

Development and Regulation Committee

10:30	Friday, 24 July 2015	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 3

Membership:

Councillor R Boyce
Councillor J Abbott
Councillor J Aldridge
Councillor K Bobbin
Councillor M Ellis
Councillor C Guglielmi
Councillor J Jowers
Councillor J Lodge
Councillor M Mackrory
Councillor Lady P Newton
Councillor J Reeves
Councillor S Walsh

Chairman

For information about the meeting please ask for:

Matthew Waldie, Committee Officer

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Essex County Council

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Part 1

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

	Pages
1 Apologies and Substitution Notices Clerk to report receipt (if any)	
2 Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3 Minutes To approve the minutes of the meeting held on 26 June 2015.	7 - 10
4 Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5 Minerals and Waste	
5a Colemans Farm, Rivenhall To consider report DR/21/1, relating to the extraction of an estimated 2.5 million tonnes of sand and gravel together with the provision of a new access from Little Braxted Lane; and the installation/construction and operation of primary processing and ancillary facilities comprising washing and bagging plant, silt lagoons, weighbridge, site management office, mess room and maintenance workshop; with restoration to agriculture and water based nature conservation habitats, on land at Colemans Farm, Little Braxted Lane, Rivenhall, Witham, Essex, CM8 3EX Reference: ESS/39/14/BTE.	11 - 72
5b Martells Quarry, Ardleigh To consider report DR/22/15, relating to an application to enable the importation of materials from time to time to meet product imbalances and to offer a fuller product portfolio to customers without compliance with Condition 7 (Importation Restriction) of planning permission ESS/46/14/TEN on land at Martells Quarry, Slough Lane, Ardleigh. Reference: ESS/23/15/TEN	73 - 82

6 Information Item

6a Applications, Enforcement and Appeals Statistics 83 - 84

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

DR/23/15

7 Date of Next Meeting

To note that the next meeting will be held on Friday 25 September 2015 at 10.30am. Committee Room 1, County Hall.

8 Urgent Business

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

Exempt Items

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

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

9 Urgent Exempt Business

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

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

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 26 JUNE 2015

Present

Cllr R Boyce (Chairman)	Cllr J Jowers
Cllr J Abbott	Cllr J Lodge
Cllr J Aldridge	Cllr Lady Newton
Cllr K Bobbin	Cllr C Seagers
Cllr M Ellis	Cllr S Walsh
Cllr I Grundy	

1. Apologies and Substitution Notices

Apologies were received from Cllr C Guglielmi (substituted by Cllr I Grundy), Cllr M Mackrory and Cllr J Reeves (substituted by Cllr C Seagers).

2. Declarations of Interest

Cllr Abbott declared a personal interest in agenda item 5a, in respect of Bradwell Quarry, as a member of Braintree District Council and Rivenhall Parish Council, both of which have made submissions.

Cllr Jowers declared a personal interest in agenda item 5a, in respect of Bradwell Quarry, as a former Cabinet Member for Planning, who had been responsible for the Waste Plan.

Cllr Lady Newton also declared a personal interest in agenda item 5a, in respect of Bradwell Quarry, as the portfolio holder for Housing and Planning at Braintree District Council, which had made a submission.

3. Minutes

The Minutes and Addendum of the Committee held on 22 May 2015 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

There were none identified.

5. Bradwell Quarry, Bradwell, Chelmsford

The Committee considered report DR/18/15 by the Director for Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need
- Traffic, highways and public rights of way
- Landscape impact, visual impact and restoration
- Water environment
- Local amenity
- Historic environment
- Social impacts.

In response to questions raised by Members, it was noted:

- That there was no request for compounds or access from Woodhouse Lane in the original application, but the Committee could only respond to what was being applied for at the time
- The internal track was used by dump trucks and normally would still be usable by other traffic; but in the winter, when it was very wet, it was likely to become impassable to light vehicles on occasion. Hence the need for the Woodhouse Lane access
- Woodhouse Lane did share Kelvedon 8 Footpath for about 300 metres, with no physical separation or signage. Neither the Ramblers Association nor officers in County Footpaths had objected to this situation, but signage at the crossing points with the lane would be conditioned
- With regard to a time limit on the use of the Lane in this way, Compound B would have to be removed within one month of the cessation of earthworks
- It would not be possible to split the decision, by for instance granting permission for the compounds but not the access; the Committee would have to consider what had been applied for
- The Highway Authority based its view on safety aspects, particularly the volume of traffic relative to the road itself. Although it acknowledged that the road became narrow along the lane, it believed the traffic likely to use this on a daily basis was not too heavy. No assessment had been made of this previously, as access had not been sought in the original application

One further point was made by a Member:

- Looking to the future, this raised the issue of how terms such as “minerals operations traffic” could be defined, as in this case a vehicle as large as a fuel tanker was not included in this category.

A Member proposed a motion to refuse the resolution, but this was not seconded, and so the motion failed.

The original resolution, including the amendments set out in the Appendix, was proposed and seconded. Following a vote of nine in favour and one against, it was

Resolved

That planning permission be **granted** subject to conditions relating to the following matters:

1. Comm 1 commencement
2. COMM3 Compliance with submitted details
3. CESS2 Cessation of development upon completion of ESS/24/14/BTE
4. CESS3 Removal of ancillary development
5. HOUR2 Hours of working
Monday to Friday 7am to 6:30pm, Saturday 7am to 1pm
With no working at all on Saturday afternoon, Sunday, Bank and Public Holidays
6. HIGH 2 – Vehicular access
7. HIGH 4 Prevention of mud and debris on highway
8. HIGH 5 Vehicle movements limits
9. HIGH7 Pedestrian/PROW Signage
10. NSE1 Noise Limits
11. NSE3 Monitoring Noise Levels
12. NSE5 White noise alarms
13. NSE6 Silencing of Plant and Machinery
14. LGHT1 Fixed Lighting Restriction
15. LGHT2 Use of Lighting Restriction
16. DUST3 Spraying of Haul Road
17. POLL4 Fuel/Chemical Storage
18. POLL8 Prevention of plant and machinery pollution
19. BESPOKE – Only HGV movements associated with the delivery of fuels and oils and delivery/removal of waste skips shall access the site via Woodhouse Lane. No other HGVs shall access the site via Woodhouse Lane, in particular there shall be no delivery of plant and machinery by HGV or low loader via Woodhouse Lane and no traffic associated with the movement of minerals.
20. HIGH7 - Pedestrian/PROW Signage

Appeal Update

6. Little Warley Hall Farm

The Committee considered report DR/47/14 by the Director of Operations: Environment and Economy.

Members were informed that the appeal against the Committee's refusal to grant planning permission had been dismissed by the Inspector.

The Committee **NOTED** the report.

7. Statistics

The Committee considered report DR/20/15, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report

8. Date and time of Next Meeting

The Committee noted that the next meeting will be held on Friday 24 July 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.24 am.

Chairman

DR/21/15

committee DEVELOPMENT & REGULATION

date 24 July 2015

MINERALS AND WASTE DEVELOPMENT

Proposal: Extraction of an estimated 2.5 million tonnes of sand and gravel together with the provision of a new access from Little Braxted Lane; and the installation/construction and operation of primary processing and ancillary facilities comprising washing and bagging plant, silt lagoons, weighbridge, site management office, mess room and maintenance workshop; with restoration to agriculture and water based nature conservation habitats.

