

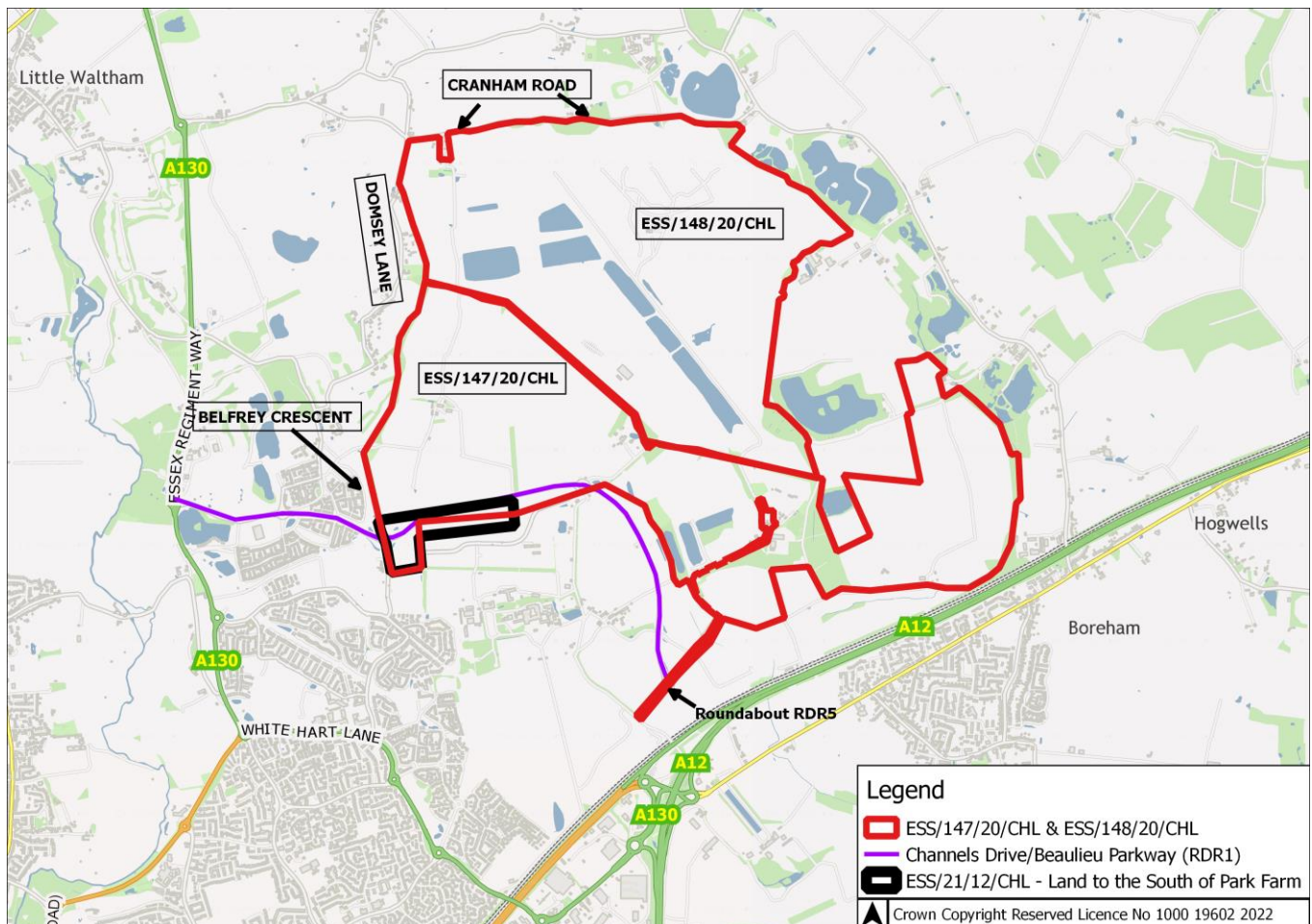
DR/31/22**Report to:** DEVELOPMENT & REGULATION (22 August 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENTThis report considers **two** applications in combination**Application 1**

Continuation of development permitted by CHL/1019/87 without compliance with condition 1 (Application details), condition 3 (Completion of extraction and restoration) and condition 12 (Phasing) to allow for a temporary suspension of extraction within Boreham Airfield, relocation of field conveyor to Park Farm extraction area, amended phasing scheme and an extension of time to complete extraction and restoration. Planning permission CHL/1019/87 was for "Winning and working of sand and gravel"

Ref: ESS/148/20/CHL**Applicant:** Hanson Quarry Products Europe Limited & Threadneedle Pensions Limited**Location:** Bulls Lodge Quarry (Boreham Airfield), Generals Lane, Boreham, Chelmsford, CM3 3HR**Application 2**

Continuation of development permitted by CHL/1890/87 without compliance with condition 1 (Applications details), condition 3 (completion of extraction and restoration), condition 12 (Phasing), condition 13 (Completion of Boreham Airfield extraction before the Park Farm, Bulls Lodge and Brick Farm land extraction is commenced) and condition 16 (Approved conveyor route) to allow a rephasing of operations such that Park Farm is worked earlier within the overall working scheme for Bulls Lodge Quarry, Park Farm land is worked from north to south as opposed to the approved south to north, an amended route for the field conveyor and an extension of time to complete extraction and restoration. Planning permission CHL/1890/87 was for "Winning and working of sand and gravel, the erection of a processing plant and ready mix concrete and mortar plants, workshop and weighbridge and office."

Ref: ESS/147/20/CHL**Applicant:** Hanson Quarry Products Europe Limited & Threadneedle Pensions Limited**Location:** Bulls Lodge Quarry (Park Farm & Brick Farm), Generals Lane, Boreham, Chelmsford, CM3 3HR**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

Planning permission for sand and gravel extraction and a processing plant was granted in 1990 under two planning permissions, which have and are being worked jointly together known as Bulls Lodge Quarry. Ref CHL/1019/87 gave planning permission for sand and gravel extraction within the area of the redundant Boreham Airfield/Ford Proving Ground where extraction has been taking place since 1991 (here after referred to as the Airfield Permission or Airfield). Ref CHL/1890/87 gave planning permission for sand and gravel extraction within the areas of Park Farm and Brick Farm (here after referred to as the Park Farm Permission). The Park Farm planning permission also gave permission for a mineral processing area which processes all sand and gravel for Bulls Lodge Quarry. The planning permissions were subject to a joint legal agreement.

The total permitted sand and gravel reserve was estimated at just under 34 million tonnes in total to be worked at about a million tonnes a year. Operations commenced in 1991, the processing area was established and extraction commenced in the Airfield Permission area. Approximately 75% of the Airfield Permission has already been worked and extraction is on going in the Airfield.

There have been various applications at the site since 1990 mainly relating to secondary processing plant, such that the processing area now includes, a bagging plant, a coated roadstone plant and an inert recycling facility.

In 2012 planning permission (ESS/21/12/CHL) was granted to allow the early working of the southwest area of the Park Farm permission in isolation to the main quarry. This was necessary to facilitate the construction of the Radial Distributor Road which crossed that southern part of Park Farm and avoid sterilisation of the permitted mineral. The RDR was an important infrastructure element of Channels/Greater Beaulieu Park development.

