day based on an average vehicle load of 17 tonnes. However, this is not considered to be a material consideration which holds any significant weight, since this submission has not been considered in any detail by the Minerals Planning Authority.

Nonetheless, the application notes that the current combined activities for extraction and processing of mineral at the site together with the undetermined ROMP scheme would result in 246 movements (123 vehicles) per day, assuming no back-hauling takes place.

The unimplemented MBT permission ref ESS/63/06/COL allows 290 movements (145 vehicles) per day Monday to Friday, 144 movements (72 vehicles) on Saturdays, increasing to 290 movements (145 vehicles) on 9 occasions per year, and 40 movements (20 vehicles) on Sundays, Bank and Public Holidays.

In principle, a maximum of 472 vehicle movements (236 vehicles) could therefore be associated with the mineral extraction and processing operations and the MBT permission combined, for the 9 occasions per year.

The proposed development would generate 182 movements (91 vehicles) per day, based on a production rate of 500,000tpa over 275 working days with an average load of 20 tonnes.

In addition, the importation of 100,000m<sup>3</sup> (150,000 tonnes) of inert material per annum would result in 64 movements (32 vehicles) per day based on an average load of 17 tonnes.

This would result in 246 movements (123 vehicles) per day as a result of the proposed development, assuming no back-hauling takes place.

The Environmental Statement concludes that, since the proposed development would result in less traffic than the permitted MBT scheme, both in terms of daily flows and over the full life of the project, there would be a beneficial impact on the highway network.

Based on this, no mitigation is proposed aside from a continuation of vehicle sheeting, highway cleaning and maintenance of highway vegetation.

The Highway Authority has raised no objection.

Taking into account the permitted developments on the site and the adequacy of the existing road network with the newly-opened western bypass, it is considered that the proposed development would not have unacceptable impact on the safety and efficiency of the highway network, in compliance with MLP Policies S11 and DM1, WLP Policy W10E and the requirements of the NPPF. It is further considered that the existing access off Warren Lane is suitable, in compliance with MLP Policy S11 and WLP Policy W4C. This is subject to the imposition of conditions relating to vehicle and highway cleaning, vehicle sheeting and the maintenance of visibility splays, in the event that permission is granted.

MLP Policy S11 also requires no unacceptable impact on the Public Rights of Way network and WLP Policy W10G (Public rights of way) requires applications for waste management development to include measures to safeguard and improve the rights of way network, where practicable.

The application proposes a temporary closure and diversion of Footpath 39, which traverses the proposed fill area south of the internal haul route. The application also includes the provision of 0.9ha of permissive rights of way for public access across the site.

The Borough Council has requested that the existing Public Rights of Way and the proposed permissive paths should be used for cycling as well as for footpaths.

The Highway Authority (Public Rights of Way) has no comments on the application and it is noted that the upgrade of existing public rights of way would require consents outside of the control of Planning. However, it is



considered that a legal obligation could be imposed to require the applicant to use their best endeavours to allow the permissive routes and existing public rights of way to be available for cycling. This would comply with MLP Policy DM2 and WLP Policy W10A (Planning conditions and legal agreements) which state, in summary, that conditions and/or legal agreements will be imposed to mitigate the effects of development. The applicant is willing to proceed to in this manner.

It is therefore considered that there would be no unacceptable impact on public rights of way, in accordance with MLP Policy S11 and WLP Policy W10G.

## G HERITAGE IMPACT

MLP Policy S10 (Protecting and enhancing the environment and local amenity), in summary, requires appropriate consideration of the historic environment.

MLP Policy DM1 (Development Management Criteria), in summary, requires that the development would not have unacceptable impact on the historic environment, including heritage and archaeological assets.

Similarly, WLP Policy W10E (Development Management Criteria), in summary, requires satisfactory provision to be made in respect of the effect of the development on historic and archaeological sites.

CDP Policy DP14 (Historic environment assets), in summary, does not permit that would adversely affect a listed building or important archaeological remains. Development affecting the historic environment should seek to preserve and enhance it.

There are listed buildings in the vicinity of the site; the closest being Wiseman's Farmhouse which is located approximately 90m from the FWFF site boundary.

ECC Historic Environment has raised no objection. It is noted that the development would be closer to Wiseman's Farm Grade II Listed Building, but the retention of hedge planting would avoid the setting being affected.