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

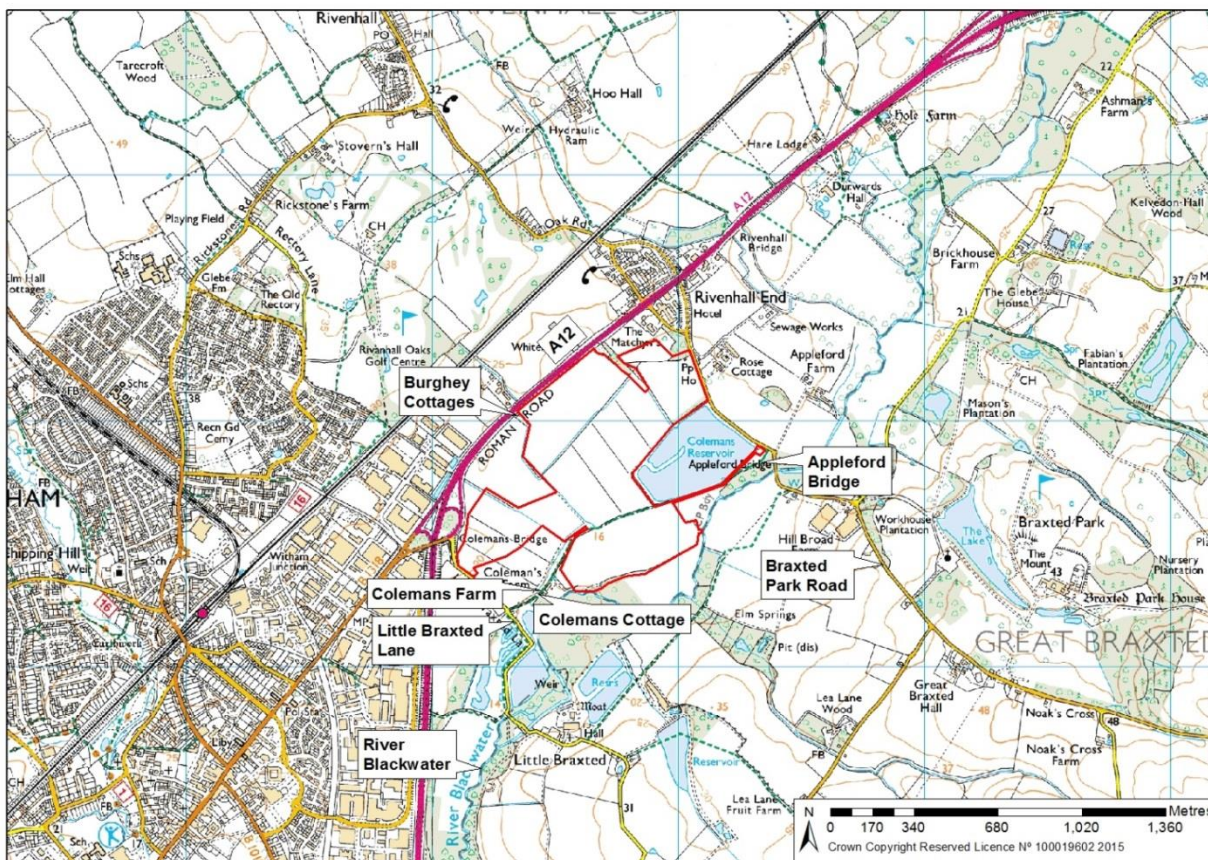
Ref: ESS/39/14/BTE.

Applicant: Brice Aggregates.

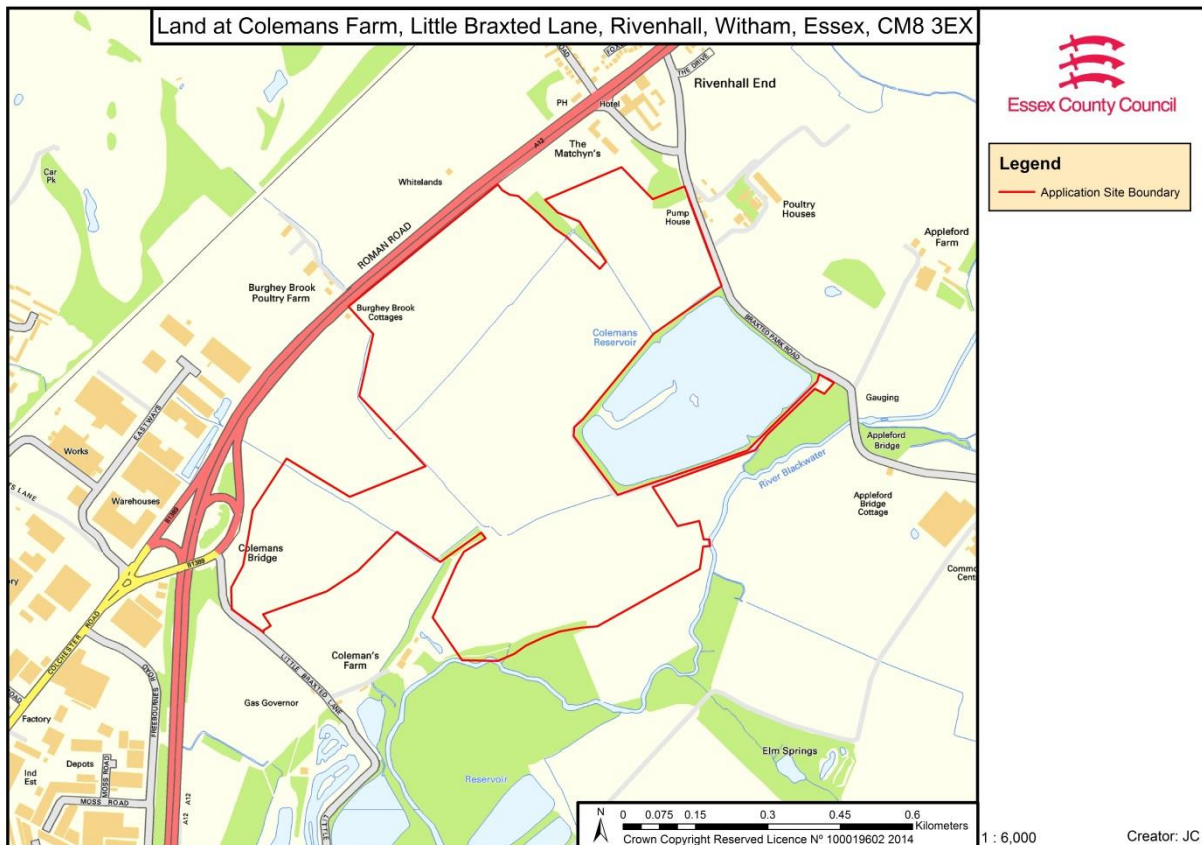
Report by Director of Operations, Environment and Economy

Enquiries to: Ms. Gráinne O'Keeffe Tel: 03330133055

The full application can be viewed at www.essex.gov.uk/viewplanning



Site Location Map



Site Plan

1. SITE

The application site is broadly identified as a preferred site for primary mineral extraction in the Adopted Essex Minerals Local Plan 2014. There are differences between the application site and preferred site boundaries, which will be explained further in the report.

The 55.3ha application site is located south-east of the town of Witham. The site is bounded to the north-west by the A12 trunk road, to the east by Braxted Park Road and to the south west by Little Braxted Lane.

The land is currently mainly in arable agricultural use. Around half of the site has been analysed as Agricultural Land Classification Grade 3a, which is 'best and most versatile' land.

The River Blackwater is located to the south. The application site is within 10 km of the Blackwater Estuary SPA, SAC, Ramsar and SSSI.

Bridleway 29 (Rivenhall) cuts through the application site from Little Braxted Lane to Braxted Park Road and would require either temporary or permanent diversion.

Little Braxted Lane is identified as a footpath/cycleway in the Local Plan.

The nearest residential properties to the site are Coleman's Farmhouse, located approximately 250m east of the proposed extraction area and Coleman's Cottage

beyond that; Burghay Brook Cottages, located approximately 100m north of the proposed extraction area; and properties at Rivenhall End, located over 100m from the proposed extraction area and mainly north of the A12.

Gas mains cross the proposed site access, run alongside the western boundary and approximately the route of Bridleway 29.

The proposal has been advertised as potentially affecting the setting of the following heritage assets:

- Little Braxted Mill and Mill House including attached Mill Bridge (Grade II);
- Summer House south west angle of wall at Little Braxted Hall (Grade II);
- Garden Wall attached to the west of Little Braxted Hall (Grade II);
- Little Braxted Hall and railings enclosing front garden (Grade II);
- Church of St Nicholas (Grade I);
- Monument 8m west of the porch of Church of St Nicholas (Grade II);
- Kitchen/Dovecote approximately 100m north of Little Braxted Hall (Grade II*);
- Appleford Bridge (Grade II);
- Appleford Bridge Cottage (Grade II);
- Witham Lodge and Entrance Gates (Grade II); and
- The Grade II* Registered Park and associated listed buildings/structures at Braxted Park.

2. PROPOSAL

The application is for the extraction of 2.5 million tonnes of sand and gravel from a 34.6ha extraction area. Extraction would take 17 years at a rate of 150,000 tonnes per annum, followed by a further year for restoration. A 25 year aftercare period is proposed.

Extraction would take place in 12 phases, with the new access onto Little Braxted Lane, haul road, main plant site area and lagoon complex to be constructed first.

It is proposed that the site would be restored to arable agriculture and water-based nature conservation habitats utilising indigenous materials.