There are also two outstanding applications which seek to vary the two main permissions one for each. An application (ESS/13/36/CHL) to vary the Park Farm Permission to vary the hours of operation for the processing plant to allow evening working at the plant only until 2024. A further application (ESS/37/15/CHL) relates to the Airfield Permission and seeks to amend the restoration scheme. Both these applications are being dealt with through delegated powers, but decisions have not been issued due to the need for a deed of variation to the original legal agreement. The need for these legal agreements is discussed later in the report.

The current applications the subject of this report are two further variation applications, one for each of the two main permissions, which seek mainly to vary the phasing and timescales for the quarry.

2. SITE

Bulls Lodge Quarry lies approximately 5.5km north-east of Chelmsford City Centre and 1km north of Boreham. The A12 lies 700m to the south of the site.

The landscape in and around Bulls Lodge Quarry is generally flat to gently undulating, ranging between 40m and 60m Above Ordnance Datum (AOD). The base of mineral excavation within the site fluctuates between 33m and 40m AOD.

Access to the site is via a purpose built access road approximately 1km long that joins the public highway at Radial Distributor Road roundabout 5. Historically the access road joined Generals Lane, which then provided access to the Boreham Interchange. Due to works to complete phase 3 of the Radial Distributor Road there is no direct link to the Boreham Interchange, thus currently all access to the quarry is via the RDR (now named Beaulieu Parkway and Channels Drive) to the A130/Essex Regiment Way. From the A130 vehicles can either travel north and west to the A131, A120 and M11 or go south on the A130, then via White Hart Lane and Colchester Road to the Boreham Interchange and the A12. Upon completion of the Phase 3 of the RDR in Spring 2023, vehicles from the quarry would be either able to travel north via the RDR and the A130/Essex Regiment Way to north and west or travel south on the RDR to the Boreham interchange to access the A12.

The Airfield Permission is located to the north west of the of the processing area and covers the area of the former Boreham Airfield (245ha). 75% of the Airfield has already been extracted and restored to arable agriculture.

The nearest residential properties to the area of the Airfield Permission extraction area (ESS/148/20/CHL) where restoration and/or extraction remain to be completed are as follows:

<u>Property</u>	<u>Direction from extraction/restoration works</u>	<u>Distance (m)</u>
Mount Maskall (Listed Building)/Walford House	South west	620
Properties on Domsey Lane, including Peveal's Farm house (Listed Building)	West	175
Cranham Road	south	100
Cranham Road Travellers site	North west	75
Properties on Waltham Road including Brent Hall, Wallace's Farm House and Great Holts Farmhouse (All Listed Building)	East	520

The Park Farm extraction area is made of two areas, one that encircles Park Farm lying south west of the Airfield and Brick Farm which lies to the east of the processing area, both areas are currently in arable agricultural use. The processing plant area is also within the Park Farm Permission. The total application area of Park Farm permission is 243 ha of which 89ha is extraction area.

Park Farm itself and the adjacent Park Farm cottages are in the control of the applicant and would not be occupied during extraction and restoration of Park Farm area. Residential properties lie to north west on Domsey Lane, the closest being 125m from the extraction area. Belsteads Farm and Barn (Listed Buildings) and Channels Bar and Brasserie (including Channels Farm House - Listed Building) lie 225 to the west of Park Farm extraction. New housing part of the Channels development now lies to the south west of Park Farm area and the closest residential properties being about 85m away from the extraction face on Belfry Crescent. In addition new areas of housing are permitted to be constructed to the south of the Park Farm area, they would lie to the south of the RDR at approximately 60m from the extraction face.

For the Brick Farm extraction area the closest property would be Brick House Farm, storage mounds would be within 50m of the house but extraction area would be approximately 150m away. The next closet residential area is that of Boreham village approximately 230m to the south beyond the A12 and London/Norwich mainline railway.

The processing plant area is located within the Park Farm permission area to the east of the RDR at the end of the 1km access road. Adjacent to the access road is a Listed barn (not in use)

The nearest residential properties to the processing plant area and the access road are Mount Maskall and Walford House at approximately are 575m to the north west. Brick House Farm lies 730m to the south east. The edge of Boreham village lies 650m to the south-east beyond the A12 and the main London to Norwich railway line is Boreham Village.

In addition, the expansion of North East Chelmsford allocated in the Chelmsford Local Plan (Policy SGS 6) will bring new housing within 500m of the mineral processing area and ultimately areas of the quarry upon restoration are allocated for mixed-use development, as part of the Chelmsford Garden Community. As part of the Greater Beaulieu Park development employment areas are allocated to the south of the quarry access road.

There is a PRow which runs on the north eastern boundary of the processing area. There are two PRow that cross north/south (Boreham 21) and east/west (Boreham 17) within the Brick Farm extraction area.

There are 3 LoWS near the Bulls Lodge Quarry: the Grove a woodland area to the south east of the processing area; Bulls Lodge Lagoons, located west of the processing area, which are redundant quarry silt lagoons, located to the south east of the processing area; and Boreham Road Gravel Pits, 3 areas east of the Airfield Permission adjacent to Boreham Road, previously worked for sand and gravel and restored in part to water.

The quarry and processing plant are safeguarded under policy S8 of the Minerals local Plan. The coated roadstone plant is safeguarded under policy S9 of the Minerals Local Plan (MLP).

3. PROPOSAL

Two applications have been made: one to vary conditions of the Airfield Permission (ESS/148/20/CHL); and one to vary the conditions of the Park Farm permission (ESS/147/20/CHL).

The applications are supported by a joint supporting statement and Environmental Statement.

In summary the applications seek to vary conditions of the existing permissions to allow amended phasing and additional time to complete the mineral extraction and restoration.

The following matters are conditioned by the two extant planning permissions and are relevant to the two applications to be determined.

- i. The two mineral planning permissions (comprising three extraction areas) operate as independent working areas except that mineral is transported from the Airfield Permission area to the processing plant (within the Park Farm permission area) by mineral conveyor for processing, and silt washings from the processing plant are held in lagoons within the Airfield Permission area. There would be no transfer of soils or overburden between the two permission areas once development moves into Park Farm.
- ii. The approved sequence of phasing requires the Airfield Permission area to be fully worked before extraction commences in Park Farm permission area.
- iii. The end date for mineral extraction and restoration of the Airfield Permission area was 31st December 2020

- iv. The end date for mineral extraction and restoration of Park Farm permission area is 31st December 2030.
- v. Mineral extracted in Park Farm area is permitted to be transferred to the processing plant via a mineral conveyor the location being defined on the original 1990 approved plan 8720/2c.
- vi. The approved sequence of phasing for Park Farm is shown on the original 1990 approved plan 8720/2c working the area south to north.
- vii. The approved restoration plan for Park Farm shown on the original 1990 approved plan 8720/3c is to low lying agriculture.

In combination the applications seek the following changes:

Rather than complete mineral extraction within the Airfield Permission before moving to the Park Farm area, it is proposed to suspend extraction in the Airfield area, likely in 2023 at phase 16 and move to work Park Farm. Within the Airfield restoration would be completed up to Phase 3 and restoration within phases 4 to 10 would be undertaken to achieve slope stability. Operations with Park Farm are estimated to take 6 years working approximately 4.5 million tonnes of sand and gravel. Once operations were completed within Park Farm, extraction would resume within the Airfield estimated to be in 2029 with completion of the Airfield in 2034, working the remaining 3.75 million tonnes of sand and gravel (estimated in Dec 2020). Once operation are complete within the Airfield extraction would commence in the Brick Farm area of the Park Farm permission, anticipated 2034 to 2039, working approximately 1.5 million tonnes of sand and gravel. There also remains a small area extraction to be worked north of the silt lagoons. It is likely this would be worked just before removal of the processing plant.