Grymes Dyke Schedule Monument is located to the east. This is a territorial earthwork boundary associated with a late Iron Age and Roman settlement and religious complex. Fields containing the remains of the Gosbecks Iron Age and Romano Site, a Scheduled Ancient Monument, lie beyond.

As noted previously in the report, the Site A13 preferred site listing in the MLP requires that early consultation with English Heritage would be required in respect of the Grymes Dyke Scheduled Monument.

Accordingly, the applicant has engaged with English Heritage and they have been consulted as part of the formal application process.

English Heritage has commented that the development would result in harm to non-designated archaeological remains; however it is considered that this harm could be acceptably mitigated by a condition to secure the implementation of a written scheme of archaeological investigation. This would accord with paragraph 141 of the NPPF, which requires developers to publicly record heritage assets.

English Heritage welcomes the proposal for a Management Plan to be drawn up containing monument management measures. It is considered that such a Plan could be required via S106 Agreement, in the event that permission is granted. This would ensure that the development would comply with one of the core principles of the NPPF, which is to: 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

It is therefore considered that the listed buildings would not be adversely affected. Furthermore, the developer could be required to record the archaeological remains via condition, in the event that permission is granted, and the requirement for a Management Plan would ensure the Grymes Dyke would be conserved. The development would therefore comply with the provisions of the NPPF, MLP Policies S10 and DM1 and the requirements of the Site A13 preferred site, WLP Policy W10E and CDP Policy DP14.

## H WATER MANAGEMENT

WLP Policy W4A (Flood Control), in summary, permits waste development where there would be no unacceptable risk of flooding or adverse effect on the water environment due to surface water run-off.

WLP Policy W4B (Water Pollution), in summary, permits waste management development only where there would be no unacceptable risk to the quality of surface and groundwaters or impediment to groundwater flow.

CDP Policy DP20 (Flood risk and management of surface water drainage), in summary, requires that developments minimise the risk of flooding and incorporate appropriate sustainable drainage systems (SuDS).

Mineral within the proposed FWFF area would be extracted to the base of the superficial deposits. This would necessitate dewatering, the method of which would reflect the existing operations whereby groundwater is collected by gravity ditch at the base of the quarry faces. Water would either be utilised on site or discharged off site after passing through a settlement lagoon.

Water levels in the proposed lakes would be maintained at approximately 22m AOD and would provide an attenuation feature for increased water runoff rates across the site.

In the event that groundwater levels exceed the levels of the base of the

restored landform around the lakes (it is not anticipated that there would be a high risk of this), the water would be managed via field drains which would direct it to the lakes.

It is noted that the Environment Agency has raised no objection, but has commented that 2 wells to the east of the FWFF area may be affected by drawdown.

The application concludes that the effects would be insignificant, temporary, and limited to the times when there would be active groundwater management / dewatering at the application site. However, the maximum potential drawdown of 0.3m has potential to impact on the well levels when superimposed on the lowest annual event. Since the level of the wells is not known, it has not been possible to calculate whether this would have a significant impact.

Therefore, it is considered that a condition could be imposed, in the event that permission is granted, to require a scheme of groundwater monitoring and mitigation.

Subject to the imposition of the above condition, it is considered that the proposed development would comply with WLP Policies W4A and W4B and CDP Policy DP20.

## **8. CONCLUSION**

In conclusion, it is noted that there is currently permission for the extraction of mineral and restoration to low-level agriculture with an end date of 22 February 2042.

The proposal to retain this existing operation until 31 October 2026 with restoration by 31 December 2037 would therefore be a lesser timescale and it is considered that there would be no planning reason to refuse this aspect of the application.

In addition, the importation (via conveyor) and processing of mineral from the Bellhouse site is also currently permitted. There is a slight anomaly in that the ROMP permission (ref ESS/48/01/COL(R) for Bellhouse has an end date of 31 October 2026 but the associated landfill permission (ref ESS/07/01/COL/REV) requires restoration by 31 March 2024. In order that the restoration timescale of Bellhouse is not prejudiced by any permission granted here, it is considered appropriate to impose a condition that restricts the importation of minerals from Bellhouse to the timescales permitted under permission ref ESS/07/01/COL/REV.

Further planning permission would be required for the retention of the tunnel and conveyor itself, since it falls outside of the current application site.