Vehicular access/egress is proposed via either a new purpose built access off Little Braxted Lane, or via the infrequent use of an alternative access off Braxted Road.

A primary processing plant, bagging plant and ancillary facilities including a weighbridge, site office and access are proposed in the south west section of the site.

Proposed hours of operation are as follows:

- 0700 – 1800 hours Monday to Friday
- 0700 – 1300 hours Saturdays
- No working on Sundays or Bank/Public Holidays.

The application is subject to mandatory EIA since it qualifies as a Schedule 1

project under the Environmental Impact Assessment Regulations. An Environmental Statement has been submitted with the application.

3. POLICIES

The following policies of the

- Essex Minerals Local Plan (MLP), Adopted July 2014;
- Braintree Core Strategy (BCS), Adopted September 2011;
- Braintree Site Allocations and Development Management Plan, as amended by further changes (ADMP), September 2014; and
- Braintree District Local Plan Review (BDLP), Adopted July 2005 (saved policies only),

provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>MLP</u>	<u>BCS</u> <u>ADMP</u>	<u>BDLP</u>
Presumption in favour of sustainable development	S1	ADM1	
Strategic priorities for minerals development	S2		
Climate change	S3		
Provision for sand and gravel extraction	S6		
Protecting and enhancing the environment and local amenity	S10		
Access and transportation/ Sustainable access for all	S11	ADM45	
Minerals site restoration and after-use	S12		
Preferred and reserve sites for sand and gravel extraction	P1		
Development management criteria	DM1		
Planning conditions and legal agreements	DM2		
Primary processing plant	DM3		
Secondary processing plant	DM4		
The countryside		CS5	

Retailing and Town Centre Regeneration		CS6	
Natural environment and biodiversity		CS8	
Built and historic environment		CS9	
Health and wellbeing impact assessment		ADM43a	
Landscape character		ADM50	
Protection of biodiversity and geodiversity and protected species		ADM51	
Development likely to give rise to pollution, or the risk of pollution		ADM58	RLP62
External lighting		ADM59	RLP65
Layout and design of development		ADM60	RLP90
Industrial and environmental standards			RLP36
Transport assessments			RLP54
Air quality			RLP63
Water quality			RLP72
Landscape features and habitats			RLP80
Trees, woodlands, grasslands and hedgerows			RLP81
Protected species			RLP84
River corridors			RLP86
Alterations and extensions and changes of use to listed buildings, and their settings		ADM 66	RLP100
Ancient monuments and sites of archaeological importance			RLP104
Archaeological evaluation		ADM69	RLP105
Archaeological excavation and monitoring		ADM69	RLP106

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

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

The Essex Minerals Local Plan, Adopted July 2014, and the Braintree Core Strategy, Adopted September 2011, are considered to fall into paragraph 214.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Accordingly, the level of consistency of the policies contained within the Braintree District Local Plan Review, Adopted July 2005, is considered throughout the report, as appropriate.

Paragraph 216 of the NPPF states, in summary, that, from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objection and the degree of consistency to the policies in the NPPF.

In this respect, on 15 September 2014, Braintree District Council issued an Interim Planning Policy Statement relating to the status of their Site Allocations and Development Management Plan (ADMP), which can be viewed here:

http://www.braintree.gov.uk/info/200230/planning_policy .

In summary, the Council does not intend to submit the ADMP to the SoS for examination due to changes in national government policy.

However, the Braintree District Council must maintain a housing land supply and protect sites identified for community use or open space in the interim period while work continues on a new Local Plan.

Braintree District Council believes that the site allocations and policies contained within the Pre-Submission ADMP are based on robust and credible evidence and, accordingly, has adopted the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations.

Additionally, Braintree District Council recently consulted (until 6th March 2015) on the Issues and Scoping stage of a new Local Plan. It is therefore at a very early stage of preparation and should benefit from proportionate weight according to paragraph 216 of the NPPF.

4. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – Objects on the following grounds:

- The site is partly ‘non-preferred’ but has not been justified against MLP Policy S6.
- The processing plant is partly outside of the preferred site boundary, contrary to MLP Policy DM3.
- The character of Little Braxted Lane would be impacted due to widening.
- The use of A12 slip roads and impact on local roads should be considered.
- The restoration plan is insufficiently detailed.
- Loss of agricultural land outside of preferred site boundaries.
- Proposed time period for extraction is inconsistent and should be conditioned.
- Mitigation and management plans should be required for noise, dust, air quality, biodiversity and groundwater impacts.
- Screening of properties in Rivenhall End should be required prior to commencement of development and operations should be restricted to no closer than 150m from those properties.
- The MPA should be satisfied that archaeology, public rights of way, landscape and listed buildings have been adequately considered.

The Environmental Health Officer comments as follows:

- As Braintree District Council is responsible for local air quality management it is required that the air quality is modelled in detail and reference is made to PM 2.5 impact as well as PM10 and detailed dispersion modelling submitted to assess the contribution of the proposed development. The AQ assessment needs to confirm that the increase in traffic particularly HGV traffic movement at the access junction of the site is not significant against existing AQ levels.
- Consideration of noise should take account of the higher level of background noise ‘masking’ provided by the A12 that would not be experienced at more distant properties.
- Noise from water pumps at night should be carefully assessed and mitigated.

MALDON DISTRICT COUNCIL – No objection, subject to conditions relating to:

- Vehicles to leave the site in the direction of the A12;
- Retention of existing vegetation where possible;
- Restoration;
- Access directly from the A12 since the listed bridge would not be suitable for use by heavy vehicles;

The Environmental Health Officer comments as follows:

- Conditions should be imposed relating to monitoring of noise levels and addressing complaints.
- Conditions should be imposed relating to a dust management plan,

monitoring and a process for dealing with complaints.

ENVIRONMENT AGENCY – No objection, subject to conditions relating to:

- Groundwater level monitoring.

HIGHWAYS ENGLAND (Formerly Highways Agency) – No objections based on the transport statement submitted consider the impacts on the strategic road network not to be severely adverse.

HISTORIC ENGLAND – Advises that, in the event that permission is granted, a condition should be imposed requiring the implementation of a detailed mitigation strategy relating to archaeological and palaeoenvironmental remains, in accordance with the recommendations of the County's historic environment advisers.

NATURAL ENGLAND – No objection. In relation to Habitats Regulations Assessment, comments that:

- The proposal is not necessary for the management of the European Site; and,
- The proposal is unlikely to have a significant effect on any European Site, and can therefore be screened out from any requirement for further assessment.

Suggests that the MPA should consider securing measures to enhance the biodiversity of the site from the applicant, welcomes the proposed net gain for biodiversity and welcomes the proposal for the best and most versatile soil resource to be safeguarded with reversion to arable where possible.

ESSEX WILDLIFE TRUST – No comments received.

RSPB – No objection, subject to a condition requiring the implementation of the submitted Ecological Management Plan.

CPRE – Raises the following concerns:

- The river valley is a special landscape area and otters have recolonized the River Blackwater;
- The scale of the development would change the landscape from rural to industrial;
- The tranquillity of the river corridor would be impacted by noise, light and water pollution.
- Flora and fauna would be disturbed;
- Residential amenity would suffer;
- The junction from Little Braxted Lane onto the A12 would be dangerous;
- The A12 is already beyond peak capacity;
- Lorries should be prevented from exiting left towards Little Braxted.
- The use of roads through Witham should be prohibited;
- Retail selling from the site would increase traffic;
- Proposed water bodies have potential to be used for watersports, with

- associated impacts on the area;
- Buildings should be excluded to avoid landscape impact.

Suggests conditions as follows:

- New road layout at the junction with Little Braxted Lane and Braxted Road with the A12, funded by the developer;
- Enhanced Braxted Park Road exit from the site for use by lorried travelling on the A12 towards Chelmsford;
- No quarry traffic through Witham;
- Narrow Little Braxted Lane below the access to ensure lorries don't use it;
- No recreational uses without further planning permission;
- Increase the distance between the quarry and the river in phases 3 and 6;
- Retain a void throughout the life of the quarry to accommodate flood water;
- Ensure levels in the R. Blackwater don't fall due to dewatering;
- Life of quarry to be limited to 10 years;
- No landfill;
- No retail trade;
- No vehicle movements on Saturday afternoons or Sundays;
- Move the bridlepath further from the quarry;
- Provide immediate screening on the A12.