Within the Park Farm area it proposed rather than working in a south to north direction extraction that it would be phased in a north to south direction. The mineral conveyor to serve Park Farm area is proposed to be located in a more northerly location than previously permitted. The working of Park farm is estimated at 6 years 2023 to 2029. Park farm would be progressively restored to agriculture, to a restoration scheme slightly different in terms of levels and location of hedgerows and planting than that originally permitted. Although it has to be acknowledged the whole of Park Farm area has been allocated for mixed use development in the CLP as part Chelmsford Garden Community. However, until full planning permission for such developments has been granted the restoration would be to mainly agriculture, with areas of woodland and species rich grassland.

4. POLICIES

The following policies of the [Minerals Local Plan, \(MLP\)](#) adopted July 2014, and the [Chelmsford Local Plan \(CLP\)](#) adopted May 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN

S2 - Strategic priorities for minerals development
S8 - Safeguarding mineral resources and mineral reserves
S10 - Protecting and enhancing the environment and local amenity
S11 - Access and Transportation
S12 - Mineral Site Restoration and After-Use
DM1 - Development Management Criteria
DM2 - Planning Conditions and Legal Agreements

CHELMSFORD LOCAL PLAN

S2 Addressing Climate Change and Flood Risk
S3 Conserving and Enhancing the Historic Environment
S4 Conserving and Enhancing the Natural Environment
S9 Infrastructure Requirements
Strategic Growth Site Policy 6 – North East Chelmsford
DM13 Designated Heritage Assets;
DM14 Non-Designated Heritage Assets;
DM15 Archaeology;
DM16 Ecology and Biodiversity;
DM17 Trees, Woodland and Landscape Features
DM18 Flooding/SUDS;
DM29 Protecting Living and Working Environments; and
DM30 Contamination and Pollution.

NEIGHBOURHOOD PLAN

There are no adopted Neighbourhood Plans for Parishes within which the applications are located.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission

unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

CONSULTATIONS

Both applications were subject to 2 periods of consultation, the responses are summarised below. The responses have been combined and where comments are specifically in relation to one application this is indicated.

CHELMSFORD CITY COUNCIL: No objection

CHELMSFORD CITY COUNCIL (ENVIRONMENTAL HEALTH): No comments received.

ENVIRONMENT AGENCY: No objection, request details of soil/overburden storage.

Officer Comment: *This could be required by condition.*

NATURAL ENGLAND: No objection

ESSEX WILDLIFE TRUST: No comments received

HISTORIC ENGLAND: No objection. Initially a holding objection was submitted requiring further information, this information was provided and satisfactorily addressed the concerns raised.

THE GARDENS TRUST: No comments to make.

PLANNING CASEWORK UNIT (DLUHC): No comments received.

HIGHWAY AUTHORITY: No objection. The applications would not change the agreed access arrangements to the quarry.

PLACE SERVICES (Landscape): No objection. ESS/147/20/CHL (Park Farm) clarification is required with respect to the planting south of phase 6 and 7 (north of the RDR) and protection measures for this planting and preferably this planting should be advanced planting.

Officer comment: *It is not possible to carry out the planting in advance as then a*

stand-off would be required sterilising an area of permitted sand and gravel extraction. However, south of the extraction area the boundary is already subject to planting, a 1m high bund and a 2m high hoarding/noise fence on the north side of the RDR, required as part of the planning permission granted by CCC.

PLACE SERVICES (Arboriculture): No objection..

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

Satisfied that sufficient ecological information has been submitted to allow determination of the application. Mitigation measures identified in the Ecological Impact Assessment should be secured and implemented in full. A licence would be required with respect to GCN. In addition a licence would be required with respect to badgers. Common Lizards and Grass Snakes are present and a Reptile Mitigation Strategy should be secured. There are also Red Listed birds including Skylark, Yellowhammer and Turtle Doves on site such that a Farmland Bird Mitigation Strategy should be secured by condition and include compensatory breeding areas for the species mentioned (Off site if necessary).

The proposed biodiversity enhancements are supported and should be detailed and secured through a Landscape and Ecological Management Plan required by condition.

PLACE SERVICES (Historic Environment): No objection, subject to conditions, requiring a written scheme of investigation and implementation and completion of such and the writing up and reporting of finds. Previous archaeological investigations have identified high potential for multi-period archaeological deposits present.

Phase 1, 2 and 3 and areas for Storage of overburden of Park Farm (ESS/148/20/CHL) have been subject to trial trenching. Further trial trenching would be required within the other phases of Park Farm.

PLACE SERVICES (Historic Buildings): Object. Initially an objection was raised as inadequate information had been submitted with respect to the impact on built heritage assets, this was addressed through the submission of additional information.

However, the proposals (Airfield ESS/147/20/CHL) would have an impact upon several designated and non designated built heritage assets. It is noted that the planning permission for development of the quarry is extant and that typically the proposed changes to phasing and timing etc. would be unlikely to alter any impact upon the significance of the identified built heritage assets. It is acknowledged however that due to the age of the original planning application, it was not previously subject to a Heritage Assessment or an Environmental Impact Assessment.

The application (ESS/147/20/CHL) has identified that there would be permanent moderate adverse effects to two non-designated heritage assets; the Former Watch Office at RAF Boreham, which would be demolished prior to extraction work, and the Concrete Blocks at the Former RAF Boreham, which would be

removed and relocated. As such, the proposed development would cause harm to the significance of these non-designated heritage assets and therefore paragraph 203 of the National Planning Policy Framework (NPPF) is relevant.

Should the Mineral Planning Authority be minded to approve the proposals having made a balanced judgement, it is recommended that a programme of historic building recording commensurate with Historic England "Level 2 Record" as set out in *Understanding Historic Buildings, Historic England* (2016) is secured by condition.

LEAD LOCAL FLOOD AUTHORITY: No objection

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions. Some predicted noise levels are close to the maximum limits and therefore a noise management plan should be required and additional monitoring required to establish compliance. In addition concerned that the EIA has not specifically assessed the impact of noise from HGVs on the highway, particularly during the period until the RDR is complete and quarry vehicles wishing to travel south are required to use the RDR, Essex Regiment Way and White Hart Lane.

COUNTY'S AIR QUALITY CONSULTANT: No objection, subject to compliance with the Dust Management Plan.

LITTLE WALTHAM PARISH COUNCIL: No objection, but wish to raise concern regarding HGV movements as early as 5am in the morning giving rise to disturbance and hours of operation should be restricted in the morning.

Officer comment: With respect to these applications HGVs are currently permitted and would continue to be permitted to leave the site at 06:00, but this is only for HGVs loaded the night before. Full operation of the site is not permitted to commence until 07:00. A separate planning permission controls the operation of the coated roadstone plant located at Bulls Lodge Quarry. HGVs from this facility are permitted to leave the site at 05:00 and there is also permission for a limited number of week nights and weekend working to cater for highway works undertaken at night. The coated roadstone operational hours cannot be amended as part of any planning permission for the current applications.

BOREHAM PARISH COUNCIL: No comments received on either application.

SPRINGFIELD PARISH COUNCIL: No objection to ESS/148/20/CHL (Boreham Airfield). No comments received on ESS/147/20/CHL (Park Farm).