The processing plant, DSM, concrete plant, inert recycling area and workshop are all currently permitted. It is considered that, subject to conditions relating to the submission of specific design and layout details and noise limitation, there would be no undue impact on amenity or the environment as a result of the retention of these facilities until 31 October 2026, with the exception of the inert recycling site which is proposed to remain until 31 December 2037. A retrospective application has also been made for the retention of a mobile plant parking area associated with this recycling facility, and this is also considered to be appropriate. All of these facilities are considered to comply with MLP Policies DM3 and DM4 and WLP Policy W7D. Furthermore, the continuation of the inert recycling facility is supported by MLP Policy S5.

MLP Policy P1 identifies the proposed FWFF extension area as a preferred site and notes that the principle of extraction has been accepted and the need for the release of mineral has been proven. This does not, therefore, require debate.

Taken in the context of the site history, the need for landfill is accepted in this instance. The proposals have not received objections from any statutory consultees and it is considered that the scheme would provide for suitable restoration, in compliance with WLP Policy W9B.

The proposal for the site to be utilised by the public through the provision of permissive rights of way is considered to comply with the Colchester Borough Council Local Development Framework, which allocates the site as Open Space.

The proposed landform, incorporating lakes, orchards and amenity areas, is considered to the proposed restoration would be considered to provide a varied space which would be of benefit to landscape character and visual amenity, in compliance with WLP Policy W10E, MLP Policies DM1 and S12, and CFR Policies DP1 and DP15. Several conditions are proposed, in the event that permission is granted, to require detailed restoration and aftercare schemes.

The proposed reptile translocation, Jersey Cudweed Protection areas and replication of the existing quarry faces would be considered to protect and enhance the site's ecological interests, in compliance with MLP Policies DM1 and S10, WLP Policy W10E and CDP Policy DP21, subject to the imposition of appropriate ecological conditions.

It is further considered that, subject to the imposition of conditions relating to noise monitoring and dust management, there would be no unacceptable impact on amenity through noise or air quality, in compliance with MLP Policies S10 and DM1, WLP Policy W10E and W10F and CFR Policy DP1.

Taking into account the permitted developments on the site and the adequacy of the existing road network with the newly-opened western bypass, it is considered that the proposed development would not have

unacceptable impact on the safety and efficiency of the highway network, in compliance with MLP Policies S11 and DM1, WLP Policy W10E and the requirements of the NPPF. It is further considered that the existing access off Warren Lane is suitable, in compliance with MLP Policy S11 and WLP Policy W4C. This is subject to the imposition of conditions relating to vehicle and highway cleaning, vehicle sheeting and the maintenance of visibility splays, in the event that permission is granted.

It is considered that there would be no unacceptable impact on public rights of way as a result of the proposals, in compliance with MLP Policy S11 and WLP Policy W10G. A legal obligation could be imposed to require the applicant to use their best endeavours to allow the permissive routes and existing public rights of way to be available for cycling. This would comply with MLP Policy DM2 and WLP Policy W10A

Importantly, the proposed scheme is considered to avoid any effect on the setting of the surrounding listed buildings. The adjacent Grymes Dyke would be protected and enhanced via a proposed Management Plan and it is considered that the developer could be required to record archaeological remains via condition, in the event that permission is granted. Therefore, it is considered that the development would comply with the provisions of the NPPF, MLP Policies S10 and DM1 and the requirements of the Site A13 preferred site, WLP Policy W10E and CDP Policy DP14.

Subject to the imposition of a condition requiring a scheme of groundwater monitoring and mitigation, it is considered that the proposed development would comply with WLP Policies W4A and W4B and CDP Policy DP20 in relation to impact on the water environment.

Overall, it is considered that the proposals comply with the development plan, taken as a whole. Additionally, it is considered that the economic, social and environmental roles of sustainable development would be fulfilled by the proposed development. Therefore, there is a presumption in favour of the development in accordance with the provisions of the NPPF and MLP Policy S1 CFR Policy SD1.

