

**DR/30/19**

committee DEVELOPMENT & REGULATION

date 25 October 2019

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve**

Location: **Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex**

Ref: **ESS/42/18/UTT**

Applicant: **Ingrebourne Valley Ltd**

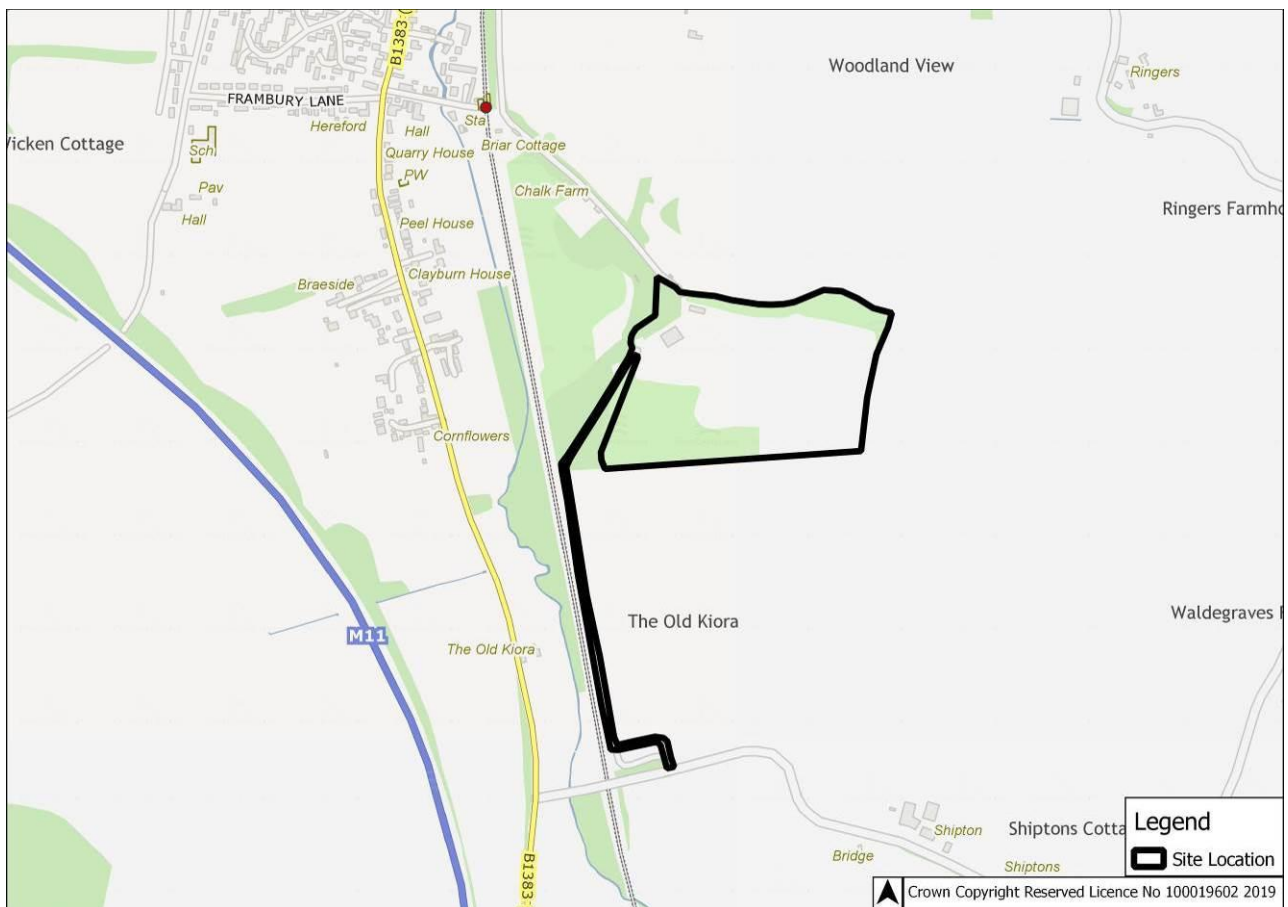
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Report by Chief Planning Officer (County Planning and Major Development)

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

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## **1. BACKGROUND**

This application was previously presented to the Development & Regulation Committee in April 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring the restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked) to fund (subject to conditions/limitations of use) the design and implementation of a traffic management scheme in the vicinity of the site. There was a requirement for this legal agreement to be finalised within six months of the resolution which unfortunately has not, at the time of writing, happened.

The report as presented to Members in April 2019 is at Appendix 1.

## **2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT**

Since the April committee meeting discussions have been on-going with the applicant regarding the legal agreement. The wording of the obligations, as per the resolution by Members, have been agreed and a 'final draft' of the agreement is currently on circulation to all parties involved. Assuming the draft is agreed by all, the draft will be able to be finalised for signing in the coming weeks.

The original six month period to complete/finalise the legal agreement expires 26 October 2019. And, in the circumstances, request has therefore been made for an extension to this period and an additional three months to complete the legal agreement.

Since this application was originally considered it is not considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that gives rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is in-principle remaining unchanged.

The Council have been pro-actively engaged by the applicant during the legal agreement drafting process and it is not considered the delay has not been caused for ill-reason. Accordingly, officers are content to agree to the extension as requested.

## **3. RECOMMENDED**

That:

Subject to the completion, within three months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked from the date of this recommendation but subject to conditions/limitations of use) to fund the design and implementation of a

traffic management scheme in the vicinity of the site;

planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no. 1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom', drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by

which time the land shall have been restored in accordance with the approved restoration scheme.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturday

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

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

80 movements (40 in and 40 out) per day (Monday to Friday); and  
40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

*\* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

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

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

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

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

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

10. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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

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

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

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

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

Reason: In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

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

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

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

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

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

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

20. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

*Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

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

The development shall be implemented in accordance with the approved

scheme.

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

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

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

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

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

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

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

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

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

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
  - Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and

grading of surface water bodies proposed.

- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

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

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

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

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

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March

inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be

- spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

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

***Reason:** To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

***Reason:** To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be

erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

*Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

## **EQUALITIES IMPACT ASSESSMENT**

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

## **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Stansted

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

**DR/10/19**

committee DEVELOPMENT & REGULATION

date 26 April 2019

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve**

Location: **Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex**

Ref: **ESS/42/18/UTT**

Applicant: **Ingrebourne Valley Ltd**

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Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