BROOMFIELD PARISH COUNCIL: No comments received on either application.

LOCAL MEMBER – CHELMER: Any comments received will be reported

LOCAL MEMBER - BROOMFIELD AND WRITTLE: Any comments received will be reported

LOCAL MEMBER – SPRINGFIELD: Any comments received will be reported.

5. REPRESENTATIONS ESS/148/20/CHL (Airfield Permission)

58 properties were directly notified of the application. 2 letters of representation have been received one from Countryside Properties in relation to both applications.

Countryside Properties: Support the applications, however which to seek to ensure existing and future residents are protected from any potential amenity impacts. Wish to see noise and dust assessments revised to include more assessments points for north Beaulieu.

Officer comment: The principle of mineral extraction precedes that of the housing development, it therefore for the housing developer to ensure that appropriate mitigation is included in their development to ensure no adverse impact upon the residential properties – in accordance with NPPF paragraph 187 “Agent of change”. Reserve matter applications have been determined by CCC for properties south of the Phase 7 and 8 of Park Farm extraction area and a noise attenuation barrier is required to be put in place by the housing developer and is in already place.

A topsoil bund is proposed as part of the mineral development south of phase 7 and 8, during phases 3 to 6.

In addition the MPA has required through conditions on the planning permissions for Greater Beaulieu Park and Channels that the purchases of new properties adjacent to the Park Farm extraction area are informed of the presence of the planning permission for mineral extraction.

However, it is acknowledged that the current applications would change the direction of phasing in the Park Farm area i.e. north to south, thus the current applications become the agent of change. The effect of the change in phasing means that housing to be built south of Park Farm and the RDR would be in place for a long period with the extraction operations taking place nearby than if worked in the opposite direction. This is fortunately balanced by the fact that by bringing the start of extraction in Park Farm area forward by 4 years, reduces the period when extraction would be taking place and the houses constructed.

With respect noise and dust monitoring locations no additional monitoring points were requested by the County’s noise and dust advisors.

CZ also requested that the 3m high screening bund be placed on the southern edge of phase 7 and north of the RDR (Beaulieu Parkway) prior to works on Phase 3.

Officer comment: A condition to secure this could be imposed to secure such a bund, but would be required to removed when Phases 7 and 8 are being worked to prevent sterilisation of permitted mineral reserve under the bund.

Planning issues raised by other representees, summarised as follows:

Observation

Supportive of the proposed restoration

Comment

Concerned to note that restoration would be completed to Phase 3 within

Overburden required to complete phases 4 to 10 is located below

the Airfield, but only interim restoration is proposed for phases 4 to 10 until works return upon completion of the Park Farm extraction. Restoration of those areas not to be disturbed within phases 4 to 10 should be completed ASAP to allow establishment of woodland in the interim.

unworked areas and therefore cannot be completed until the remainder of the Airfield Permission has been worked.

No footpaths are proposed with the Boreham Airfield.

As the area is to be included within the Chelmsford Garden Community improved access will come as part of that development.

6. REPRESENTATIONS ESS/147/20/CHL (Park Farm Permission)

441 properties were directly notified of the application ESS/147/20/CHL and 2 letters of representation were received. One as explained and reported above was from Countryside Properties. The following further comments were made

Observation

What is the commencement date for extraction within Park Farm?

Comment

The information was included in the application, currently the anticipated start date with the Park Farm site is Summer 2022 for soil stripping and overburden removal and extraction Spring 2023.

Where is the location of the plant

This information was included in the application and the Park Farm area would use the existing processing plant.

Confirmation that there would be no working with 250m of our property

Properties along Domsey Lane would be within 250m of the extraction area. There is no requirement in national legislation or policy or within the MLP that mineral extraction should be more than 250m from a residential property. The MLP does seek to ensure the extraction face is not less than 100m from façade of a residential dwelling. Property facades along Domsey Lane would not be within 100m of the extraction face. Noise and dust impacts have been considered as part of the ES and subject to conditions to minimise noise and dust no adverse impacts have been identified.

What compensation would be provided by the operator due to the proximity and

There is no requirement or provision for a developer to provide compensation.

longevity of the extraction.

7. APPRAISAL

The key issues for consideration are:

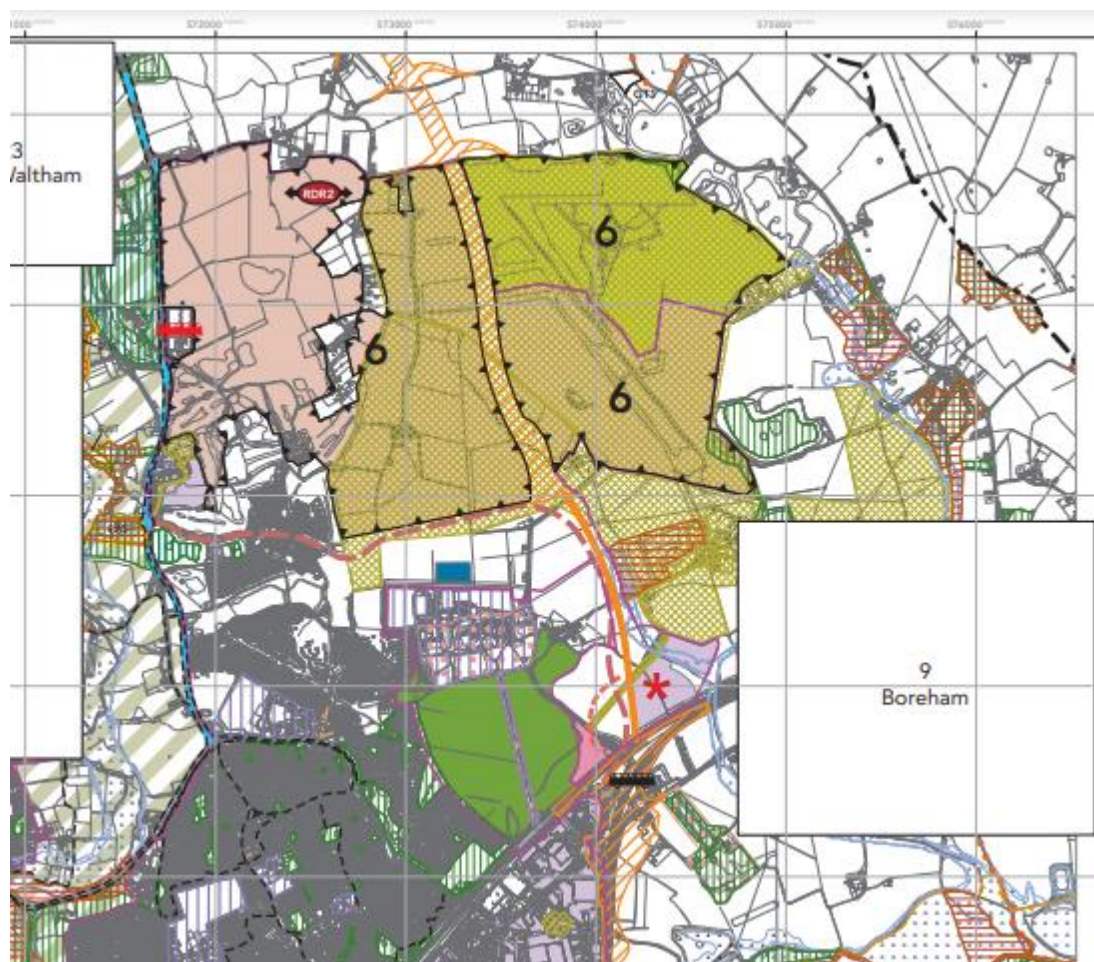
- A. Need
- B. Landscape and visual Impact
- C. Noise
- D. Air quality
- E. Archaeology and Cultural Heritage
- F. Ecology and biodiversity
- G. Highways and traffic and PRow
- H. Water Environment
- I. Socio-economic factors
- J. Cumulative Impacts

A NEED

Bulls Lodge Quarry is a permitted sand and gravel quarry, the remaining mineral to be worked, estimated to be 6 million with Park Farm Permission and 3.75 million with Airfield Permission (as at December 2020) forms part of the County's landbank for sand and gravel. The permitted mineral is safeguarded under the policy 8 of the Minerals Local Plan. The principle of mineral development is already established by the previous planning permissions.