## **9. RECOMMENDED**

That planning permission be **granted** subject to:

The completion, within 3 months, of a legal agreement including the following matters:

- Submission of a revised restoration scheme in the event that ESS/63/06/COL is implemented by 11 May 2015.
- The applicant to use best endeavours to upgrade proposed permissive rights of way and existing PROW so that they can be used for cycling;
- A Monument/Conservation Management Plan for Grymes Dyke, in consultation with English Heritage;
- Landscape Management Plan for medium to long term management of

- the site beyond the 5-year aftercare period;
- The formal implementation of a Local Liaison Group;

and conditions covering the following matters:

1. COM1 – Commencement by 11 May 2015 and notification to the MPA of such commencement.
2. COM3 - Compliance with submitted details.
3. CESS7 – Revised restoration in event of suspension of operations.
4. BESPOKE - Submission of elevations and layout drawings including surfacing of access road, colours of plant and traffic calming methods associated with the DSM plant, recycling facility and associated mobile plant parking area, processing plant, quarry workshop, concrete plant, site offices, visitor parking and lorry parking, within 3 months of the date of permission.
5. HOUR2 – Hours of working (mineral specific):

0700 – 1800 hours Monday to Friday  
0700 – 1300 hours Saturdays

No stripping, movement, temporary or permanent placing of soils before 0730 hours on any day.

6. BESPOKE - Hours of operation for the DSM Plant:

0500 – 2000 hours Monday to Friday  
0500 – 1800 hours Saturdays

No deliveries of HGV movements other than between:

0700– 1800 hours Monday to Friday  
0700– 1230 hours Saturdays.

7. BESPOKE - Hours of operation for the recycling plant:

0700 – 1830 hours Monday to Friday  
0700- 1230 hours Saturdays.

8. BESPOKE - Hours of operation for concrete plant:

0700 – 1800 hours Monday to Friday  
0700 – 1300 hours Saturdays.

9. BESPOKE - No freestanding stockpiles of aggregate shall be stored within the DSM operational area.
10. BESPOKE - The DSM shall use only indigenous sands.
11. WAST2 – Skips to be incidental to main use.
12. BESPOKE - The recycling plant shall process only dry inert 'Type A' waste and road planings/construction waste.

13. BESPOKE - All waste residues from recycling process to be removed from site each week.
14. BESPOKE - No handling, processing or storage of waste outside of the permitted recycling area.
15. VIS2 – Stockpile heights not to exceed 6.1m in recycling area.
16. BESPOKE - Processing plant used only in connection with sand and gravel from Colchester Quarry.
17. BESPOKE - Quarry workshop used only for the repair of plant and vehicles associated with the quarry and no other use.
18. BESPOKE - No topsoil, subsoil, overburden or soil making material to be removed from site.
19. LAND1 – Landscape scheme including detailed landscape/restoration proposals, surfacing of footpaths, tracks and fencing, detailed sections, depths of excavation and contours within 3 months of date of permission.
20. LAND2 – Replacement landscaping.
21. BESPOKE – Progressive stripping, extraction and restoration to ensure Stanway and FWFF are restored concurrently and in a phased manner.  
AFT1 – Aftercare scheme to be agreed.
22. AFT2 – Drainage of restored land.
23. ARC1 – Advance scheme of archaeological investigation.
24. EC03 – Protection of legally protected species.
25. LS2 – Soil movement scheme.
26. LS3 – Machine movement scheme.
27. LS4 - Stripping of top and subsoil.
28. LS5 – Maintenance of bunds.
29. BESPOKE - 'Soil Bund 12' to be in place prior to commencement of any works other than formation of the access track.
30. BESPOKE - Soil Bund 12 shall be no higher than 2m in height.
31. BESPOKE - Soil bunds 13 and 14 shall be no higher than 3m in height.
32. LS8 – Soil handled in a dry and friable condition.
33. LS10 – Notification of commencement of soil stripping.
34. LS11 – Notification of soil placement.
35. LS14 – Final soil coverage.
36. BESPOKE - Height of temporary stockpiles of soil-making material not to exceed height of boundary bunds.
37. BESPOKE - No imported material to FWFF.
38. HIGH2 – Vehicular access from Warren Lane only.
39. BESPOKE - Hedge to be kept cut back to maintain visibility along Warren Lane.
40. HIGH3 – Surfacing/maintenance of access road and Warren Lane shall be swept.
41. HIGH4 – Prevention of mud and debris on highway.
42. HIGH6 – Lorry sheeting.
43. HIGH5 – Vehicle movements associated with recycling site no more than 70 movements of up to 32t gvw per day.
44. BESPOKE - No mineral shall be imported to the site from Bellhouse beyond the timescales permitted by ESS/07/01/COL/REV (or as subsequently varied).
45. POLL1 – Surface and foul water drainage, including for the DSM plant and recycling area.