NATIONAL GRID – No objection, subject to an informative requiring the operator to contact National Grid prior to commencing any works in order to agree the necessary safe working practices and stand-offs from the gas pipeline.

BRITISH HORSE SOCIETY – No comments received.

ESSEX BRIDLEWAY ASSOCIATION – Objects to the application due to concerns over the impact on users of the proposed diverted bridleway during the excavation of phases 3-6. Requests that a condition is imposed to require the diverted bridleway to be located further from the excavation area. Disappointed to see that enhancements to rights of way are not proposed. Substantially enhance bridleway provision within the site.

RAMBLERS ASSOCIATION – No comments received.

HIGHWAY AUTHORITY – No objection subject to conditions as follows:

Prior to commencement of development:

1. Site access arrangements for the proposed development off Little Braxted Lane, as shown in principle on David Tucker Associates drawing nos. 15057-02, and 15057-06, to include but not limited to:
 - Visibility splays measuring 4.5m by 70m from the site access in either direction along Little Braxted Lane.
 - A minimum junction radius of 15m on the North West side of the access returned to a minimum carriageway width of 7.3m and appropriate taper to

facilitate the simultaneous entry and exit of HGVs.

- Absolute minimum junction radius on the south east side of the site access to prevent HGVs turning left out of the site access into Little Braxted Lane and to discourage other vehicles from turning left out of the site.
 - Any gates to be set back from the carriageway edge to allow an HGV inadvertently entering Little Braxted Lane to utilise the site access for turning as shown on drawing 15057-07.
2. Highway works shown in principle on David Tucker Associates drawing no. 15057-06 to include but not limited to:
 - The easing of the junction radius on the west side of the junction to ensure that an HGV can turn left onto the B1389 without over-sailing the centre of the B1389.
 - A road width of 7.2 metres between the junction of the B1389 with Little Braxted Road and the site access with Little Braxted Lane.
 3. Prior to commencement of development, highway works off Braxted Road as shown in principle on David Tucker Associates drawing no. 15057-05 to include but not limited to:
 - Visibility splays measuring 4.5m by 215m to the North West and 4.5m by 70m to the south east.
 - Improvements to the junction radii and access width to facilitate the simultaneous entry and exit of HGVs.
 - The removal of vegetation adjacent to Braxted Road to achieve the forward sight stopping distances (SSDs) shown on the drawing.
 4. Prior to commencement of development, a scheme for any necessary amendments to the existing signage and any accompanying traffic orders on Coleman's Bridge (B1029) and between the B1029 and the site access shall be submitted and the approved scheme implemented. The scheme shall include any necessary additional warning/advisory signs, cycleway signs (for Sustrans route 16) and relocation of/or provision of new signs relating to the width and weight restriction on Little Braxted Lane.
 5. Submission and implementation of approved wheel cleaning facilities prior to commencement of development.
 6. Submission and implementation of approved advisory signage for vehicles exiting the site prior to commencement of development.
 7. Submission and implementation of approved lorry routing plan, particularly ensuring that vehicles turn right out of the site onto Little Braxted Lane and only use the Braxted Road access for local deliveries.
 8. No loaded vehicles shall leave the site unsheeted.

9. No unbound material shall be used in the surface treatment of the vehicular access within a minimum of 30m of the highway boundary.

HIGHWAY AUTHORITY (Public Rights of Way) – Comments that the proposed temporarily diverted route of Bridleway 29 (Rivenhall) could be affected by boggy conditions to the south and that a site visit would be required to ascertain this. The proposed permanent route appears acceptable but site inspections would be required towards the expiry of the temporary diversion route. The applicant has been advised that the definitive route is incorrectly shown on the submitted drawings.

COUNTY COUNCIL'S NOISE CONSULTANT – Recommends the submission and approval of a noise monitoring scheme prior to commencement of development to demonstrate compliance and establish existing background noise levels.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – Recommends that a dust management plan is implemented and regularly reviewed.

PLACE SERVICES (Ecology) – No objection subject to:

- Arable land has some intrinsic value as part of a mosaic of farmland habitats and this is reflected in Defra's Biodiversity Offsetting Matrix, which should be conditioned.
- An Ecological Management Plan should include measures to enhance the value of arable farmland for farmland birds.
- A condition requiring a Biodiversity Management Plan, including demonstration that commercial fishing can operate alongside nature conservation.
- A condition requiring the submission of further surveys.
- A condition requiring a Construction Environment Management Plan.
- Notes that otters and water voles have been identified within the area of search of the River Blackwater, although there has been no sign of them. The application proposed further surveys and mitigation in the event that it is necessary to construct a discharge into the River Blackwater.
- Notes that 4 hedgerows would be lost and that gaps are proposed to be minimised as much as possible. The possibility for bat roosts should be monitored over time.
- Notes that 20ha of priority habitat would be achievable and that other habitats are proposed, including an orchard and open water.
- Recommends informatives.

PLACE SERVICES (Trees) – No objection, subject to conditions relating to:

- Tree protection prior to commencement of works or development.

PLACE SERVICES (Landscape) – No objection, subject to conditions relating to:

- The corners of the northern lake to be more gently curving;
- Submission of a detailed restoration plan;
- Specified depths for topsoil and subsoil planting;
- Submission of detailed sections;

- Surfacing of footpaths, tracks and detail of fencing to be specified;
- Submission of a management plan covering 25 years.

PLACE SERVICES (Historic Buildings)

- The original application did not offered a proportionate level of assessment in relation to the impact of the proposed development on built heritage, as required by paragraphs 128 and 135 of the NPPF and therefore a revised assessment was submitted by the applicant on 10/06/2015 and

The Historic Building's Adviser is comfortable now that this meets the criteria required, and offers a clear, reasoned, justified assessment, which complies with the relevant guidance and legislation. Concern remains in relation to the potential impact on Appleford Bridge, which the assessment has assessed will be caused negligible harm by the proposal. However the officer considers this to be a matter of subjective opinion and does not see this as a reason to not accept this assessment and therefore recommend approval subject to the conditions.

Also comments that:

- A condition should be required to ensure no HGV's turn left out of the site along Braxted Lane or to pass through Little Braxted.
- A structural survey of the Grade II Listed Appleford Bridge would be preferred to ensure that the bridge could cope with additional heavy traffic. A figure for the amount of traffic proposed to use this route should be provided.

PLACE SERVICES (Archaeology) – No objection, subject to conditions relating to:

Geoarchaeological:

- A mitigation strategy following the geoarchaeological investigation;
- Completion of geoarchaeological fieldwork prior to commencement of development;
- Submission of a post-excavation assessment.

Archaeological:

- A mitigation strategy following completion of the archaeological strategy;
- Completion of archaeological fieldwork prior to commencement of development;
- Submission of a post-excavation assessment.

ECC PUBLIC HEALTH TEAM – No comments received.

ECC as Lead Local Flood Authority – No objection.

GREAT BRAXTED PARISH COUNCIL – Objects on the following grounds:

- Not sustainable due to lack of demand/market and loss of productive farmland.
- Otters are present in the river.
- No flood risk analysis has been submitted.
- Dust, fumes and noise would affect a wide area.

- Submitted transport plans are deliberately false. Slow moving HGVs and high volume of traffic would be dangerous.
- Contrary to: Policy S11 due to unsuitable access to the main road network; Policy S12 due to proposed restoration time period; and Policy DM1 due to impact on amenity, appearance and landscape.
- Concern over the use of Braxted Lane and Braxted Park Road. The access to the A12 is already hazardous and the situation would be worsened. Concerned over the urbanisation of the rural area and the effect on properties overlooking the site.
- The Scoping Opinion carried out by ECC has failed.
- Conditions should be imposed relating to a time limit of 10 years; a restoration bond; funding of new junctions to the A12; no working between 5pm – 8am and none at weekends; height of buildings/structures to be 5m or less; no retail sales of bagged or loose materials; an agreed transport route; and an annual payment to the local community.