Parts of the quarry, namely the area of extraction around Park Farm overlap with areas allocated by Chelmsford City Council (CCC) for mixed use development in the North Chelmsford Area Action Plan (NCAAP) in 2011. The NCAAP has subsequently been superseded by the Chelmsford Local 2020 Plan that allocates land for the Chelmsford Garden Community further extending the overlap with land forming part of Bulls Lodge Quarry. The allocation of land within the NCAAP and CLP has always been on the basis that no permitted mineral would be sterilised as a result of the built development i.e. that mineral extraction would be completed prior to the built development. The need for rephasing of the Bulls Lodge Quarry was recognised within the NCCAP and now in the CLP Strategic Growth Site Policy 6 – North East Chelmsford. Overleaf is an extract from the CLP Chelmsford Urban Area. It can be seen the whole of the Airfield and Park Farm areas are allocated for future development only leaving only the Brick Farm area and processing plant area where there is no overlap.

-  Boundary of Strategic Growth Site Allocations 2, 3a, 6 and 7a
-  Minerals and Waste Site*



The Radial Distributor Road that serves both the Greater Beaulieu Park Development and Channels Development (both part of the original allocation in the NCAAP) crosses the southern area of the Park Farm extraction of Bulls Lodge Quarry. Separate planning was gained in 2012 (ESS/21/12/CHL) to work this southern area of Park Farm in isolation of the Bulls Lodge Quarry, to enable its release early for the RDR. The area has been worked and restored and the RDR built over the restored ground.

The remainder of the Park Farm extraction is yet to be worked and needs to be worked prior to any built development. Under the original planning permissions the Airfield area of Bulls Lodge Quarry is required to be worked first and the Park Farm

area not started until the Airfield extraction is complete. The current applications seek to amend the phasing such the Airfield extraction and restoration would be suspended and extraction works would move into Park Farm. The sooner extraction is completed in Park Farm the sooner the area would be available for built development.

The remaining area of the Airfield to be extracted is likely to take a further 4 years to work, such that if rephasing were not permitted the development of the Park Farm area for built development would be delayed by 4 years. Hence the applications seek to suspend working in the Airfield and move into Park Farm as soon as possible. At the time of submission of the applications in late 2020 it was anticipated that extraction would be likely to commence in 2022, but due to the need to receive additional information to determine the applications it is likely that extraction in Park Farm, subject to approval of the current applications, would not commence until 2023.

Upon completion of extraction in Park Farm anticipated 2028/2029, operations would move back into the Airfield. The Airfield it is anticipated would then take about another 4 years to complete. Parts of the Airfield are already now restored to agricultural land and out of aftercare, but allocated in the CLP for built development. The final restoration of the Airfield includes a lake, this lake and the land to its north are planned as part of the CGC to be a Country Park.

Upon completion of extraction within the Airfield extraction would move to the Brick Farm area, which lies to the north of the A12 which would be worked over 4 years. The area of Brick Farm is not allocated for built development in the CLP.

In addition to changing the order of extraction the location of the conveyor to serve Park Farm is proposed to be located further north. The currently permitted location is further south, but this was on the basis the conveyor serving the Airfield would no longer be required, but as it would be needed at the end of Park Farm it is more practical cost/effective to extend the conveyor into Park Farm in the north. As a consequence rather than working Park Farm in a generally north to south direction, Park Farm would be worked in the north to south direction. The conveyor location has been taken account of in the development of the Chelmsford North East Bypass, with a bridge to carry the conveyor planned as part of the CNEB. The design of the bridge is such that it will provide a road bridge in the future as part of the CGC.

In addition to the above proposed changes, the applications also seek extension of time to complete the mineral extraction. The Airfield planning permission required extraction and restoration to be completed by December 2020 and the extraction and restoration of the Park Farm Area and the Brick Farm Area by December 2030. At the time the planning permissions were granted in 1990, the timescales were anticipated on extraction occurring at a rate of 1million tonnes per annum, however, on average extraction has tended to take place on average at 750,000tpa, hence extraction has been slower than originally envisaged. That said the applicant has stated that the quarry infrastructure is capable of achieving 1 million tonnes per annum, subject to market demand.

The applications therefore seek to extend the timescales for the two permission,

the Park Farm permission to allow extraction until 2039, to allow completion of the Park Farm and Brick Farm areas, which also includes the processing plant and an extension of time for the Airfield to allow its extraction after Park Farm to December 2034. While restoration would be progressive a further 2 years following completion of extraction in the Brick Farm area would be required such that restoration would be completed by 2041 and 2036 for the Airfield Permission.

It is considered that the changes in phasing, location of conveyor and the additional time to complete the mineral extraction are necessary to facilitate the allocated expansion of the North East Chelmsford and to allow additional time to complete the extraction of the permitted mineral which forms part of the County's sand and gravel landbank. It is considered the changes are in accordance with MLP policy 8 and CLP SGP 6 and are justified, subject to their being no unacceptable Environmental Impacts.

B LANDSCAPE AND VISUAL IMPACT

Minerals Local Plan policy DM1 and CLP policies S4 and DM29 seeks to minimise the impact of development upon landscape and visual amenity. The landscape and visual impact of the mineral development would have been considered at the time of the original application, but at that time the development was not subject to an Environmental Impact Assessment. The EIA for the applications has concluded there would be no significant temporary or long term landscape or visual effects.

The original planning applications for Bulls Lodge included screen planting some which was undertaken in the early 1990s with respect to the plant site and the Airfield, which is now mature and that with respect to Park Area was undertaken in mid 2000s which is all well established and largely screens views of the quarry from outside the site.

It is acknowledged that built development namely Greater Beaulieu Park and Channels developments have brought residential development in closer proximity to the extraction areas than when the quarry was originally permitted in 1990. However, in considering these applications CCC has consulted the MPA and the non-mineral developers have been required to provide any necessary mitigation to ensure the effective working of the quarry is not adversely affected by the closer proximity of the residential development. Thus the west side of Park Farm area in addition to a belt of planting already in place undertaken by the quarry operator, the Channels development includes a 3m high bunding and an acoustic fence to screen and attenuate noise from the quarry. On the south edge of Park Farm the extraction is adjacent to the RDR, but there will in the future be residential development south of the RDR. The Greater Beaulieu Park development, have provided an acoustic fence along this boundary. In addition the MPA has required that sales literature with respect to these new properties within Cannels and Greater Beaulieu Park are made aware the existence of the extant minerals permissions.