- 46. POLL6 - Groundwater monitoring and mitigation if levels impact on nearby private wells.
- 47. LGHT1 – Fixed lighting restriction.
- 48. BESPOKE - Reptile mitigation strategy.
- 49. BESPOKE - Construction Environment Management Plan.
- 50. BESPOKE - Ecological Management Plan.
- 51. NSE1 - Noise limits for all permitted site operations:

Furze Hill	51dB LAeq
The Bungalow	52dB LAeq
Dyer's Road	53dB LAeq
Egremont Way	51dB LAeq
Randoms	53dB LAeq
Heath Road/Grymes Dyke Way	50dB LAeq
Wiseman's Farm	50dB LAeq
The Nook	50dB LAeq.

- 52. NSE2 – Temporary operations (not to exceed 70dBA).
- 53. NSE3 – Monitoring noise levels and the submission of a scheme of mitigation should noise levels be exceeded.
- 54. NSE5 – White noise alarms.
- 55. NSE6 – Silencing of plant and machinery.
- 56. DUST1 – Dust suppression scheme for all permitted operations.
- 57. POLL4 – Fuel/Chemical storage.
- 58. CESS2 – Cessation and removal from site of sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge, workshop and related infrastructure by 31 October 2026.
- 59. CESS2 – Cessation and removal from site of the inert recycling operation and associated mobile plant parking area by 31 December 2037.
- 60. CESS2 – Cessation and restoration of FWFF area within the application site within 7 years of commencement of operations at FWFF and restoration of the entire site by 31 December 2037.
- 61. RES1 – Stones to be picked.
- 62. MIN1 – No importation except via conveyor from Bellhouse.
- 63. WAST1 – Waste type restriction.
- 64. GPDO1 – Removal of PD rights beyond the areas shown on drawing B30/489 dated February 2005.
- 65. BESPOKE – Scheme for pumps used for dewatering to be submitted and approved within 3 months.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

The proposed development would not be located adjacent to a European



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site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

The Minerals and Waste Planning Authority has engaged with the applicant over several months prior to submission of the application, advising on the validation requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

### **LOCAL MEMBER NOTIFICATION**

COLCHESTER – Stanway and Pyefleet

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR:  
STANWAY QUARRY AND FIVE WAYS FRUIT FARM (Application ref:  
ESS/23/14/COL)**

An Environmental Statement has been submitted with the application and examines the main potential impacts associated with the development.

The key subject areas identified are:

- Landscape/visual effects;
- Ecology;
- Agriculture/soil resources;
- Hydrology/hydrogeology;
- Noise;
- Dust/air quality;
- Traffic;
- Cultural heritage.

The likely significant effects have been described under each subject area and any proposed mitigation/compensation measures have been identified.

Landscape/visual effects

The Landscape and Visual Impact Assessment (LVIA) covers the totality of the proposed, including the proposed extension at FWFF and the continuance of existing operations.

The ES takes into account the history of the site, including alternative restoration schemes which are either approved or submitted under existing permissions.

For the initial work, which entails the formation of screening bunds, there would be temporary adverse effects. This would also be the case for the removal of shelter belts and orchards. However, once established, the bunds would have more of a static effect and the shelter belts and orchards would be replaced as part of the proposed restoration scheme.

Mitigation measures include:

- Retention of all site periphery vegetation;
- Extraction in benches, with mobile excavators sited below adjoining ground level;
- A new hedge along the boundary between FWFF and Furze Hill;
- Bund creation on the northern boundary of the extension area;
- Retention and management of all existing soils;
- Progressive restoration;
- Use of imported material to achieve the proposed restoration scheme;
- Management of the vegetation of the proposed northern, western and eastern

- boundaries;
- Increased permissive public access through and across the restored site.

The potential visual envelope of the current and proposed developments would be primarily orientated to the west on land which is at a similar level to the existing quarry.

The size and scale of the effect of the proposed scheme has been assessed, as well as geographical extent, duration and reversibility, magnitude and significance.

Overall, the landscape character would experience adverse effects beyond the site perimeter. However, the sensitivity is generally low and, when compared to the MBT scheme and the ROMP scheme, the proposed restoration could be beneficial.

Specific properties and locations have been assessed for their sensitivity and the overall significance of any impact.

In terms of visual significance, the development would give rise to a limited degree of visual effects to surrounding receptors, with the majority of adverse effects arising within the immediate site surroundings.