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

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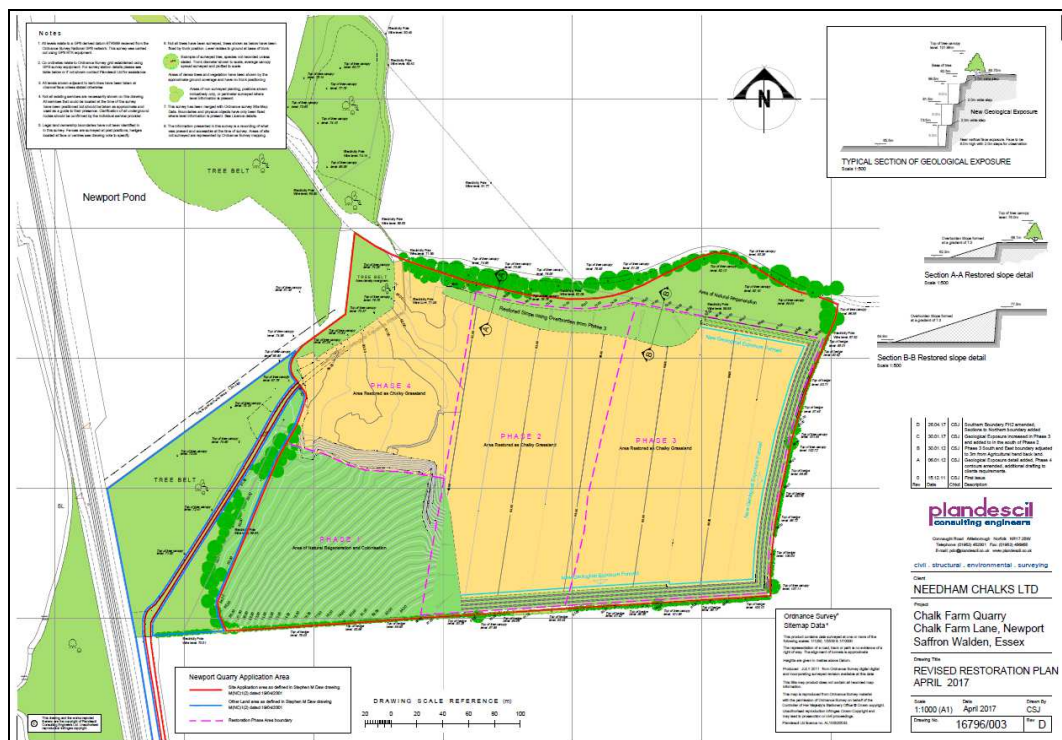


## 1. BACKGROUND & SITE

The chalk pit at Newport is approximately 10 hectares in size and consists of land that is currently being extracted for chalk (phases 2 & 3 as per the labelling on the below drawing), a former worked area (phase 1) now restored and a processing/storage area for extracted material (phase 4) as per planning permission ref: ESS/32/17/UTT.

The restoration approved as part of ESS/32/17/UTT is low level (no importation) to chalky grassland with steep geological exposures left around the quarry void.

'Revised Restoration Plan', drawing no. 16796/003 (Rev D), dated 26/04/17 – approved as part of ESS/32/17/UTT



Extraction of chalk has taken place at this site since 1980 and is currently operational six months of year (April to September) producing approximately 22,000 tonnes of chalk annually. The reserve remaining on-site in 2017 was estimated to be 900,000 tonnes. Although, for confirmation, the current planning permission is not restrictive in terms of the quantity of material which can be extracted from the site (overall or per annum) and/or that the site can only be worked for six months of the year.

The site was promoted through the call for sites for the Essex and Southend-on-Sea Waste Local Plan for inert waste recycling and landfill on the basis that it was suggested that the site could provide additional void capacity whilst still being restored to deliver lowland calcareous grassland, with areas also retained to demonstrate the sites geological importance. And, the site was chosen as a preferred site for inert waste recycling (15,000tpa) and inert landfill capacity

(300,000m<sup>3</sup>).

The site is situated in an area of undulating agricultural landscape with established vegetation on the western, northern and eastern boundaries. The site is accessed from Widdington Road via a private haul road which runs in a vertical direction, parallel to the Cambridge to Bishop Stortford railway line. Byway 20 (Newport) runs parallel with the northern boundary of the site but is unaffected by the development.

The centre of Newport Village is situated some 700 metres to the north-west of the site and Newport Pond (a Local Wildlife Site) is 250 metres away, again to the north-west, both of which straddle the B1383 (London Road). The M11 lies approximately 700 metres to the west.

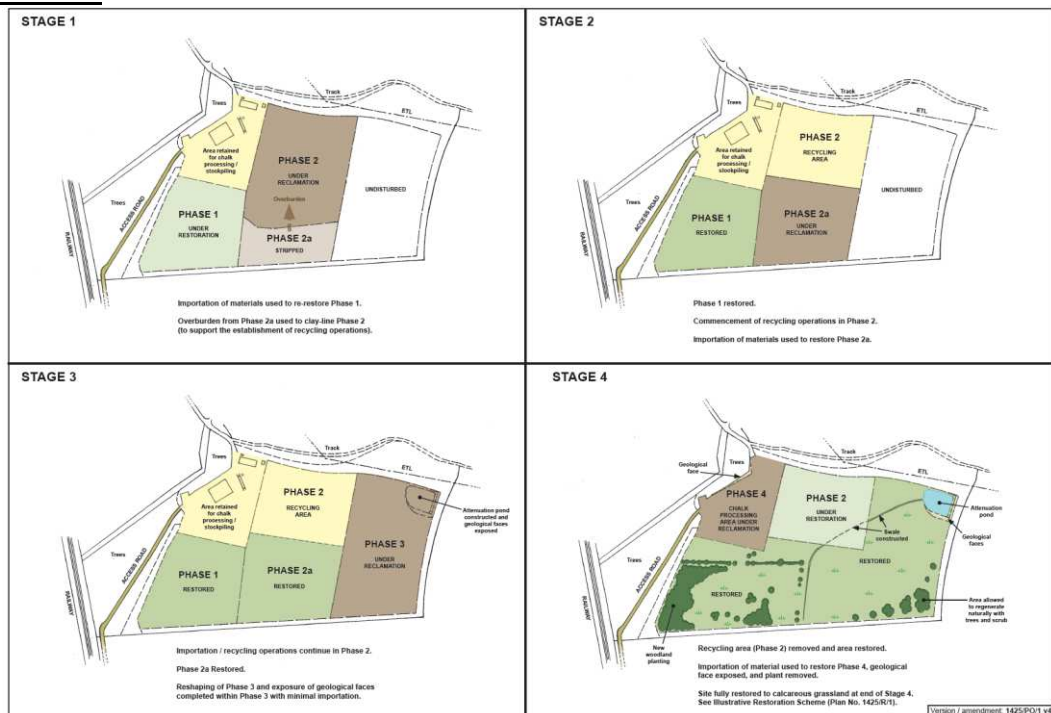
The application site is not itself located within a 'sensitive area', as defined by the EIA Regulations and is not located near any a RAMSAR, SPA or SAC. The site is however located approximately 900m south of the Debden Water SSSI. The site is located in Flood Zone 1.

## 2. PROPOSAL

The proposed development is to establish recycling facilities and import inert materials to produce secondary aggregates which can be sold back into the local market place with the residual materials used to restore the site back to as close to original ground levels as possible. It is expected that the restoration project would take between 7 and 10 years to complete with extraction, recycling and restoration operations taking place simultaneously.

The applicant proposes to work the site in four phases, with four main stages of operation.