Any further permissions with respect to the CGC would also be subject to consultation with the MPA and the non-mineral developers would be expected to provide any additional mitigation to prevent any adverse impacts upon the effective working of the mineral development i.e. ensuring that acceptable levels of noise,

dust and visual impacts are not exceeded, that would give rise to complaints from new residents.

A 3m high topsoil bund would be formed on the southern edge of the Park Farm area, when works commence within Phase 3, but would need to be removed before work commences in Phases 7 And 8 adjacent to the southern boundary to avoid the sterilisation of mineral below the bund.

The restoration of Park Farm and Brick Farm is to agriculture with field hedges and additional areas of woodland and species rich grassland. The restoration of the Airfield is to combination of mainly agriculture, with a lake and areas of woodland and grassland. It is acknowledged that the majority of the Bulls Lodge Quarry area is allocated for mixed use development/CGC in the CLP such that the restoration afteruse may be superseded by planning permissions granted CCC. However, the quarry restoration would be required to be delivered until such time as the mixed used developments are granted planning permission and there is a known implementation date.

The County's Landscape advisor has raised no objection to the application and the conclusions of the EIA are accepted.

Conditions could be imposed to ensure: the retention of the existing screen planting; the proposed bunding as detailed in the application; secure the proposed restoration and aftercare: and an interim restoration scheme for the Airfield, while works are suspended within this area.

Subject to conditions, it is considered that the proposals would not give rise to unacceptable landscape and visual impacts and are in accordance with MLP policy DM1 and CLP policies S4 and DM29

C NOISE

MLP policy DM1 along with CLP policy DM29 seeks to minimise disturbance from noise on local residents and the local environment. The application was accompanied with a noise assessment as part of the ES. The ES concluded with respect to noise there would be no significant effects.

Further clarification was required by the County's Noise consultant, which has been provided. The County's Noise consultant has noted that some predicted noise levels are close to the proposed maximum noise limits and therefore it has been suggested that a noise management plan is required by condition to ensure best practice is being maintained. The original noise conditions within the historical permissions only set a 1 noise limit above background. As there is now more detailed knowledge of background limits and in accordance with national guidance and best practice it is considered appropriate to impose noise conditions with specific limits for noise sensitive properties. Subject to the imposition of the conditions suggested the County's Noise Consultant is now satisfied that the proposals would not give rise to unacceptable noise.

Park Farm house and cottages are in the control of the developer and would be unoccupied through the mineral extraction and restoration of Park Farm and this

could be secured through the legal agreement.

The County's noise consultant did raise concern that the impact of HGV traffic on residential properties adjacent to the RDR particularly, during the period of temporary diversion of quarry traffic wishing to go south having to use the RDR. However, the use of the RDR both in the short-term during the diversion and in the long term was considered as part of the applications for the RDR. The RDR was always planned to take HGV traffic both from the quarry and all users as a bypass to avoid White Hart Lane, until such time as the CNEB is delivered. CCC concluded that standard mitigation such as noise insulation within properties was appropriate and has been required as part of the planning permissions for the non-mineral development. Complaints were initially received when the diversion was put in place, but this was more in relation to early morning coated roadstone traffic. The RDR is planned to be completed in Spring 2023, at that time south bound quarry traffic will have a more direct route to the A12. Quarry traffic heading north will become less obvious as other traffic including HGVs will use the RDR. It is therefore considered that a noise assessment for quarry HGV traffic on the RDR was not necessary.

The conclusions of the EIA are accepted and it is considered that subject to the condition and legal obligation described the proposed changes would not have an unacceptable impact as a result of noise and the proposals would be in accordance with MLP policy DM1 and CLP policy DM29.

D AIR QUALITY

MLP policy DM1 seeks to minimise impacts upon air quality, including dust and CLP policy DM29 seeks to minimise impacts on living and working environments.

The ES included an air quality assessment, taking into account dust arising from the mineral operation and included consideration of local sources windblown dust from agricultural land, local commercial/ industrial sources, exhaust emissions from road vehicles, break and tyre wear from road vehicles and the long range transport of material from outside the study area.

The proposed site design and management measures have been incorporated into the scheme to reduce the potential for fugitive dust to arise. The ES concluded subject to best practice continuing to be employed at the quarry, there would be no significant impact upon air quality. The County's Air Quality consultant have raised no objection subject to compliance with the Dust Management Plan submitted with the ES, which could be required by condition.

The conclusions of the ES are accepted and the proposals, considered acceptable subject to conditions and therefore in accordance with MLP policy DM1 and CLP policy DM29.

E ARCHAEOLOGY AND CULTURAL HERITAGE

The ES included an assessment of the impact upon archaeology and cultural Heritage. There are no designated heritage assets within either of the applications sites except there is grade II Listed Barn adjacent to the access road. The

proposals would not impact the barn any more than currently.

Initially both the County's Listed Buildings officer and Historic England raised objection to the applications as the impact upon certain Heritage Assets outside the application site namely Mount Maskalls and New Hall were not considered to have been adequately assessed. Further assessment was submitted to address these concerns. However the proposals would still result in the loss of non designated heritage assets namely the former Watch Office of RAF Boreham, which would be required to be demolished and Concrete Blocks of the former RAF Boreham would be required to be relocated. Due to these heritage asset losses the ES concluded that with respect to heritage there would be medium adverse impact upon. The conclusion of the ES are accepted.

MLP policy BM1 and CLP policies S3 (Conserving and Enhancing the Historic Environment), DM13 (Designated Heritage Assets), DM14 (Non-Designated Heritage Assets) and DM15 Archaeology seek to preserve and enhance the heritage environment.

Due to the loss of the non-designated heritage assets the County's Historic Buildings cannot not support the application and it is necessary to consider the proposals against paragraph 203 of the NPPF and DM14. If the MPA were minded to approve the application then the County's advisor has requested conditions to record these heritage assets prior to their removal, such a condition could be imposed.

NPPF Para 203 states

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset..

CLP POLICY DM14 – NON-DESIGNATED HERITAGE ASSETS states

Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that: i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and ii. harm is minimised through retention

Due to the location of the Watch Tower and Concrete Blocks which are in the centre of extraction areas it is not possible to retain these features. While the loss of these non-designated assets is regrettable, the principle of the extraction of mineral is already established and the majority of the runways already removed such that the Watch Tower and concrete blocks are isolated and not seen in the context of the original airfield setting. The permitted mineral forms part of the County's sand and gravel landbank and is sterilisation is protected by MLP policy S8. The full extraction of the mineral is considered a material consideration. To retain the features would require the sterilisation of the permitted mineral and make

the restoration of the site impractical, creating an isolated high feature in the area which is proposed to be restored to a lake. It is therefore considered that in the planning balance there would be more harm arising from the loss of permitted mineral reserve and adverse impact upon the restoration of the site, than the loss of these non-designated assets. In line with the County's Historic advisor a condition could be imposed to require recording of these heritage assets prior to their loss.

In working the Airfield so far archaeological interest has been identified and trial trenching of the first 3 phases of Park Farm has also identified areas of archaeological interests. The County's Historic Environment Advisor has recommended conditions to ensure archaeological interest is fully investigated and recorded prior to mineral extraction. Subject to the conditions suggested in terms of archaeological interests the proposals would be in accordance with MLP policy DM1 and CLP policy S3 and DM15.