The cumulative effects of the proposals with the Bellhouse/Abbotstone Quarry have been assessed as minimal in terms of landscape and insignificant in terms of visual.

### Ecology

Desk-based and field assessments have been undertaken for both the existing site and the proposed Five Ways Fruit Farm extension.

Planning Policy Statement 9: Biodiversity and Geological Conservation was considered at the time of the original survey work. This has subsequently been replaced by the National Planning Policy Framework but the applicant considers that the scope of work has not been altered as a result of this change in planning guidance.

An initial survey was undertaken within the FWFF area and the quarry face that forms the boundary between it and the north side of the existing quarry. An extended Phase 1 survey and Habitat Suitability Index Assessment was undertaken within the Stanway Hall Farm area. Following the designation of the Stanway Hall Farm site as a Local Wildlife Site, an invertebrate survey was carried out.

Following the applicant's decision to include the Stanway Hall Farm site within the application area, surveys for breeding birds, reptiles, bats, great crested newts and badgers have been undertaken and were submitted as an addendum to the application.

Surveys for dormouse and water voles were not undertaken due to lack of suitable habitat.

Importance of species and habitats has been ranked as either National, Regional, County, District, Local or Site. Impact has been evaluated as either not significant, low, moderate or high and has been ranked either positive or negative.

The FWFF area is within a farm containing orchards. Several habitats have been recorded, with the highest level of importance being 'District' in relation to the acid grassland. In terms of species, Jersey Cudweed is present and is protected under Schedule 8 of the Wildlife and Countryside Act 1981. However, it has not been previously recorded in Essex and can be translocated by seed or small plants. As it is not native to Essex, its presence is not of high conservation significance. Common Cudweed is near-threatened according to the Red Data List and six other species have been identified as local importance.

Overall, the habitats and flora within the FWFF area have been assessed as being of Local importance.

The Stanway Hall Farm area is an operational quarry. Several habitat types have been identified, with the highest ranking being 'open ruderal' and 'unimproved acid grassland' which are of District importance, as well as 'bare ground' which ranges from Site to County importance. Jersey Cudweed and Common Cudweed are present.

Overall, the habitats and flora within the Stanway Hall Farm area have been assessed as being of District importance.

Invertebrates have been assessed as of Regional significance, amphibians of Site importance, reptiles of District importance, birds of Local interest, badgers of Site importance and bats of Local value.

The proposed development would involve the working of the FWFF area in a four-phased approach, broadly working east-west. Restoration would be to open space, including woodland, orchard, two water bodies, grassland and exposed faces. The current Stanway Hall Farm quarry would be restored to a lake in the north and species rich grassland, hedgerows and woodland to the south and west.

Reptile mitigation areas, a Jersey Cudweed mitigation area and replacement faces are proposed as mitigation. With such mitigation, the only habitat with a residual loss would be cultivated land, which would become part of the habitat areas. The overall impact on habitats has been assessed as low positive.

There would be a low negative effect on invertebrates and on the Local Wildlife Site, but it is noted that such losses are already consented.

### Agriculture/soil resources

The main effects in restoring the existing quarry and the FWFF relate to moving soil from its existing position to storage areas before moving again to the final placement position. The restored landform and the loss of agricultural land are also considerations.

The FWFF area comprises grade 3a and grade 3b land. The proposed extraction area would be lost from agricultural land. All indigenous soils would be used sustainably; handled properly and only when there are suitably dry conditions.

The proposed phasing would ensure that the polytunnels in Phase 2 of FWFF could be retained in use for as long as possible.

An irrigation lake, which is proposed to be filled with surface water, would be incorporated into the FWFF scheme at the request of the landowner. This would provide irrigation for fruit growing following restoration.

A recommendation for a detailed soil survey in advance of soil stripping is proposed. This would determine the boundary between sandy loam and sandy clay loam topsoil to ensure the different soil types are separately stored. Existing soil resources within Stanway Quarry should also be assessed to separate subsoil from overburden. Overall, the requirement to minimise the quantity of imported material is stated to constrain the feasibility of restoring the site back to agricultural use.

### Hydrology/hydrogeology

Dewatering already takes place at the quarry. It would continue and in a different area due to the FWFF extension. This has potential to impact on groundwater flows to and from the application site. This would be a temporary impact, limited to the times when dewatering takes place. Abstracted water would be discharged to the Roman River. Once the restoration has been completed, groundwater levels in the vicinity of the site would recover.