Extract from 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018



As part of stage one, material would be imported to re-restore phase 1 (as per the above labelling). Overburden from phase 2a would then be stripped and used to clay line phase two ready for the establishment of recycling operations. Stage two would see phase one restored; commencement of recycling operations in phase two; and importation of material to restore phase 2a.

Stage three which would follow the restoration of phase 2a would see importation and recycling operations continue with re-shaping/engineering of phase three including exposure of geological faces and construction of the attenuation pond. Stage four would see engineering/restoration of phase three complete; and the recycling area within phase two removed. This phase would also as part of stage four be restored; as would the remaining part of the site (phase four – the chalk processing area). The site would then be restored to calcareous grassland or allowed to regenerate naturally with the addition of new woodland, tree and hedgerow planting.

Extract from 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018



In terms of the proposal in numbers, the applicant has suggested that the landfill capacity of the site is 500,000m<sup>3</sup> (850,000 tonnes on the basis of 1.7t per m<sup>3</sup>). Noting that the application proposes to recycle material import to realise secondary aggregate which would subsequently be exported back to the market – the total amount of material proposed to be imported would be in excess of the above figure.

The applicant has not suggested a maximum amount of material which would be imported – on this basis that this is dependent on the recycling rate which could be anything between 0-50%. The Transport Statement submitted in support of the application has however assessed the development on the basis of 150,000 tonnes of material being imported every year for seven years (so 1.05 million tonnes in total). This is around a 20% recycling rate which is slightly below 30% which

officers would generally expect (from a theoretical assessment) but no fundamental concerns are raised to this in respect of an understanding/appraising potential effects.

On average, it has been suggested that the development would give rise to 54 HGV movements a day would result (27 in and 27 out). However, allowing for fluctuations the applicant is seeking permission for up to 80 HGV movements a day (40 in and 40 out) and it is on this basis that the Transport Statement has been submitted.

Hours of operation of between 07:00-18:00 hours Monday to Friday; 07:00-13:00 hours Saturdays; with no working on Sundays or Bank Holidays are proposed.

The application is accompanied by an Environmental Statement (submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations and an assessment of the conclusions formed, including reference to where additional or revised information has been sought can be found within the appraisal section of this report.

### **3. POLICIES**

The following policies of the Essex Minerals Local Plan (MLP), adopted July 2014; Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; and the Uttlesford District Council Local Plan (ULP), adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

#### Essex Minerals Local Plan

S5 – Creating a Network of Aggregate Recycling Facilities

S7 – Provision for Industrial Minerals

S12 – Mineral Site Restoration and After-Use

#### Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities

Policy 3 – Strategic Site Allocations

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

Policy 13 – Landraising

#### Uttlesford District Council Local Plan

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN7 – Nature Conservation

Policy ENV3 – Open Spaces and Trees

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

Policy ENV11 – Noise Generators  
Policy ENV12 – Groundwater Protection

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

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

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

Uttlesford District Council submitted a 'new' Local Plan to the Secretary of State for Examination in Public (EiP) on 18 January 2019. Hearing dates have yet to be formally scheduled however as the Local Plan has been submitted it is considered that the policies within hold some weight in the determination of planning applications. That said the weight to be applied to relevant policies is restricted by

the fact the Plan has not yet been through EiP and formally adopted.

The following policies of the Uttlesford – Regulation 19 Pre-Submission Local Plan (ULP-19) are considered relevant to this application:

Policy SP1 – Presumption in Favour of Sustainable Development

Policy SP10 – Protection of the Countryside

Policy SP11 – London Stansted Airport

Policy SP12 – Sustainable Development Principles

Policy TA1 – Accessible Development

Policy D1 – High Quality Design

Policy EN7 – Protecting and Enhancing the Natural Environment

Policy EN10 – Minimising Flood Risk

Policy EN11 – Surface Water Flooding

Policy EN14 – Pollutants

Policy EN15 – Air Quality

Policy EN17 – Noise Sensitive Development

Policy C1 – Protection of Landscape Character

### NEIGHBOURHOOD PLANS

Newport, Quendon & Rickling Neighbourhood Plan – The parishes of Newport, Quendon & Rickling were designated as a neighbourhood plan area by Uttlesford District Council in February 2017.

The neighbourhood plan which is currently being compiled by local residents and the two parish councils has been consulted on (pre-submission draft - Regulation 14) but has yet to be submitted to Uttlesford District Council for formal publication, consultation and examination (Regulation 15-18). The plan at the current time is therefore considered to hold very limited, if any weight in the determination of planning application. That said, noting the quarry site is referenced within the Regulation 14 draft commentary will be provided within the Principle of Development section of this report for completeness.

## **4. CONSULTATIONS**

UTTLESFORD DISTRICT COUNCIL – No objection subject to the safe importation of the materials and that imported materials will not contaminate the ground or subsequently affect the use of the site.

NATIONAL PLANNING CASEWORK UNIT – No comments to make on the Environmental Statement.

ENVIRONMENT AGENCY – No objection subject to conditions showing the levels of the final base of excavation, the provision of a restoration cap and side and basal liners for each landfill cells; a scheme for groundwater and surface water monitoring; a scheme to provide a surface water management plan; submission of a site survey following restoration of each phase; a scheme to provide for monitoring groundwater and surface water quantity and quality; no waste shall be received until detailed infilling and restoration plans have been submitted and approved; the top metre of infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

NATURAL ENGLAND – Standard advice provided. Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority.

STANSTED AIRPORT – No objection subject to conditions. The infiltration lagoon has the potential to attract and support hazardous waterfowl. The presence of steep banks on two sides will help to reduce the attraction, as will the likely fast infiltration rate, but it is requested that a condition be attached to any approval granted requiring the infiltration lagoon to be planted with a dense margin of emergent and marginal planting to further obscure access to the water by waterfowl.

NETWORK RAIL – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

HIGHWAY AUTHORITY – The application proposes to use the existing access from the quarry onto Widdington Road and turn on the B1383 and the impact of the proposal on these junctions is considered acceptable in highway terms. The bridge over the railway adjacent to the site is owned and maintained by Network Rail. At this point Widdington Road narrows and whilst, at the moment, there is an informal priority arrangement in place it is recommended that a financial contribution be secured, should planning permission be granted, to fund a formal priority working arrangement over the bridge. Conditions are furthermore recommended in respect of the submission of a construction management plan; details of wheel and under vehicle cleaning facilities; and that access is limited to the existing access to the south onto Widdington Road only.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme and a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.

THE COUNTY COUNCIL'S LANDSCAPE CONSULTANT – A Landscape and Visual Impact Assessment was carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition (2013). It includes appropriate viewpoints located on nearby lanes and PRoWs, the mitigation approach and an assessment of visual amenity and landscape character. The LVIA concludes that the restoration of the site will have a 'slight beneficial effect' on the landscape resource and local landscape character, leading to a 'moderate beneficial effect' once planting has established. This conclusion is considered an accurate assessment of the proposal. In respect of this it is however suggested that the restoration proposals be amended to include a different hedgerow alignment and a different hedge, grass and herb mix. Conditions covering a landscape scheme in general; landscape management plan (25 years suggested); and further details of the sustainable urban drainage system proposed are all recommended.