Comment: National Planning guidance dictates that there is no provision for an annual payment to be made to the local community. Planning obligations must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

LITTLE BRAXTED PARISH COUNCIL – Objects on the following grounds:

- The EMP timescales are inconsistent with the application as a whole;
- It is disputed that proposed plants would be local native species;
- Insufficient overburden to create a viable area of agricultural land or the proposed restoration scheme;
- Inconsistencies in the description of agricultural land as ‘high quality’ or ‘sterile’;
- It is believed that ECC has not identified the application site as one of 5 flagship sites for priority habitat;
- There is evidence of otters.
- High importance hedgerows would be destroyed;
- The ecological condition of the river has been incorrectly described as ‘poor’;
- Discharge rates from the site should be limited;
- Concern over access at the inadequate Rivenhall End junction of A12 or the Listed Appleford Bridge;
- A dedicated right hand turn lane should be created due to speed of vehicles at Appleford Bridge;
- An extended sight splay is required at Coleman’s Bridge due to speed of traffic approaching from the A12;
- The proposed turning area at the quarry access is inadequate, no width restriction is shown in Little Braxted Lane and it is not known if it will form part of the public highway;
- Little Braxted Lane is part of the national cycle network so lorry manoeuvres should not be encouraged;
- No HGV route has been proposed;
- There is no proposal for the alleviation of emissions from haulage;

- The views of the Highways Agency must be taken into account due to the proposed widening of the A12 to 3 lanes;
- Concern over dewatering impacts;
- All buildings/structures should be removed on cessation of extraction;
- Excavation should not take place in the identified areas of archaeology;
- Highlights discrepancies within the application documents.

Suggests the following conditions:

- Provision of a restoration bond, as per NPPF exceptional circumstances;
- Time limit of 8-10 years for extraction and restoration;
- Improvements to the A12 southbound entry sliproad at Coleman's Bridge and Rivenhall;
- Improvements to the A12 southbound exit sliproad at Coleman's Bridge;
- No retail sales of loose or bagged aggregate;
- Lorry routeing plan via legal agreement;
- No working between 5pm-8am Monday - Saturday and no working between 12pm Saturday – 8am Monday;
- Financial contribution towards locations on lorry route;
- Agreed planning application for afteruse of lakes;
- Sweeping of Little Braxted Lane and clearing of ditches;
- Presence of ECC Archaeologist when overburden is removed;
- Scheme to ensure additional flood capacity at each stage of development;
- Move the nearest excavations away from the river;
- No dewatering during the summer or during drier months;
- Provision of permissive paths and information signage in perpetuity;
- No lighting above 5m in height within 100m of any residential property;
- No lighting outside of approved working hours;
- Annual financial contribution to a fund administered by Rivenhall and Little Braxted Parish Councils.

RIVENHALL PARISH COUNCIL – Objects to the application on the following grounds:

- Coleman's Farm should not be an allocated site;
- The Little Braxted Lane access would be dangerous and there is a weight restriction over the bridge;
- The width of Little Braxted Lane has been overstated;
- The applicant did not consult with the Highways Agency (Highways England);
- The Braxted Road access would require lorries to either travel over the listed Appleford Bridge or to use the dangerous A12 junction at Rivenhall End;
- The turning area would be dangerous for pedestrians/cyclists on Little Braxted Lane;
- Little Braxted Lane/A12 sight lines would require extensive vegetation removal, which may not be maintained by the Highways Agency;
- An access from the A12 slip road to Little Braxted Lane would be dangerous;
- Birds of prey have not been recorded in the bird survey;

- The proposed widening of the A12 to 6 lanes should be taken into account in the Ecological Management Plan;
- Potential loss of hedgerows along Little Braxted Lane;
- The applicant has confirmed that he has not consulted the Parish Council.

Suggests conditions/legal agreement covering the following matters:

- Oak Road, Rivenhall End, should not be used by HGVs;
- Direct access to the A12 southbound should be funded by the developer;
- A separate crossing of the River Blackwater at Appleford Bridge should be considered for quarry traffic;
- The River Blackwater contains otters. The standoff distance from the river should be increased;
- Harm to the character of the Blackwater Valley landscape – planting should be required from the outset;
- Noise and dust impacts on local residents, particularly Burghey Brook Cottages. Bunding, planting and air quality monitoring should take place;
- Water skiing has been publicly proposed as an afteruse. This should be restricted to quiet recreational activities;
- A restoration bond should be required;
- Flooding, the effect of dewatering and polluted quarry water should be controlled;
- The life of the quarry should be restricted to 10 years;
- All buildings/structures should be removed upon completion;
- There should be no retail sales;
- No importation of waste or soils;
- No vehicle movements outside the hours of 9am-5pm, or on Saturday afternoons, Sundays or Bank Holidays and no on-site working outside the hours of 7am-5pm.
- The bridleway should be moved further from the quarry and additional public access provided;
- Lighting should be minimised and well designed;
- Archaeology should be fully investigated and recorded.

WITHAM TOWN COUNCIL – Objects on the following grounds:

- The Little Braxted Lane/Coleman's Bridge junction would be dangerous. How could it be made safe in all weather conditions? What safety measures are required?
- The Braxted Road access at Appleford Bridge would be dangerous;
- There is a risk of flooding;
- Otters are present in the River Blackwater and a larger standoff distance is required between the quarry and the river;
- Safety of cyclists on the National Cycle Network at Coleman's Bridge;
- Provides accident data for the A12 southbound slip road at J22.

Suggests conditions covering the following matters:

- No vehicle movements during am and pm rush hours;
- A contribution towards the construction of a feeder lane between the A12

- J23 and J22;
- Reservation of sufficient land to enable a 3rd lane expansion of the A12 between J23 and J22;
- Hedging to be planted at the outset;
- No retail trade;
- Any future recreational use to be subject to further planning permission;
- The developer to maintain the visibility splay on Highways Agency land, since the Highways Agency has not maintained it to date;
- An annual contribution towards the maintenance of adjacent highways.

TIPTREE PARISH COUNCIL – Objects to the application. Considers that the proposed daily vehicle numbers are too high. Requests a speed survey for vehicles exiting the A12 as well as consideration of the road incline and the weight of vehicles turning into/out of the site.

LOCAL MEMBER – BRAINTREE – Witham Northern – Comments as follows:

- The site is within the Adopted MLP although it was rejected previously;
- The application site includes land outside of the preferred site boundary;
- The proposed secondary access onto Braxted Road is a departure from the MLP;
- The Little Braxted Lane access would be dangerous, has a 3t weight restriction and does not have footway for its entire length;
- Little Braxted Lane is an ancient lane;
- The turning area for HGVs on Little Braxted Lane would be dangerous for other road users;
- No guarantee that HGVs won't travel beyond the weight restriction as they currently due to Sat Nav direction;
- Retail sales would result in traffic travelling from/to the Little Braxted end;
- The accuracy of the submitted width of Little Braxted Lane is questioned;
- The applicant states that there has been no consultation with the Highways Agency;
- Long, slow-moving vehicles would have to cross fast-moving traffic to access/egress the site;
- The A12 slip roads are already sub-standard;
- Appleford Bridge is listed and one-way working. It has been struck several times in the past;
- There is nothing to stop HGVs going north on Braxted Road to access the A12;
- Braxted Road contains no footway;
- A legal agreement should ensure no quarry traffic enters Rivenhall End via Oak Road or Henry Dixon Road;
- The proposal is not compliant with MLP Policy S11;
- Approach speeds at the Little Braxted Lane junction are incorrect;
- Where does Highways Agency control over the land by Little Braxted Lane end and Highway Authority control begin?
- The character of the Blackwater Valley would be affected;
- Noise and dust impacts on local residents, including cumulative impacts of air pollution from the A12 and the quarry;
- Is the MPA satisfied that a 17 year life of the quarry is required?

- The bridleway should be protected;
- All buildings/structures should be removed upon cessation and the land restored to countryside with no importation of waste;
- Loss of hedgerow habitats, the River Blackwater is home to otters, distance from the river should be assessed in terms of habitats and flooding;
- There should be control over water levels in the River Blackwater and local fishing lakes, as well as pollution from the quarry;
- Lighting should be kept to a minimum and properly designed;
- Hours of operation and timing of vehicle movements should be restricted to minimise amenity impact and avoid peak times on the A12;
- Requests specific assessments of several structures/landscape features within the defined dewatering radius;
- The FRA includes a plan showing the permanent retention of the haul road and car park, which would require separate planning permission;
- The Geoarchaeological Investigation confirms that no attempt was made to systematically sample the deposits being investigated;
- Impact on the Romano-British Little Braxted Lane;
- The identified Bronze Age feature should be protected from quarrying or at least fully excavated;
- There is uncertainty over the dewatering impacts;
- Locally observed bird species have not been identified in the bird surveys;
- The proposed widening of the A12 to 6 lanes should be taken account of;
- An assessment of the net length of hedgerow creation should be undertaken;
- Why is so little woodland proposed?
- Impact on bats through removal of hedgerows.