Suspended solids in surface water would be managed via settlement lagoons.

No residual impacts or resultant significant effects have been noted.

### Noise

The ES considers the findings of a noise assessment for the proposed development.

Dewatering by means of pumping overnight is also considered.

Current noise guidelines within the NPPF and PPG have been taken into account.

The ES calculates noise levels for 8 locations, namely:

- Furze Hill
- Dyers Road
- The Bungalow (Orchard View)
- Egremont Way
- Heath Road/Grymes Dyke Way
- Bridleway 17
- Wiseman's farm
- The Nook, Heath Road.

Barrier attenuation attributable to existing quarry faces or bunding along the edges of the proposed extraction area has been taken into account.

The changes in traffic movements associated with the proposals have been shown to have an insignificant impact in terms of noise in comparison to existing levels.

It is concluded that the site could be worked in accordance with acceptable noise limits.

### Dust/air quality

The ES reviews the potential impacts of air quality from the proposed operations, including items of plant such as the processing plant and concrete plant.

Receptors within 100m of the site boundary have been assumed to have risk of significant dust soiling effects. Three receptors would be within this distance, namely Colchester Zoo, Priory Lodge (Maldon Road) and Oaklea (Maldon Road).

A woodland buffer would be expected to ensure that the impact of dust/particles on these receptors would not be significant. Furthermore, the deposition of such material on the vegetation would not significantly harm it.

Dust mitigation is proposed in accordance with the existing Dust Management Plan, to include continuous monitoring of the generation of dust and prevailing weather conditions; provision and use of water spray equipment; maintenance of site speed limits; the use of wheel and tyre cleaning equipment; maintenance of initial planting throughout the operational life of the site; and a complaints response system.

### Traffic

Vehicular access to Stanway Quarry is currently via Warren Lane to the west of the site. Vehicles mostly arrive from the north and turn left into the site. Therefore, a right-turn lane has not been deemed necessary when improvements have been made to Warren Lane in the past. The access is gated, with the gates set back by 22m from the edge of the carriageway.

The report recommends that vegetation is kept cut back to maintain visibility splays along Warren Lane.

182 vehicle movements (91 vehicles) are currently, in principle, allowed under the current permission in association with mineral extraction. This is based on sales of 500,000 tpa over 6 working days per week, excluding Sundays and Bank/Public Holidays, with an average vehicle load of 20 tonnes.

The undetermined ROMP submission would involve the importation of 100,000m<sup>3</sup> of inert material (150,000 tonnes) per annum, resulting in 64 movements (32 vehicles) per day based on an average vehicle load of 17 tonnes.

This means that the current combined activities for extraction and processing of mineral at the site together with the undetermined (*and, as yet, un-assessed by the Mineral Planning Authority*) ROMP scheme would result in 246 movements (123 vehicles) per day, assuming no back-hauling takes place. This could take place any time up until the year 2042.

The MBT permission allows 290 movements (145 vehicles) per day Monday to Friday, 144 movements (72 vehicles) on Saturdays, increasing to 290 movements (145

vehicles) on 9 occasions per year, and 40 movements (20 vehicles) on Sundays, Bank and Public Holidays.

In principle, a total of 472 vehicle movements (236 vehicles) could be associated with the mineral extraction and processing operations and the MBT permission combined. (*Mineral Planning Authority note: This is based on the 9 occasions per year permitted by the MBT permission ref ESS/63/06/COL*).

The proposed development would generate 182 movements (91 vehicles) per day, based on a production rate of 500,000tpa over 275 working days with an average load of 20 tonnes.

In addition, the importation of 100,000m<sup>3</sup> (150,000 tonnes) of inert material per annum would result in 64 movements (32 vehicles) per day based on an average load of 17 tonnes.

This would result in 246 movements (123 vehicles) per day as a result of the proposed development, assuming no back-hauling takes place.

The Environmental Statement concludes that, since the proposed development would result in less traffic than the permitted MBT scheme, both in terms of daily flows and over the full life of the project, there would be a beneficial impact on the highway network.

Based on this, no mitigation is proposed aside from a continuation of vehicle sheeting, highway cleaning and maintenance of highway vegetation.

### Cultural heritage

The ES considers direct and indirect effects on cultural heritage.