THE COUNTY COUNCIL'S ECOLOGY CONSULTANT – Supports the proposed restoration of the site to chalk grassland, which complies with the WLP – albeit it is unclear as to why the importation of materials is required to create chalk grassland? There is an area of the quarry which has already been restored. An ecology report, submitted with a previous application at this site, recommended that the area of the site already restored be left intact as it supports a number of grass and flower species, some of which are rare or whose populations are diminishing. The ecological report submitted with this application suggests something contrary however it is accepted that this may be down to the time the survey was completed. No objection is nevertheless raised subject to conditions requiring the submission of a construction environmental management plan and landscape and ecological management plan. With regard to this, it is recommended the long term management plan should cover a period of at least 25 years (five years after care plus an additional 20 years).

THE COUNTY COUNCIL'S ARBORICULTURE CONSULTANT – Support the comments made from a landscape and ecology perspective.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions covering hours of operation; all plant and machinery being silenced and fitting with white noise reversing alarms; noise limits for normal and temporary operations; submission of a noise monitoring scheme and subsequent submission of noise monitoring for the life of the development.

THE COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to the submission of an updated dust management plan. Furthermore should stockpiles or bunds be left in-situ for more than six months, it is recommended that these are seeded or covered and their management detailed with any interim landscape management plan and/or within the dust management plan.

NEWPORT PARISH COUNCIL – No comments received.

WIDDINGTON PARISH COUNCIL – No comments received.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

## **5. REPRESENTATIONS**

16 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. No letters of representation have been received.

## **6. APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape
- C. Ecology
- D. Hydrogeology and Hydrology
- E. Amenity

## F. Transport

### A PRINCIPLE OF DEVELOPMENT

As per the description of the development, this application seeks the continued extraction of the chalk reserve on-site. Whilst it is acknowledged by the applicant that the full reserve would not necessarily be released (i.e. the site fully worked), extraction is proposed to take place within the exposed quarry if there is a market demand (until such a time as restoration works progress and the mineral stream is no longer workable). Such extraction would however continue under the extant details approved by way of application ref: ESS/32/17/UTT. This application, if approved, would however supersede requirements and details previously approved in terms of general site working/phasing; and restoration.

Initially from a minerals perspective, is noted that that policy 7 of the MLP acknowledges that small-scale extraction of chalk for agricultural and pharmaceutical uses takes place at Newport Quarry and accordingly safeguards the site/reserve (as per other existing and preferred sites within the plan). As clarified at paragraph 2.29 chalk is not however accounted for within or as part of a separate landbank. With the supporting text to the MLP clarifying that there is only limited interest in chalk extraction and as such no national requirement to maintain a landbank.

This application is therefore principally being considered/determined as a waste development. That said given the link between the mineral extraction and the need for the importation of material, crossover of policy and that the proposal is in effect facilitating restoration of a mineral site reference to policies S5 and S12 of the MLP is considered appropriate. Policy S5 relates to aggregate recycling (relevant as a processing plant is proposed as part of this application) and policy S12 relates to mineral site restoration and after-use.

As a waste site, Newport Quarry is allocated as a strategic site for both inert waste recycling and inert landfill within the WLP. The allocation as per Table 16 of Appendix B of the WLP is for 300,000m<sup>3</sup> inert landfill capacity and 15,000tpa inert recycling capacity.

This application proposes the importation and processing of more material than this, as per the below comparison, and also includes the south-west corner of the site which was not included in the red line of the WLP allocation (as considered already 'restored'):

	<b>Inert landfill capacity</b>	<b>Inert recycling capacity</b>
<b>WLP</b>	300,000m <sup>3</sup> / 510,000 tonnes <sup>1</sup>	75,000 tonnes (15,000tpa for 5 years)
<b>ESS/42/18/UTT</b>	500,000m <sup>3</sup> / 850,000 tonnes	200,000 tonnes (circa 28,500tpa for 7 years <sup>2</sup> )

<sup>1</sup> On the basis of 1.7 tonnes of material for every m<sup>3</sup>

<sup>2</sup> Noting no maximum importation figure has been suggested as part of the application details – this calculation has used the 1.05 million tonne figure suggested as part of the Transport Statement. With the surplus importation (200,000 tonnes) presumed to be secondary aggregate realised from the processing plant over a 7 year period of operations/plant being in-situ.

<b>Difference</b>	<b>+ 200,000m<sup>3</sup> / 340,000 tonnes</b>	<b>+ 125,000 tonnes / 13,500tpa over the 5 year period and then 28,500tpa for two additional years</b>
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It is accepted that the figures and timeframes suggested within the WLP were indicative or estimates and it was fully expected that final details of need/capacity would be revealed as part of any application coming forward. An assessment of the development proposed, in context of this and the site specific issues and options for the site within the WLP can as such be found in the proceeding sections of this report.

In general terms, it is nevertheless accepted that the principle of inert landfill and (in association) inert recycling on this site has been established through the allocation of the site in the WLP. Policy 1 furthermore states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. The supporting text to this policy seeks to clarify that local construction, demolition and excavation waste arisings were 3.62mtpa in 2014 (including 0.31mt of waste imported from London) and it was identified that there was/is a need for additional 1.95mtpa (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permission.

Nonetheless, discounting that some permissions will expire/sites get completed/restored, the WLP acknowledges that there is a need for some 7.05mt additional capacity. And, since no other submitted sites have been deemed suitable for the management of inert waste in the Plan area, the WLP details that locational criteria policies are to be used to assess any additional future inert waste management proposals.

The most recent published update by the Council (Minerals and Waste Authority Monitoring Report (AMR) 1 April 2016 to 31 March 2017) suggested that as of 2016 the shortfall in inert management stood at just over a million tonnes per annum. That said, since 2016 (and the last AMR) notable planning permissions granted for 'new' inert recycling facilities include Crown Quarry (application ref: ESS/07/17/TEN), Sandon Quarry (application ref: ESS/41/17/CHL) and Martells Quarry (application ref: ESS/32/18/TEN). A more up to date picture of capacity will be available when the 2017-18 and 2018-19 AMRs are published, although as noted in previous AMRs obtaining reliable construction, demolition and excavation data can be difficult.

Accordingly, in context of the above, the overall acceptability of the proposed inclusion of the previously restored south-west corner of the site; general increase in site restoration levels (more landfill capacity); and greater recycling throughput will be appraised in the proceeding sections of this report with a view to deciding if the development, as proposed, complies with all relevant policies of the development plan.

## Newport, Quendon & Rickling Neighbourhood Plan

The draft Newport, Quendon & Rickling Neighbourhood Plan seeks to suggest that this site may be suitable for up to 150 dwelling or a mixed commercial / residential development. With regard to the allocation in the WLP, the supporting text to the proposed allocation in the Neighbourhood Plan suggests landfilling (with inert material) the high level part of the site would achieve restoration of much of the visible grassland; with the potential housing count is based on the lower flat of the site – so a combination of inert landfill and housing or mixed commercial and housing is considered viable, beneficial and a good use of the site.