LOCAL MEMBER – MALDON – Heybridge and Tollesbury – Objects to the application based on the impact on the highway network and concerns around the safety of existing road users of the A12 off slip at Witham.

5. REPRESENTATIONS

123 properties were directly notified of the application. 113 letters of representation have been received. These relate to planning issues covering the matters presented at **Appendix 2**.

6. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Ecological considerations and Habitats Regulations Assessment
- C. Landscape and Visual Impact
- D. Noise & Dust
- E. Traffic & Highways
- F. Pipelines
- G. Water and Flood Risk
- H. Heritage Impact

A NEED AND PRINCIPLE OF DEVELOPMENT

The site is broadly allocated as a preferred site (A46) for mineral extraction within the Essex Minerals Local Plan. The proposal site is approximately 9 hectares (20%) larger than the area allocated within the MLP. The difference between the extent of the preferred site boundary and the proposed development site boundary is illustrated in Map1 below.

Paragraph 144 of the NPPF states that: 'When determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy.'

Policy ADM1 of the Braintree Site Allocations and Development Management Plan support the presumption of sustainable development set outlined in NPPF.

Regardless of boundary, the application proposes the same amount of mineral (2.5mt) as set out within the MLP allocation.

Policy S1 of the MLP states *"Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay unless material considerations indicate otherwise"*

Policy P1 states *"In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven."* And further states *"The Minerals Planning Authority will grant planning permission for sand and gravel workings within the Preferred and Reserved Sites.....subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations"*

The proposed development site outlined in red in the planning application is substantially the same as that delineated in the Preferred site profile map on page 171 of the MLP, but it is larger in area by approximately 9 hectares.

As per Policy P1 and S1 of the MLP, the principle of extraction has been accepted and the need for the release of mineral proven within the preferred site, however as the development site boundary differs from that indicated in the MLP, the difference in the site boundary and extent of additional site area must be assessed in accordance with Policy S6, which resists mineral extraction outside preferred or reserve sites unless the applicant can demonstrate an overriding justification.

The applicant has set out the justification for the proposed site area. The site allocated in the MLP was 46 hectares and the extraction area proposed in the application is 35 hectares within an overall site area of 56 hectares. Of the 9.3 hectare difference, the majority is associated with the proposed ancillary facilities. The applicant's justification is that it would not be possible to maintain a mobile plant in the base of the deposit due to water management constraints and therefore a static plant is required which is best situated outside the geographical extent of mineral deposit.

In respect of the extraction area, although there are some areas where extraction

is proposed outside the preferred area, there are other areas, such as to the east of phases 6 and 7 where extraction is not proposed due to a current understanding of the ecological constraints. The difference in the extraction area is approximately 1.3ha and the difference is because of the understanding of the deposit and context of the site that has developed as part of the applicant's detailed work in support of the planning application.

The applicant states that only extracting mineral from the allocated area would permanently sterilise mineral resource on the periphery that can be worked in an environmentally acceptable and sustainable manner.

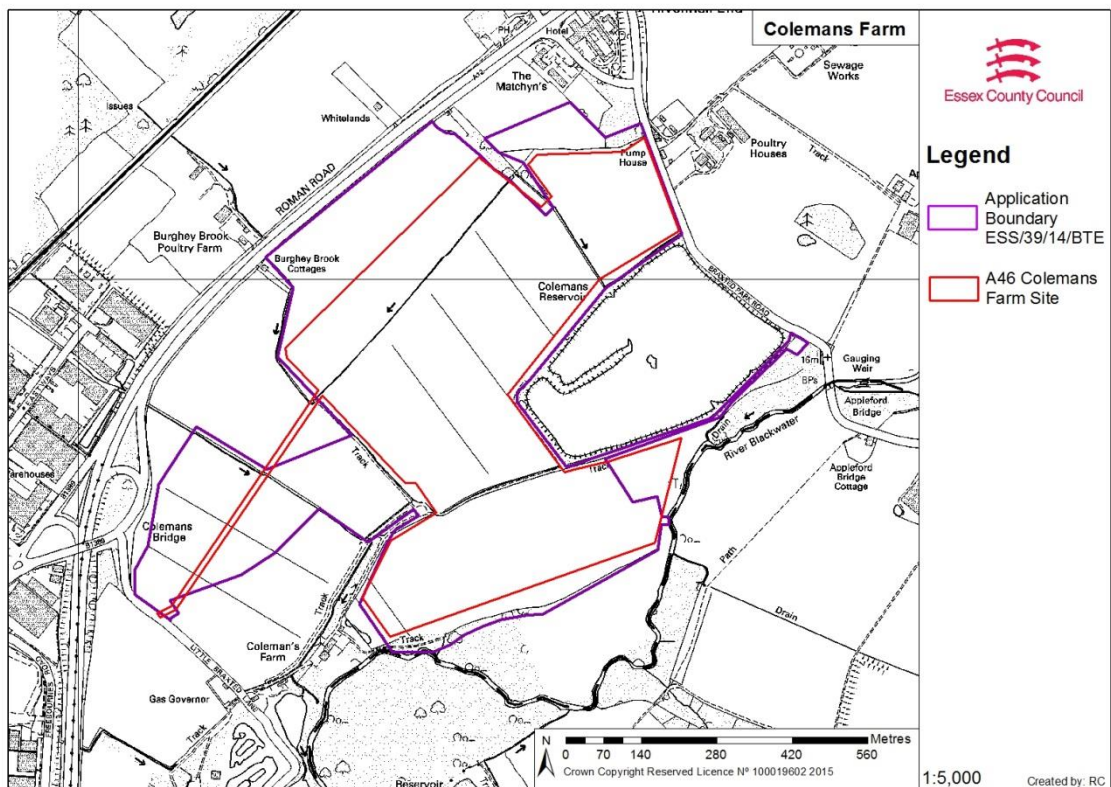
The principle of extraction has been accepted and the need for the release of mineral proven, as set out within MLP Policy P1 (Preferred and Reserve Sites for Sand and Gravel Extraction) and having regard to the extent of mineral extraction proposed outside the preferred area and the fact that the proposed volume of mineral extraction remains the same at 2.5mt, it is considered that the extent of work outside the defined site area is acceptable in accordance with Policy S6.

The primary processing plant is proposed within the site boundary, as advocated by MLP Policy DM3 (Primary Processing Plant). The potential impacts on amenity and the surrounding environment will be considered further in the report.

The site is located outside of the defined boundary of Witham town. Policy CS 5 of the Braintree Core Strategy states *"Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside."* As minerals extraction can only take place where it arises and the site is a preferred site in the MLP, the development is considered to be in accordance with this policy.

The site includes a bagging plant, due to the location of the site outside the defined Witham town boundary, having regard to the retail hierarchy in the NPPF and Policy CS6 of the Braintree Core Strategy, retail sales to the general public would not be in accordance with policy and should therefore be restricted by a condition should permission be granted.

The proposed bagging plant would only be permitted where there would be no unacceptable impact upon amenity, local environment and the road network, as set out in MLP Policy DM4 (Secondary Processing Plant). Such impacts will be considered further in the report.



B ECOLOGICAL CONSIDERATIONS

MLP Site Allocation A46 states that the Blackwater Valley is an important wildlife corridor and that Appropriate Assessment under the Habitats Regulations would be required. It also notes that there is opportunity for significant biodiversity enhancement and habitat creation on site.

Additionally, Essex County Council has identified 5 flagship schemes which will secure the objective of 200ha of Priority Habitat through the Habitat Creation Topic Paper associated with the Essex Minerals Local Plan. Coleman's Farm is one of the sites and would secure 20 ha of Priority Habitat. The information included with the application demonstrates that the 20ha would be achievable. Offsite habitat improvement schemes are proposed as part of the application.

MLP Policy S12 (Mineral site restoration and after-use), in summary, requires that land proposed for development is capable of being restored at the earliest opportunity to beneficial after-uses which positively benefit the environment, biodiversity and/or local communities. It requires that mineral extraction sites provide biodiversity gain following restoration.

In response to the representations received regarding otters, the application acknowledges that otters may well pass through the River Blackwater for foraging; however no otters, otter holts or other otter field signs were identified within the survey area.

The application proposes further surveys and mitigation for water voles and otters in the event that it is necessary to construct a discharge into the River Blackwater. The ECC Ecologist has also recommended further surveys prior to the commencement of each phase, since the development is proposed to take place

over a relatively long time period, during which time ecological presence could alter.