A Zone of Theoretical Visual Influence (ZTVI) of 2km around the application site has been searched for Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and archaeology.

Two scheduled monuments lies within 2km of the application site; namely the Colchester Dykes and the Gosbecks site.

Pre-application discussions have been held with English Heritage in respect of the setting of Gryme's Dyke Scheduled Monument, which runs along the eastern boundary.

There are 20 listed buildings within the ZTVI; however only 3 lie within 500m of the application site.

Gosbecks was the focus of a native tribal centre during the Late Iron Age. It was protected by a series of dykes, the outermost of which is Gryme's Dyke which runs along the eastern application area boundary.

An archaeological evaluation has been carried out. Although the site lies within an area

of high archaeological potential, the evaluation suggests that there is unlikely to be the same level of archaeological significance within the site as nearby.

Nonetheless, some archaeological features have been found and they would be lost through mineral extraction. This is a direct effect of the development. Therefore, a scheme of mitigation is proposed for the recording of remains prior to development.

Indirect effects have been noted as the potential impact on the setting the of the Dyke, although this has already been impacted on by the existing quarry operations; and potential impact on the setting of 3 listed buildings, which is proposed to be reduced by landscaped boundary treatments.

Mitigation is proposed in the form of set piece archaeological excavation, continuous monitoring (watching brief) and a formal written scheme of investigation. A Management Plan for the Dyke would help to alleviate existing erosion from walkers and cyclists and could include signage, planting to prevent the use of short cuts, the installation of a removable bollard at the entrance, consideration of reduction of waterlogging and provision of interpretation panels. The restoration proposals for the site include management of the eastern boundary hedge to allow views towards the Dyke.

Overall, there were considered to be no significant effects on archaeology, Scheduled Monuments or listed buildings as a result of the proposed development.

## APPENDIX 2

### Consideration of Consistency of Policies

#### **Essex and Southend Waste Local Plan**

W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"><li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li><li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li><li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li></ul>	<p>Paragraph 99 of the NPPF states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS10 highlights at section <i>a. protection of water resources</i> that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-</p>
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		<p>raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS10 and the NPPF.</p>
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of</li> </ol>	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the NPPF states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the</p>

	waste will be encouraged, subject to compliance with other policies of this plan.	policy seeks to assess the existing road networks therefore, being in accordance with the NPPF and PPS10.
W7D	<p>Proposals for inert waste recycling facilities will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Industrial locations as defined in policy W8B;</li> <li>• In association with other waste management development;</li> <li>• Current mineral working and landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted);</li> <li>• Demolition and construction sites where the spoil is to be used in the project itself.</li> </ul> <p>Provided the development complies with all other relevant policies of this Plan and, in particular, does not cause unacceptable harm to the environment or residential amenity by virtue of noise, dust or heavy traffic.</p>	<p>Paragraph 143 of the Framework states that 'so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously'.</p> <p>Policy W7D is in conformity with the Framework in that the policy seeks to Reduce the use of mineral resources and designed to increase the rate of aggregate re-use and recycling in Essex and provide the necessary mineral facilities to help achieve these aims.</p>
W9B	Landfill, or landraising, for its own sake, without being necessary for restoration, will not be permitted. Landfill outside the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.	<p>PPS10 sets out the key objectives to achieve sustainable waste management including Paragraph 3 "...driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be catered for:..."</p> <p>Policy W9B seeks to minimise landfill and landraising to that essential to achieve restoration, thereby minimising the amount of waste going to landfilling pushing waste management up the waste hierarchy.</p>

W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS10 states that ‘It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction’.</p> <p>Furthermore, paragraph 203 of the Framework states that ‘Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the Framework and PPS10.</p>
W10C	<p>In considering planning applications for landfill proposals the WPA will require the proposed measures for restoring the land to an acceptable and sustainable after-use to be feasible.</p>	<p>See explanation notes for Policy W9B as these are relevant and demonstrate conformity with the Framework and PPS10.</p>

W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	<p>Policy W10E is in conformity with the NPPF in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the NPPF.</p>
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, paragraph 203 states that local planning authorities</p>

		<p>should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>
W10G	Applications for waste management facilities should include measures to safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing.	<p>Paragraph 75 of the Framework states that 'Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.</p> <p>Policy W10G seeks the protection and enhancement of public rights of way and therefore, is in conformity with the Framework.</p>