As part of the Regulation 14 consultation, ECC as WPA raised a holding objection to the proposed allocation of Newport Quarry for residential or mixed use, given the conflict with the MLP and WLP. The site is furthermore not allocated for housing within the emerging Uttlesford Local Plan. That said, whilst the restoration (landfill) of the site to original levels would counter that suggested re: the existing lower flat part of the site (as existing) being developed – the importation of material and restoration of the site to former levels would not in any way prejudice a future application for development on this land. Any such application would simply be considered in context of relevant circumstances, context and planning policy by Uttlesford at the time.

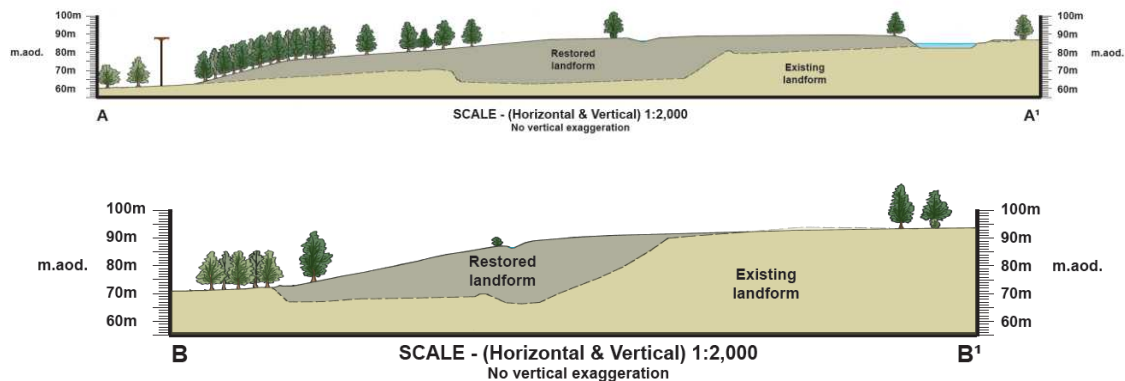
### **B LANDSCAPE**

This application seeks the importation of material to restore the existing quarry to near former levels. With regard to this, the application red line includes the restored south-west corner of the site, which is not included in the WLP allocation.

The issues and opportunities identified with the WLP for the site include careful consideration of the environmental and visual impacts, particularly if a proposal relates to already restored areas.

Whilst not formally stated as part of the application details, it is presumed on review of the existing site levels, that phase one (as per the previous drawings in this report) has been included and proposed to be raised further to avoid a particularly steep gradient/interchange of the restored profile. The highest part of the site as existing (south-east corner) is 95m AOD with the lowest part of the site (along the western boundary) 60m AOD. As existing phase one slopes up from 60m AOD to 85m AOD on a slight curve. The gradient as existing is relatively gentle between 60 and 80m but then rises significantly to 95m. The restoration profile, proposed as part of this application would see the extent of land at 95m AOD increase and generally land levels slightly higher. That said, the profile proposed has not sought to increase the overall land level (of 95m AOD at its peak) and has been designed to reflect local character in terms of gradient; support the proposed afteruse and features such as the attenuation pond.

Extract from 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018



Policy 10 of the WLP states that proposals for waste management development will only be permitted where it can be demonstrated that the development would not have an unacceptable impact on: the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness; the natural and geological environment; and the character and quality of the area (only criteria relevant to landscape detailed). In respect of landraising (policy 13), proposals must demonstrate that there is a proven significant benefit that outweighs any harm caused; the amount of waste material used to raise the level of the land must be the minimum amount necessary to achieve restoration; and in the case of land remediation and other projects provide significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.

At a district/local level policy S7 of the ULP states the countryside is considered to represent all areas beyond the Green Belt not within a settlement or site boundary. Planning permission in the countryside will only be given to development that needs to take place there or is appropriate to a rural area. Any such development should protect or enhance the character of the countryside. Expanding on this policy ENV3 states the loss of traditional open spaces, groups of trees and/or fine individual species as a result of development will not be permitted unless the need for the development outweighs the impact/harm. With policy ENV8 seeking to afford protection to other landscape elements including hedgerows, woodlands, semi-natural grasslands and ponds for example. The above policy positions are replicated in the emerging ULP-19 with policy SP10 relating to the protection of the countryside, SP12 covering a range of issues including retaining and enhancing the character, appearance and setting of area, D1 which (although principally built form focussed) relates to design and responding to landscape, local and longer-views and the natural and historic environment and C1 which relates to the protection of landscape character stating, amongst other things, development should preserve and enhance landscape pattern and structure of woodland areas, hedgerows and individual trees; and preserve and enhance historic landscape character of field patterns and sizes.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application. This identifies that at a national level, the site forms part of the South Suffolk and North Essex Clayland character area (profile 86). Key characteristics of the area, relevant to this site, are suggested as: (paraphrased) undulating chalky boulder clay plateau, dissected by numerous river valleys, giving a topography of gentle slopes in the lower wider valleys and steeper slopes in the narrower upper parts; soils of a calcareous character; south-east flowing streams and rivers drain the clay plateau with watercourse winding slowly across flood plains; lowland wood pasture, ancient woodland and large, often ancient, hedgerows link woods and copses; predominate arable agricultural landscape with irregular field patterns; and a strong network of public rights of way.

Moving to a county level, the site lies on the edge of the Central Essex Farmlands (B1) and Cam River Valley (C1) character areas. Key characteristics of Central Essex Farmlands, are suggested, to include: irregular field patterns of mainly medium sized arable fields marked with hedgerows and ditches; small woods and copses; network of narrow widening lanes and mostly tranquil character away from major roads and Stansted Airport. The condition of hedgerows and woodlands, in the character area, are considered moderate overall; localised erosion of character has taken place due to sand and gravel working; and some modern planting around farmsteads has taken place. The sensitive to mineral extraction/waste disposal is deemed moderate.

Key characteristics of the Cam River Valley character area are suggested to include broad valleys, rolling valley sides in the north, gentler slopes to the south and predominately large scale, open arable farmland. The condition of some hedgerows on valley sides in the character area is noted as poor due to lack of management and farming practices and also gravel workings, chalk pits, pylons and the M11 create some localised visual intrusions in the landscape. Similarly the sensitivity to development is deemed moderate.

At a district level, the site in the majority lies within the LCA A1 Cam River Valley character area, with the eastern part of the site forming part of the LCA B7 Debden Farmland Plateau. Without seeking to repeat key characteristics, which largely follow the above, the proposed strategy objective for the Cam River Valley is one of conservation. With suggested landscape planning guidelines including conserving and enhancing the landscape setting of settlements; maintaining cross-valley views; considering the landscape pattern and structure of large woodland area and the role that they have in the composition of views; and ensuring that new woodland planting is designed to enhance landscape character and that species composition reflects local character. For Debden Farmland again the strategy objective is conservation albeit management guidelines state conserving historic lands and unimproved roadside verges; and establishing arable field margins as important nature conservation habitats.