F ECOLOGY AND BIODIVERSITY

MLP policy DM1 and CLP policy S4, DM16 and DM17 seek to protect existing ecology and enhance the biodiversity of the area.

The EIA of ecology identified there were a range of habitats on site, most abundant was arable and bare ground as a result of the active quarry. The most valuable habitats were hedgerows, broadleaved/seminatural woodland, standing water and semi-improved grassland and were of local importance. The Biodiversity metric calculation, taking into account the proposed revised restoration of the Airfield (under application ESS/37/15/CHL) showed there would be a net gain 17.61% upon restoration. It was identified there would need to be measures with respect to certain species, Pyramidal orchid, Great Crested Newts, reptiles, bats and badgers. The measures suggested could be required through conditions. The assessment concluded there would be no significant adverse effects on any statutory or non-statutory designated ecological site. Also that there was potential for long term significant beneficial effects from habitats to be created upon restoration.

English Nature have raised no objection and the County's ecologist has raised no objection subject to conditions to secure the proposed mitigation.

The proposals (in conjunction with ESS/37/15/CHL revised restoration) are considered to be in accordance with MLP policy S12 and DM1 and CLP policies S4 (Conserving and Enhancing the Natural Environment), DM16 (Ecology and Biodiversity) and DM17 (Trees, Woodland and Landscape Features)

G HIGHWAYS AND TRAFFIC and PRoW

There would be no change in traffic movements arising from the proposed changes. Access arrangements have changed recently in that the RDR has been built such that the private road to the quarry now connects to the RDR via a roundabout rather than to Generals Lane, but this has not arisen as a result of the current planning applications.

As the RDR is not currently complete quarry vehicles wishing to travel onto the A12 are required to use the RDR, Essex Regiment Way, White Hart Lane and Colchester Road to access the Boreham Interchange. This diversion will end upon completion of phase 3 of the RDR, the link to Boreham Interchange, planned Spring 2023. Quarry vehicles wishing to travel north would continue to use the RDR to Essex Regiment Way, until such time as the CNEB is open.

Historical data indicates that the average number of HGV movements to the quarry is 320 movements per day (160 and 160 out) and average of 28 movements per hour. The current applications were supported by a Transport Statement which concluded the level of traffic associated with Bulls Lodge Quarry was small in comparison to the level of traffic required to justify the RDR associated with Greater Beaulieu Park development and there would be no environmental impact arising from the proposed quarry changes. These conclusions are accepted.

Conditions are currently in place to limit the number HGV movements out of the quarry to minimise congestion on the Boreham Interchange at peak periods and these conditions would be reimposed. In addition vehicular access is only permitted via the access onto the RDR and from no other point within the two application areas.

The Highway Authority has raised no objection to the proposals as there would be no change to the access arrangements arising from the applications. It is therefore considered the applications are in accordance with MLP policy DM1, S11 and CLP policy DM29.

There are no PRoW within the Park Farm and Airfield Areas, PRoW would require temporary diversion within the Brick Farm Area. The impact on PRoW is not considered significant.

Subject to reimposition of existing conditions (updated as appropriate) with respect to control traffic and access, it is considered the proposals are in accordance with MLP policy S11 and DM1.

H WATER ENVIRONMENT

The application was supported by a Flood Risk assessment (FRA), which considered both the operational and restoration phases. The FRA sets out mitigation measures to address potential impacts and the application describes the existing water management measures for the quarry which would continue. Post restoration the water bodies within the Airfield and Brick Farm area would provide additional storage capacity for run-off and result in a betterment to the pre-development conditions. The vulnerability of the proposals to climate change as a result of flooding has been considered as part of the FRA. The assessment concluded there would be no predicted significant flood risk impacts and these conclusions are accepted.

The ES included an assessment of the potential hydrological and hydrogeological effects of the proposals.

Dewatering is necessary to work the sand and gravel. Water is currently managed

by a surface water management scheme operated by the quarry which includes a series of temporary surface water storage and settlement lagoons within the Airfield area. Groundwater monitoring has been undertaken since 1994. The hydrological and hydrogeological assessment concluded that with the current in-built mitigation in place there would be negligible effect from the proposals on groundwater flow, groundwater quality, groundwater levels, groundwater abstractions, statutory sites, surface water quality, surface water flows and surface water abstractions. The overall conclusion was the impact was negligible to minor and not significant.

The LLFA and EA have raised no objection. The conclusion within the EIA with respect to FRA and potential hydrological and hydrogeological effects are accepted. The EA requested details to be required by condition with respect to soil and overburden storage and these would be imposed if permission were granted.

It is therefore considered the proposals are in accordance with MLP policy DM1 and CLP policy DM18 (Flooding/SUDS).

I SOCIO-ECONOMIC AND HUMAN HEALTH

The ES considered the main community and socio-economic effects of the proposals. Effects on local amenity are dealt with through consideration of noise, dust etc. The main socio-economic impacts were considered to be beneficial effects of moderate to major, including:

- Early release of land for further development
- Security of existing employment
- Maintenance of important supply of sand and gravel to South East
- Positive contribution to local economy.

Impact upon Human Health has also been considered through the consideration of other environmental impacts and overall it is concluded there would be no significant effect upon human health.

The conclusions within the ES with respect to socio-economic and human health are accepted.

J CUMULATIVE IMPACTS

Cumulative effects are those which could arise from both the proposed development and any other relevant future development which is reasonably foreseeable and likely to proceed. The ES consider the developments of the RDR, Channels and Greater Beaulieu Park. The only significant adverse impact identified was on cultural heritage and archaeology receptors, but no greater than the scheme assessed in isolation. For all other other topics it was considered that there was no potential for significant cumulative effects to arise from the proposals and this conclusion is accepted.

Since the preparation of the EIA the CNEB has been granted planning permission. The EIA for the CNEB took account of Bulls Lodge Quarry as part of its consideration of cumulative impacts. The Chelmsford North East Bypass has been granted planning permission and passes through the Airfield permission on areas

already worked for mineral extraction. A safeguarded route was a legal obligation as part of the original S52 for Bulls Lodge Quarry, with requirements for the mineral operator to amend phasing and restoration to facilitate the CNEB, the principle of such obligations would be carried through to the new legal agreement but amended to reflect the passage of time i.e. the mineral is worked out and the CNEB permission granted. However, this legal obligation may need to be modified if legal agreements between ECC and parties involved in the CNEB have been completed prior to the legal agreement associated with these applications being completed.

The restoration scheme for the Airfield will some adjustment adjacent to the CNEB, once the more detail design for the CNEB is known.

8. DRAFT CONDITIONS

The planning permissions being varied (CHL/1019/87 and CHL/1890/87) were issued in 1990 and have not been subsequently updated. The original applications in 1987 were not subject to EIA.

The operation of Bulls Lodge Quarry over the years has been subject to few complaints, however, the wording of the conditions is that which was best practice in 1990, it is therefore appropriate to update the conditions. While the principle of the existing conditions would largely remain unchanged, both sets of conditions have been revised, to use best practice conditions and additional conditions added as identified through the EIA process and requested by consultees. The full wording of draft conditions are set out within Appendix A and B.

The conditions are currently with the applicant and landowner for comment. It is unlikely that full comments will be received before consideration of the planning applications by the Committee on the 26 August 2022. Ultimately it is for the MPA to decide what conditions are imposed upon a planning permission, agreement from the applicant only being required for pre-commencement condition. However it is good practice to seek comments from applicants/landowners to avoid any lack of clarity/confusion in the wording of conditions. While the principles of the conditions would not change from those set out in the appendices it might be that some small amendments are requested by the applicant and land owner as well as officer imposed updates.