It is noted that the water vole and otter are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, however, in accordance with the ECC Ecologist's recommendation, it is nonetheless considered appropriate to add a condition relating to a requirement for further surveys, in the event that permission is granted.

The application site is located approximately 8km from the Blackwater Estuary SPA, SAC, Ramsar and SSSI. However, the known pathway of the River Blackwater lies adjacent to the site. Therefore, the potential impact of the development on the European site has been assessed.

Natural England has confirmed that there is no requirement for further assessment under Habitats Regulations Assessment. The ECC Ecologist has also confirmed that the submitted 'shadow' HRA is adequate.

Several conditions have been recommended by ECC's Ecologist, together with a 25 year management plan which is proposed to be incorporated into a legal agreement in the event that approval is granted. The applicant is also willing to enter into an obligation for a Habitat Management Group, which would allow ongoing input from relevant wildlife bodies throughout the life of the development.

It is therefore considered that ecology has been appropriately considered and that the proposed development would contribute to biodiversity as required by the Adopted Essex Minerals Local Plan and Policy ADM51 of the Braintree Site Allocations and Development Management Plan.

C LANDSCAPE AND VISUAL IMPACT

The site is located within the Blackwater River Valley Landscape Character Area.

A mineral washing plant is proposed to have a normal capacity of 120,000 tpa and maximum theoretical capacity of 440,000 tpa and a bagging plant would have a normal capacity of 30,000 tpa and maximum theoretical capacity of 44,000 tpa. In reality, the overall output of material exiting the site is proposed to be restricted to 150,000tpa by condition, as per the extraction rate, in the event that permission is granted.

The proposed maximum height of the plant would be 8.2m AOD.

A 40,000-50,000 tonne stockpile is envisaged as being necessary in the vicinity of the feed hopper, which would move around. Stockpile heights are proposed to be restricted to 5m in height by condition in the event that permission is granted.

Topsoils and subsoils originating from the main plant site and lagoon areas would be used to form the initial screening bunds.

It is suggested that there would be a requirement for lighting around the processing area during the winter months for health and safety reasons. No

details have been provided and, as such, it is considered that a condition should be imposed to require details prior to the erection of lighting, in the event that permission is granted.

As per Policy ADM 50 (Landscape Character) Braintree Council will maintain and seek to enhance the locally distinctive characters within the District. The strategic landscape impact of extraction was considered when identifying the site as a 'preferred site' for mineral extraction in the Minerals Local Plan.

It is considered that the proposal would not be detrimental to the distinctive landscape features and habitats of the area or harm the open character, nature conservation importance or recreational importance of the floodplains of the River Blackwater and would therefore be in accordance with policies ADM50, RLP80, RLP81 and RLP84

D NOISE AND DUST

NPPF paragraph 123 states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Policy ADM58 of the Braintree Site Allocations and Development Management Plan states

"Planning permission will only be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smells, fumes, vibration or other similar consequences, when:

Adequate preventative measures have been taken to ensure that any discharged emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment;

Adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment."

Braintree District Council has commented on air quality and noise controls.

The applicant has clarified the assumptions made in relation to the submitted assessments. It is further noted that the County Council's air quality and noise consultants have raised no objection but recommend conditions. Therefore, it is considered that noise and dust have been adequately addressed and is in accordance with Policy ADM 58, RPL36, RPL 62, RPL 63 and RPL 72; subject to the imposition of conditions requiring noise and dust schemes in the event that approval is granted.

E TRAFFIC AND HIGHWAYS

The NPPF states, at paragraph 29, that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Continuing at paragraph 32 it is suggested all decisions should take account of whether: the opportunities for sustainable transport modes have been explored; safe and suitable access can be achieved for all; and if improvements can be undertaken within the transport network to limit any significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

MLP Policy S10 (Protecting and enhancing the environment and local amenity), in summary, requires that applications for minerals development appropriately consider the health, safety, amenity and quality of life of nearby communities. Applications should demonstrate that no unacceptable impacts would arise. The supporting text states that this includes traffic impacts.

MLP Policy S11 (Access and transportation), in summary, permits minerals development where there would be no unacceptable impacts on the efficiency and effective operation of the road network. The road network should be suitable for Heavy Goods Vehicles and the first preference is for access to be onto a suitable existing junction with the main road network via a short section of existing road.

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

BDLP Policy RLP54 (Transport assessments) requires all proposals for major development to be accompanied by a Transport Assessment. The more recent ADMP Policy ADM45 (Sustainable access for all), among other requirements, requires Transport Assessments/Statements to assess the impact of the development in terms of highway safety and capacity.

A Transport Statement has been submitted with the application, in compliance with BDLP Policy RLP54 and ADMP Policy ADM45 and as per the Highway Authority's requirements.

A daily average of 42 movements for vehicles above 3.5t gvw is proposed, with a maximum of 58 movements. The capacity of loaded vehicles is estimated to be an average of 20t and maximum of 32t.

Additionally, it is expected that the site would generate a maximum of 12 movements associated with employees and a maximum of 4 movements associated with visitors on a daily basis.

The application proposes that at least 95% of the traffic generated would use the Little Braxted Lane access. Traffic would not be permitted to turn left out of the site. It is considered that a condition could be imposed to require the erection of directional signage in the event that permission is granted. It is also considered that a lorry routing scheme could be required via legal agreement to ensure that

the Braxted Road access would be used for local deliveries only. The lorry routing scheme could also ensure that no Heavy Good Vehicles would use Oak Road through Rivenhall End.

Appleford Bridge is Grade II Listed but it is noted that there is no weight restriction on the bridge and that the Braxted Road access is proposed to be used minimally.

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

It is noted that the forward visibility splay and junction visibility splay at the junction of Little Braxted Lane with the B1389 (Junction 22 A12) would need to be maintained and that this would require maintenance of vegetation within the splay. This is on land belonging to Highways England and, as such, is outside of the applicant's control. It is therefore considered that a condition relating to this would not meet the relevant tests for imposing planning conditions. However, Highways England has confirmed that it has a duty to maintain the visibility splay.

It is considered that subject to the imposition of conditions and legal obligations summarised the proposals are acceptable in terms of impact on highway safety, capacity and amenity, in compliance with MLP Policies S10 and S11.

Public Rights of Way

ADMP Policy ADM45 (Sustainable access for all) includes the aim of providing for pedestrians through safeguarding and enhancing the existing Public Rights of Way network.

Bridleway 29 would need to be temporarily diverted to accommodate the development during operations and then permanently diverted around the proposed water feature.

It is noted that the Public Rights of Way team has raised no objection to the proposals. An informative could be attached to the planning decision to advise the applicant of the procedure to follow for the proposed temporary and permanent diversions.

The applicant has suggested that additional permissive paths could be accommodated into the restoration scheme. It is considered that such paths could be incorporated into a condition, in the event that permission is granted. Such permissive paths would be considered to 'enhance' the existing public right of way network, in compliance with ADMP Policy ADM45.

Little Braxted Lane is a designated cycleway according to the Local Plan Proposals Map. As outlined previously in the report, the Highway Authority has

requested a condition relating to signage of the cycle route, which it is considered could be reasonably required in the event of approval.

F PIPELINES

As noted previously in the report, a high pressure gas pipeline is located within the application site.

National Grid has recommend that and informative is attached to any planning permission granted requiring the operator to contact National Grid prior to commencing any works in order to agree the necessary safe working practices and stand-offs from the gas pipeline.

It is considered that such an informative could be attached in the event the approval is granted. There is therefore considered to be no reason to withhold permission on the basis of the presence of the gas pipeline.

G WATER AND FLOOD RISK

The southern end of the site is located within Flood Risk Zones 2 and 3. A site specific Flood Risk Assessment, as required by the NPPF, was therefore submitted in support of the planning application.

MLP Site Allocation A46 states that the site promoter should liaise with the Environment Agency to discuss possible arrangements for water abstraction; that a Flood Risk Assessment should accompany any application; that prior consent would be required from the Environment Agency for the diversion or modification of any ditches or watercourses; and that a full hydrological and hydro-geological assessment would be required with any application.

One of the water bodies (the northern one) is proposed as a fishing lake. The applicant suggests that the detail could be required through a suitably worded planning condition. However, it is considered that this type of afteruse would not be something which the MPA could control. This therefore would need to be the subject to further planning application should a recreation use be desired.

The site lies within the catchment of the River Blackwater. Two 'ordinary watercourses' (Burghey Brook and unnamed) cross the site from the northwest to the southeast where they join the River Blackwater.