The LVIA submitted in support of this application seeks to suggest that the existing baseline conditions of the site as a working quarry provide a negative contribution to landscape character. That said, the sites visibility is relatively limited and where the quality of views is such that there are a number of incongruous elements, local people are likely to be indifferent to the view.

The LVIA has not sought to assess that proposed against the existing approved restoration for the quarry. That said the LVIA does assess the impact/landscape effects of the proposed restoration in context of the site as existing i.e. no further operations/development. In this regard, whilst a moderate adverse effect would result throughout the working phases 1-4; the overall site restoration has been assessed to represent a slight beneficial effect (both from a landscape and visual impact perspective). In coming to this opinion it is suggested that the restoration would complement the scale, landform and pattern of the landscape incorporating measures for mitigation to ensure the scheme will be integrated with the surrounding landscape; reduce the visibility of the intrusive nature quarry and its exposed quarry faces resulting in the removal of incongruous or intrusive elements; have beneficial effects on the current level of tranquillity of the landscape; restore existing landscape character and increase biodiversity; and the effect of large area of new species rich calcareous grassland would be relatively soon after completion of the phase.

Once established, the beneficial effect is considered to enhance to moderate on the basis that vegetation would have established to provide new semi natural habitats to increase ecological diversity; and retained geological features would have naturally regenerated providing new habitat diversity for flora and fauna.

The Council's landscape consultant has raised no objection in principle to the development coming forward including the proposed restoration profile, agreeing with the conclusions formed within the submitted LVIA. In respect of the proposed restoration scheme, it is considered that a north/south field alignment pattern would however be more in keeping than that proposed. And, it is recommended that final details (hedgerow mix etc..) of landscaping and planting timetable, as well as final detailed topographical plans, including sections, and proposed planting plans for drainage features proposed and exposed quarry faces be secured by condition.

With regard to management, the Council's consultant furthermore recommends a management plan be secured for a minimum of 25 years. It is considered necessary and appropriate to secure a management plan for the site. However, it is noted that the Council's standard 'aftercare' period is 5 not 25 years. Whilst calcareous grassland is a priority habitat, as a WLP rather than MLP allocation, this site was not identified as a flagship site within the Council's Mineral Site Restoration for Biodiversity Supplementary Planning Guidance (June 2016) which is where support for a 25 management plan could be drawn. Whilst the SPG applies to all minerals development, not just that associated with flagship schemes, it is considered that securing a long term management scheme for anything above 5 years might not necessarily comply with relevant tests as a condition and/or obligation in this instance.

The reasons for the suggested long term management, by the Council's landscape (and ecology) consultants are however acknowledged. In the circumstances, without prejudice, should planning permission be granted it is therefore considered that as part of the management plan (aftercare scheme) formally secured for five years, the condition could be worded in such a way to require details (including funding and management) for a longer 25 year period. Whilst in planning terms the management for the additional 20 year would not be enforceable, this would, at least, offer some long term comfort on management and allow longer term

aspirations to be incorporated. On a slightly separate note, in respect of this, the provision of a long term management plan could potentially also unfavourably prejudice future aspirations for part of the site to be developed for housing and/or commercial purposes.

Accordingly, subject to conditions as suggested above being attached to any decision made, it is considered that the development would comply, from a landscape perspective, with policies 10 and 13 of the WLP; policies S7, ENV3 and EN8 of the ULP and policies SP10, SP12, D1 and C1 of the ULP-19.

## C ECOLOGY

Policy S12 of the MLP states that mineral extraction sites, as part of their restoration, shall provide biodiversity gain demonstrating their contribution to priority habitat creation and integration with local ecological networks. Policy 10 of the WLP states proposals should not have an unacceptable impact on the natural environment with policy 13 requiring, in respect of land remediation, a greater environmental value than the previous land use.

Policy GEN7 of the ULP states development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. In the event of identified impact the policy requires measures to mitigate and/or compensate for the and, as appropriate, enhance biodiversity through the creation of appropriate new habitats. This position is reflected in policy EN7 of the ULP-19.

An extended Phase 1 Habitat Survey has been submitted with this application. The conclusions of this is that the development is not anticipated to impact on any surrounding designed and non-designated sites, with the site offering no direct link or impact to any sites within the locality. Expanding on this, it is acknowledged that the proposed development would result in some ecological impact although primarily this would be already heavily disturbed areas and common and widespread habitats which are considered to have a low ecological value. Areas of higher ecological value, such as hedgerows and mosaic habitats, would be retained and enhanced as part of the development.

With regard to protected species, the Habitat Survey does not anticipate that the site supports significant numbers of notable bird species; or that trees on-site have significant bat roosting potential. The presence of reptiles is unknown although in view of the habitat present it is considered likely that some species will be present on site. Noting that post restoration it is suggested that the development would enhance ecological value, to avoid any temporary or short-term impact, a precautionary working methodology is proposed which would include fingertip searches by a qualified ecologist prior to any works taking place in areas where reptiles may exist.

The Council's ecological consultant supports the proposed restoration to chalk grassland. However, questions why material needs to be imported to create this habitat. As suggested by the Council's consultant the extant planning permission

for chalk extraction proposes restoration to chalk grassland at a low level with no importation. This application, and the proposed infilling, however follows the allocation within the WLP – with the site allocated for such purposes to meet the identified need for inert landfill and recycling during the plan period. Whilst it is acknowledged that material does not need to be imported to facilitate restoration to calcareous grassland, the principle of restoring the site to former levels rather than at a low level has been established through the WLP allocation process.

The Council's consultant furthermore raises questions about the inclusion and re-engineering of phase 1 (the area previously considered restored). The Council's consultant makes reference to an ecological survey undertaken in 2016 (to support a variation of condition application pursuant to the chalk extraction permission) in which it is suggested that this area, as existing, supports a good number of grass and flower species and habitat. The consultant raises this as a point of discrepancy rather than an objection to the development or Habitat Survey submitted in support of this application. In the event that planning permission is granted conditions in respect of construction management (ecological protection) and long term management (landscape and ecology) are recommended. See Landscape section for comments on suggested 25 year management period.

It is considered that the restoration of this site would realise a rare opportunity in Essex to create a reasonable sized area of chalk grassland. Whilst it is accepted that the importation of material and landraising in itself is not facilitating this, the profile and features created would support this use long term. Furthermore, the operations subject to suitable safeguarding conditions would not give rise to any significant impacts to habitat and in the long term, through appropriate management, it is considered that the development would result in net biodiversity gain in accordance with relevant policy.

## D HYDROGEOLOGY AND HYDROLOGY

A Hydrogeological Impact Assessment has been submitted with this application. This seeks to suggest that the groundwater within the chalk aquifer at the site flows northwards towards Debden Water and that the River Cam may be hydraulically isolated. There are two public water catchments within 3km of the site, and the site lies within the source protection zones for one of these – albeit ground water is not towards it.