9. LEGAL AGREEMENT

There is an existing legal agreement associated with the planning permissions being sought to be varied. The legal agreement was made under Section 52 of the Town and Country Planning Act 1970, now superseded by the provisions of Section 106 of the TCPA 1990.

In order to ensure the obligations of the original S106 where they remain relevant are carried forward, a new S106 Legal agreement would be required. However the obligations would not relate to the area of ESS/21/12/CHL and some adjacent land now subject of a planning permission issued by CCC, as this land through a previous legal agreement has been released from the obligations of the original S52 agreement.

This legal agreement, would also address the need for a legal agreement with respect to two previous variation applications which remain outstanding, delayed due to the need for a legal agreement to ensure the planning permission remain associated with the original legal obligations where still relevant. These two earlier applications are ESS/36/13/BTE in relation to hours of operation for the processing plant and ESS/37/15/CHL for revised restoration details for the Airfield area. Both which are being dealt with under delegated powers.

It is intended that the new S106 legal agreement would address the need for a legal agreement with respect to all four planning applications.

Those elements of the previous legal agreement to be retained but modified as necessary are summarised below

- Transfer of land for CNEB Phase 1 and 2 at no cost to ECC (only to be included if legal agreements between Hanson & Landowners with respect to the CNEB are not completed by the time the S106 is completed)
- Mineral operator to accommodate changes in phasing and operations to facilitate CNEB
- Requirement for a liaison group
- No occupation of Park Farm house and Park Farm Cottages throughout operations within Park Farm extraction area.

A new obligation would be included which arises from variation application ESS/37/15/BTE which proposes areas of biodiversity as part of the Airfield restoration. Areas of biodiversity take a longer period of management to establish and thus in accordance with the MLP Supplementary Planning Guidance – Mineral Site Restoration for Biodiversity, an aftercare period of 25 years for the areas to be restored to biodiversity is required to be secured by a legal obligation.

Those elements of the original S52 legal agreement not to be taken forward relate to:

- Inclusion of the conditions for both permissions within the S106 – this is now not best practice
- No landfilling – this can be addressed by condition
- Right of access for CCC staff – A right of entry is given to all Planning Officers in order to perform their duties, therefore this is not needed
- Submission of all application documents to CCC & ECC – all applications details submitted to ECC are shared with the relevant Local Planning Authority in this case CCC – therefore this is not needed
- Approval of restoration details – Details have been approved or are to be approved and can be secured by condition.
- Access via Boreham Interchange – the road infrastructure has changed since the original agreement such that this is longer appropriate.
- Obligations relating to a potential polytechnic being considered in 1990. The polytechnic was not progressed the obligations are no longer relevant.

10. COMMENCEMENT OF DEVELOPMENT PRIOR TO ISSUE OF PLANNING PERMISSIONS – CONSIDERATION OF ENFORCEMENT

Hanson Aggregates has advised that in order to ensure the timely extraction of

Park Farm to allow its release for development as part of the NE expansion of Chelmsford it is necessary to start soil stripping in 2022, preferably late summer/early autumn when the soils are dry. This would enable mineral extraction to start in Park Farm in 2023. While drafting of the necessary legal agreement has already commenced, on a without prejudice basis, to the outcome of the current applications, it is unlikely that the legal agreement would be completed and the decision notices issued prior to soil stripping requiring to commence in the Park Area. Hanson has requested that it be allowed to start prior to the issuing of the decision notices and have committed to comply with the requirements of the planning conditions set out in Appendices A and B, even though the decision will likely not have been issued.

It is acknowledged that Hanson have been continuing to extract within the Airfield Area, despite the fact that the planning permission required the extraction and restoration to be completed by December 2020. However, in all other respects the operator has continued to operate in accordance with the existing conditions and monitoring by the MPA has not identified any issues and there have been no complaints with respect to the extraction operations.

In view of the need to ensure the timely extraction of the Park Farm area to facilitate future built development identified in the LP, it is considered it would not be expedient to take enforcement action if mineral extraction were to continue in the Airfield and soil stripping and overburden removal were to commence in the Park Farm area prior to the issuing of the planning permissions. However, this would be subject to the operator complying with the conditions set out in Appendix A and B. Upon commencement of the works without planning permission a harm assessment would be carried out if at that time it was indicated that there was significant harm then consideration would be given to enforcement action and matter reported to the Development and Regulation Committee.

11. CONCLUSION

The need for the proposed changes to the phasing of operations has arisen from the need to extract areas of the Bulls Lodge Quarry earlier than originally intended to facilitate the future built development identified in the CLP. This is considered justified in order to ensure permitted mineral is not sterilised by built development. The need for additional time to complete the mineral extraction has arisen due to the output rates estimated in 1990 being higher than the actually achieved over the last 30 years. The additional time 10 years of extraction with additional 2 years for restoration is considered necessary to ensure the full extraction of this permitted mineral resource and deliver beneficial restoration. The proposals are considered to be justified and in accordance with MLP policy 8 and SGS6 of the CLP, subject to there being no adverse environmental impact.

Assessment of the various environmental factors has shown that for the majority of factors there would be no significant adverse impacts subject to the implementation of the proposed mitigation measures and imposition of the suggested conditions. However it is acknowledged that there would be permanent loss of non-designated heritage namely the Airfield Watch Tower and airfield concrete blocks. It is not practical to retain these features as they would require sterilisation of permitted mineral contrary to MLP Policy 8 and prevent beneficial restoration of the Airfield

site contrary to MLP policy S12, such that harm arising from their retention is greater than that from loss of these assets.

Except for the loss of the non designated assets which is considered justified, the proposals are in accordance with the Development as whole and there are no reasons to withhold permission.

12. RECOMMENDED

A - That planning permission be granted subject to:

- I. the prior completion, within 6 months (i.e. 28 February 2023 unless otherwise agreed with the Chairman of the Development and Regulation Committee) Legal Agreements under the Planning and Highways Acts to secure obligations as summarised below:
 - Transfer of land required for CNEB Phase 1 and 2 at no cost to ECC (only to be included if legal agreements between Hanson & Landowners with respect to the CNEB are not completed by the time the S106 is completed)
 - To seek to obtain any necessary changes in phasing of working and restoration required to facilitate the CNEB
 - To seek to obtain any necessary changes in the Airfield restoration scheme to facilitate the CNEB
 - Requirement for a liaison group
 - No occupation of Park Farm house and Park Farm Cottages throughout operations within Park Farm extraction area.
- II. and conditions for ESS/147/20/CHL as set out in Appendix A, subject to any changes agreed by the Chairman of the Development and Regulation Committee.
- III. and conditions for ESS/148/CHL as set out in Appendix B subject to any changes agreed by the Chairman of the Development and Regulation Committee.

B – That, subject to a harm assessment being carried out, it is at this stage not considered expedient to take enforcement action should development in accordance with planning applications ESS/148/20/CHL and ESS/147/20/CHL, commence prior to the issuing of the decision notices, subject to the applicant operating in accordance with conditions set out in Appendices A and B.

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015

LOCAL MEMBER NOTIFICATION

CHELMFORD - Chelmer
CHELMSFORD - Broomfield and Writtle
CHELMSFORD - Springfield