Following assessment of the development proposed and potential impact on surface water flows and water quality, the Assessment submitted concludes no significant effects.

With regard to flood risk and drainage, the site lies entirely within flood zone 1. The railway line that runs to the west of the site acts as a barrier between the site and the River Cam and flood risk zones 2 and 3 associated with this. Flood zones 2 and 3 associated with Debden Water are located around 825m north of the site. In respect of surface water flooding from local/small watercourses risk varies across the site from low to high. The high risk area representing the channel in the western part of the quarry void. Similarly for groundwater flooding, information submitted from Geosmart's Groundwater Flood Risk Map, indicates part of the site and surrounding area are at high risk of groundwater flooding. Across the site, this

risk varies however due to the presence of the quarry void, the base of which extends to a depth which is only just above typical groundwater level elevated groundwater flood risk is associated.

Peak runoff rates/volume for the site, as existing, have been calculated at 3,186m<sup>3</sup> with a runoff rate of 3,324m<sup>3</sup> suggested if the site was restored in accordance with the extant mineral permission in a 1 in 100 year 6 hour event.

The drainage strategy for the site has sought to intercept and attenuate any additional flow, resulting from the development, over and above existing rates (as the lower figure of the above). In this regard, the applicant proposes creation a swale across the site that would act as an interceptor for runoff from the upper part of the site, redirecting runoff to the attenuation lagoon. Runoff from the lower part of the site is proposed to continue to the land westwards, albeit in comparison to existing rates would be reduced as a result of the swale.

No objection to the development coming forward, in respect of this, has been raised by the Environment Agency and/or Lead Local Flood Authority subject to the imposition of conditions. As such, with the aforementioned conditions attached to any decision made it is considered that the development would comply with relevant aspects of policies 10 and 11 of the WLP, policies GEN3 and ENV12 of the ULP and policies S12, ENV10 and ENV11 of the ULP-19.

#### Airport Safeguarding

For completeness, this site is located within the London Stansted safeguarding area. The Airport has been consulted on this application and has raised no objection in principle. A condition with regard to the landscaping/planting of the attenuation pond is however requested in the interests of seeking to prevent the development attracting and/or supporting hazardous waterfowl. The imposition of such a condition is not considered to unduly impact on the ponds flood attenuation function and furthermore with such a condition imposed compliance with policy 10 of the WLP and policies SP11 and SP12 from an airport safeguarding perspective can be ensured.

## **E AMENITY**

Policy 10 of the WLP states waste management development will only be permitted if, amongst other things, it does not give rise to unacceptable impacts on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and/or vibration). Similarly policy GEN4 of the ULP states development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where: a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants; would cause material disturbance or nuisance to occupiers of surrounding properties. With policy ENV11 specifically relating to noise and noise generating development.

In terms of the ULP-19, policy EN14 relates to pollutants, policy EN15 relates to air quality and EN17 relates to noise sensitive development.

## Noise

The National Planning Practice Guidance in respect of noise suggests that MPAs should aim to establish noise limits, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with the extant permission for chalk extraction (as per application ref: ESS/32/17/UTT). The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays. And, in principle no concerns are therefore raised to these.

With regard to potential noise impact, the applicant has undertaken a noise assessment, which has sought to establish background noise levels at nearby sensitive locations. The levels evidenced are provided below, with a proposed maximum working limit to comply with that suggested in the NPPG:

<b>Location</b>	<b>Background Noise Level (dB LA90) - Weekday</b>	<b>Background Noise Level (dB LA90) - Saturday</b>	<b>Proposed Freefield Working Limit (dB LAeq, 1hr)</b>
<b>Chalk Farm</b>	47	42	55
<b>Properties along Debden Road</b>	41	41	51
<b>Bowker Close</b>	53	53	55

The Council's noise consultant in view of the above has raised no objection, considering that subject to the imposition of appropriate noise limits by way of condition that the development should not give rise to significant noise nuisance.

With regard to this, noting the difference in background noise level between a weekday and Saturday at Chalk Farm, it has however been suggested/recommended that the lower figure be used and the freefield working limit imposed at Chalk Farm of 52dB LAeq,1hr. The Council's consultant considers this to be an more appropriate limit, given the Saturday background level, and operationally as the submitted noise assessment predicts a normal working level of 47dB(A) the operator still has a +5dB(A) flex. Taking this advice on board, subject to the imposition of an appropriate worded condition and the requirement for routine monitoring no objection on noise grounds is raised to the development

coming forward.

### Air Quality

An air quality assessment has been submitted with this application which acknowledges that the proposal has the potential to cause air quality impacts at sensitive locations in the vicinity of the site, as a result of fugitive dust and vehicle exhaust emissions. With regard to fugitive dust there are two potential impacts:

- Fine particulars, caused by PM<sub>10</sub> (particulate matter with an aerodynamic diameter of less than 10 micrometres) which can remain suspended in air for long periods and are fine enough to be inhaled and therefore have potential to cause health effects; and
- Larger particles of dust, visible to the naked eye, which although not causing health effects, may cause soiling/staining on window ledges, cars, laundry etc...

Guidance on the Assessment of Mineral Dust Impacts for Planning v1.1 produced by the Institute of Air Quality Management (2016) states that if the long term background PM<sub>10</sub> concentration levels is than 17µg/m<sup>3</sup> then there is little risk that emission from a mineral extraction facility would lead to exceedances of relevant Area Quality Objective at the locations of relevant. Noting, background PM<sub>10</sub> levels in this area are 15.25µg/m<sup>3</sup>, the impact to human health is predicted, within the assessment submitted, to be negligible.

In terms of larger particulates, only one property is identified as having a moderately effective pathway for potential impact (The Old Kiora – some 75m from the site), In context of the operations and distance from the site, subject to good working practices the dust impact risk is however considered low with only a slight magnitude of impact.

The Council's air quality consultant agrees with the aforementioned conclusions and as such has raised no objection to the development. It has been recommended that dust management plan be secured by condition and as such with an appropriately worded condition attached to any decision made it is considered that the development would comply with the aforementioned policies from an air quality perspective.

## F TRANSPORT

Access to the site is proposed from the existing access to chalk pit, off the road which leads to Widdington from the B1383 (London Road). Widdington Road is a country lane which crosses over the railway line on a bridge, having a carriageway width of approximately 6m between the site access and B1383, except at the railway bridge where the carriageway narrows to 5m. The Transport Statement submitted in support of the application acknowledges that although Widdington Road is a local access road to Widdington, the road (as existing) functions as a HGV access route to Saffron Walden which avoids the low railway bridge in Newport.

The applicant has suggested that all HGVs would be expected to arrive and depart from the site access from/to the west (and the B1383). In terms of vehicle

movements, it is proposed that there would be a maximum of 80 HGV movements a day (40 in and 40 out). However, an annual average of 54 movements (27 in and 27 out) is suggested as more representative of that likely to result day to day. The above average having being calculated on the basis of 275 operational days per year; 150,000 tonnes being imported per year; and a 20 tonne average vehicle payload.

Turning this into a daily count, noting the proposed hours of operation, the below provides a breakdown of movements<sup>3</sup> (Monday and Friday) including expected movements during both AM (08:00-09:00) and PM (17:00-18:00) peaks:

<b>Period</b>	<b>HGV movements</b>	<b>Light Vehicle movements</b>
<b>Daily (Mon – Fri)</b>	54 (80)	6 (9)
<b>AM peak</b>	6 (8)	0 (1)
<b>PM peak</b>	1 (2)	3 (4)

The Transport Statement in respect of this, and traffic surveys undertaken on nearby roads, suggests that the (maximum amount of) vehicle movements resulting from this development would result in a 1.9% increase in overall traffic on the B1383 (6.2% increase if HGVs are considered in isolation).

Noting that this application proposes use of an existing access associated with a mineral site, frequently used by HGVs, no principle objection from an accessibility point of view is raised by the Highway Authority. That said it has been recommended that a financial contribution be secured, should planning permission be granted, to potentially fund a formal priority working over the bridge on Widdington Road. This (the requirement for additional traffic management) was noted as a potential issue within the WLP allocation and it is therefore considered that any such requirement for a financial contribution would be supported by policy.

On the basis that the bridge is however owned by Network Rail the Highway Authority acknowledge that any potential works to this would be subject to their approval. Therefore, in securing any such contribution it is considered appropriate to word any such legal obligation in a way that ensures unused/unspent funds after five years or sooner, in the event that Network Rail formally seek to issue a direction prohibiting any such works, are returned back to the applicant. This approach has been agreed with the Highway Authority.

Overall, in context of the above, it is not considered that the level of activity proposed (vehicle movements) would fundamentally result in unacceptable impacts on the efficient and effective operation of the road network, including safety and capacity, local amenity and the environment. Subject to suitable conditions limiting the maximum number of HGV movements per day; securing a routeing agreement; construction management plan; the prevention of mud and debris being deposited onto the highway; and a legal agreement to secure the financial contribution towards the potential implementation of a priority working over the bridge, it is therefore considered that the development would comply with the relevant highway aspects of policies 10 and 12 of the WLP, policy GEN 1 of the ULP and policies

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<sup>3</sup> Main figure is an average with the bracketed figure representing the suggested maximum

SP12 and TA1 of the ULP-19.

## 7. CONCLUSION

As an allocated site within the Essex and Southend-on-Sea Waste Local Plan (2017) for both inert landfill and inert recycling no in-principle objection is raised to this development coming forward.

That said, it is noted that more (quantity) material, a more intense recycling operation and a longer timeframe to restore the site/complete the development is proposed as part of this application. In consideration of this, and relevant policy, it is however considered that operationally the importation of additional material and longer time frame would not fundamentally conflict with relevant stipulations of the development plan and/or give rise to undue impacts.

It is considered that the proposed restoration profile would be in keeping with the locality and, upon completion, give rise to benefits from both a landscape resource and character and visual amenity perspective. Proposed features, enhancements and management would ensure no undue impact on ecology, water quality and/or flood risk and with appropriate conditions attached to control the overall intensity and nature of operations it is not considered that the development would result in significant or unsustainable impacts from an amenity or transport perspective.

Accordingly it is considered that the proposal represent sustainable development, as per the definition with the NPPF, and it is recommended that planning permission be granted subject to conditions and legal agreement.

## 8. RECOMMENDED

That:

Subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked from the date of this recommendation but subject to conditions/limitations of use) to fund the design and implementation of a traffic management scheme in the vicinity of the site;

planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no.1425/S/1 v2, dated 25/10/2018;

'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom', drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturday

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

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

80 movements (40 in and 40 out) per day (Monday to Friday); and  
40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

*\* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

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

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

*Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has

been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

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

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

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

10. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4

inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

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

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

*Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:
- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
  - The proposed location of the site office and weighbridge during operations;
  - The proposed detail/specification of any wheel and underbody vehicle washing facilities;
  - A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
  - Risk assessment of potentially damaging activities;

- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

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

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

20. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

*Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste*

*Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

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

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

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

*Reason: To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in*

*the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

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

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

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

Authority no less than annually, in accordance with the timetable contained within the approved scheme.

- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

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

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

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

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and polices SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

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

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

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and polices SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

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

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward

over long term);

- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

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

*Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

*Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

*Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 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**

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**

UTTLESFORD – Stansted

## **5. ENVIRONMENTAL IMPACTS**

5.1 A number of specialist consultant reports have been commissioned to review the working design and whether this would give rise to any unacceptable environmental impacts. The conclusions of the reports are set out below.

### **Landscape**

The existing bunds do provide adequate screening but there are still some limited views into the site due to the elevated nature of the valley which the village of Newport sits on. Upon completion of the proposed restoration scheme, and once the new planting has fully established there will be moderate improvements to the landscape with the visual intrusion of the quarry significantly reduced.

### **Ecology**

The site has a very low ecological footprint as the area has been quarried to various levels and is significantly disturbed. The surrounding areas of hedge and woodland have greater interest but as none of these areas will be disturbed there will be little impact. At completion the land is restored to calcareous grassland so there will be no residual impacts with an overall gain in biodiversity and new habitats.

### **Water**

Whilst there are areas of historic landfilling in the locality, the excavation will be sealed by clay lining so there is no risk of any poor quality water entering the site. Furthermore, it

is proposed to work the site dry and therefore there is no risk of contaminating groundwater. The site lies within Flood Zone 1, which has the lowest probability of flooding, but it is accepted that there is a higher risk of groundwater flooding in the western area of the site. However, the proposed reclamation operations will slowly raise the ground levels back above typical groundwater levels, which will reduce the risk of groundwater flooding. Once fully restored, a swale and attenuation pond as well as exposed geological faces will provide good natural drainage.

### **Noise**

There are existing high background noise levels from the M11 motorway and railway line both situated to the west of the application site. Whilst the proposed development will create noise through the plant and machinery it will be contained as operations are undertaken on a below ground platform and will not go above recognised criteria or be noticeable locally.

### **Air Quality**

The site does not sit within an Air Quality Management Zone and given the low level of activity there will be no significant impacts in terms of air quality from traffic or dust. Furthermore, the proposed development provides a long-term solution for the site and once restored will not increase levels of dust or traffic.

### **Traffic**

The level of vehicle movements generated by the site have been assessed with a modest increase of HGV traffic on the B1383 south of the site if all traffic approaches and leaves the site from the south. Clearly, if some material arrives from the north, through Newport, the HGV additional percentage will reduce. It should be noted that the assessment is based on the maximum number of vehicles per day that may be generated and is therefore a worst-case scenario which makes the traffic assessment robust.

### **Archaeology**

As the application area is an active chalk quarry and therefore already disturbed, there is no requirement for an archaeological assessment as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for archaeological significance.

### **Agriculture**

Similarly to the archaeological assessment, as this site is an active quarry and therefore already disturbed, there is no requirement for an agricultural/agronomist report as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for agricultural significance or soil quality.