Coleman's Reservoir is located to the immediate east, a smaller waterbody is located to the northwest of the reservoir and an ornamental pond is located to the east of Coleman's Farm.

The River Blackwater floodplain impinges onto the southern boundary of the site.

The groundwater flow is generally in a southerly direction towards the River Blackwater. The Environment Agency has recommended that a scheme of groundwater level monitoring is submitted and implemented prior to dewatering. It is considered that such a condition could be reasonably imposed in the event that permission is granted.

The application proposes to mitigate the potential for increased flood risk downstream (from dewatering and surface water run-off) by controlling the volume of water discharged to the River Blackwater at the pre-development greenfield rate. Since the original submission of the application, the applicant has clarified that the 1 in 2 year greenfield run-off rate is 127 l/s and the 1 in 100 year rate is 513.7 l/s.

Following a significant event, discharge would only take place with the Environment Agency's agreement 'based on observed stage and flow within the River Blackwater at the time'. The discharge rate would be controlled via a hydrobrake or similar mechanism (yet to be confirmed) in accordance with the discharge consent issued by the Environment Agency. The Environment Agency has confirmed that this approach would be fully controlled via the discharge consent, and therefore it is not considered appropriate for any planning permission to seek to duplicate the controls imposed by this separate regime.

A flood evacuation plan is proposed to mitigate any risk posed by rising flood water within the void. This would include monitoring of water levels within the quarry floor and planning of safe evacuation routes for all phases of development. The applicant has confirmed that there would not be any pumping off site during a significant fluvial event.

The NPPF requires all new developments to provide attenuation for flood volumes generated in a 1 in 100-year event with allowance for increase in climate change of 30%.

A representation has been received suggesting that a compensatory fluvial flood storage scheme, ensuring no detriment to the river floodplain storage, should be required by condition for every phase of the proposed development.

In response, the applicant has further clarified that there would be ample storage to accommodate a 1 in 100 year flood event at all stages of development including prior to commencement of mineral extraction.

The Environment Agency has not requested this condition and has commented that there would be ample floodplain storage from day one. Therefore, such a condition is not considered to be necessary or reasonable.

A representation has also been received relating to increased potential for siltation and establishment of vegetation in the River Blackwater as a result of an anticipated reduction in baseflows.

The Environment Agency has commented that fine sediment deposition and increased reed growth as a consequence of this scheme are considered unlikely. Further, if fine sediment deposition were to occur it would not be a significant concern.

Therefore, this point is considered to have been adequately addressed, in accordance with the requirements of the NPPF.

H HERITAGE IMPACT

The NPPF requires that:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Archaeology

MLP Site Allocation A46 states that early consultation with Historic England would be necessary and that intrusive evaluation by test pitting and trial trenching would be required.

A desk-based assessment, Palaeolithic report and archaeological evaluation have been submitted in support of the application. Trial trenching has identified Pleistocene sediments in certain areas of the site. A number of significant archaeological features have been identified. Therefore, conditions have been requested by the ECC Archaeologist and it is considered that they could be reasonably imposed in the event that permission is granted.

The development therefore is considered to be in accordance with Policy ADM69 and RLP104 and RLP 105 & 106

Listed Buildings

No registered Historic Parks or Gardens, Historic Battlefields or Scheduled Monuments are located within or adjacent to the application site. The nearest Registered Park and Garden is the Grade II* Braxted Park, located approximately 0.5km to the east. Two Scheduled Monuments have been noted at Rivenhall Long Mortuary Enclosure (located at Rivenhall End) and Roman Villa and Saxon Hall (across the A12 at Rivenhall).

A total of 13 listed buildings have been identified within the 'search area' (a 650m radius) of the application site. Most are Grade II; however the Church of St Nicholas is Grade I Listed, a dovecote 100m north of Little Braxted Hall is Grade II* and other Grade II* Listed buildings lie within the grounds of Braxted Park.

The ECC Historic Buildings advisor requested a full heritage assessment as set out within the NPPF. The adviser is satisfied the Heritage Statement submitted, and offers a clear, reasoned, justified assessment, which complies with the relevant guidance and legislation. Concern remains in relation to the potential

impact on Appleford Bridge, which the assessment has assessed will be caused negligible harm by the proposal. However the officer considers this to be a matter of subjective opinion and does not see this as a reason to not accept this assessment and therefore recommend approval subject to the conditions.

Historic England has raised no objection to the proposed development.

Policy CS9 of the Braintree Core Strategy promotes and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposed development is considered to be in accordance with Policy ADM66, RPL 100 which seeks to preserve and enhance the settings of heritage assets.

7. CONCLUSION

The site is identified as a preferred site in the Minerals Local Plan and the principal of extraction has been accepted and the need for the release of mineral proven. The variance in site boundary between the application site and preferred site in the MLP has been justified and is considered to be in accordance with Policy S6.

The impact of the proposed development on the environment has been assessed and is considered to be acceptable in terms of ecology, landscape and visual amenity, noise and dust, traffic and highways , water and flood risk, impact on heritage and subject to appropriate mitigation measures and conditions outlined in the report, the proposed development is considered to be in accordance with the National Planning Policy Framework (March 2012) and the development plan as a whole, namely, Essex Minerals Local Plan (MLP), Adopted July 2014; the Braintree Core Strategy (BCS), Adopted September 2011; the Braintree Site Allocations and Development Management Plan, as amended by further changes (ADMP), September 2014; and the Braintree District Local Plan Review (BDLP), Adopted July 2005 (saved policies only).

8. RECOMMENDED

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

- A Legal Agreement covering the following matters:
 1. Ecological management plan and 25 year aftercare;
 2. Lorry routeing plan including the use of the Braxted Road access for local deliveries only;
 3. Scheme for improvements to signage on Coleman's Bridge and between the B1029 and proposed Little Braxted Lane access;
 4. Local liaison group;
 5. Habitat Management Group.

And

- Conditions covering the following matters:

1. COM1 - Commencement within 5 years.
2. COM3 - Compliance with submitted details.
3. CESS2 – Cessation of development.
4. CESS7 – Revised restoration in event of suspension of operations.
5. CESS3 - Removal of ancillary development (including haul route and car park).
6. GEN1 – Advance submission of details of plant site (workshop, messroom, bagging plant building, weighbridge) prior to construction of plant site.
7. HOUR2 – Hours of working (mineral specific):
0700– 1800 hours Monday to Friday
0700 – 1300 hours Saturdays
No working on Sundays or Bank/Public Holidays.
8. MIN6 – Records of output (150,000 tpa).
9. PROD3 – Vehicle records of output.
10. BESPOKE – Noise monitoring scheme prior to commencement.
11. NSE2 - Temporary operations.
12. NSE5 – White noise alarms.
13. NSE6 – Silencing of plant and machinery.
14. MIN1 – No importation.
15. MIN4 - Restriction on exports and no aggregates shall be sold directly from the application site.
16. BESPOKE - No importation of waste.
17. LS8 – Soil handled in a dry and friable condition.
18. HIGH10 – Advisory vehicle routeing (no left turn out of site along Little Braxted Lane).
19. LGHT1 – Fixed lighting restriction.
20. AFT1 – Aftercare scheme to be provided.
21. HIGH11 – Visibility splays and junction radius on Little Braxted Lane as shown in principle on David Tucker Associates drawing nos. 15057-02, and 15057-06.
22. HIGH15 – Gates.
23. BESPOKE – Highway works as shown in principle on drawing no. 15057-06.
24. HIGH11 – Visibility splays and junction radius on Braxted Road as shown in principle on David Tucker Associates drawing no. 15057-05.
25. HIGH4 – Prevention of mud and debris on the highway.
26. HIGH6 – Lorry sheeting.
27. HIGH14 – Surface material.
28. BESPOKE- Mitigation strategy for geoarchaeological investigation.
29. BESPOKE – Post-excavation assessment of the geoarchaeological fieldwork.
30. BESPOKE – Mitigation strategy for archaeological investigation.
31. BESPOKE – Post-excavation assessment of the archaeological fieldwork.
32. POLL6 – Groundwater monitoring.
33. LAND1 – Landscape and restoration scheme.
34. LAND2 - Replacement landscaping.
35. TREE4 – Tree protection scheme.
36. VIS1 – Limiting impact of skips/containers, etc.
37. VIS2 – Stockpile heights.
38. DUST1 – Dust suppression scheme.
39. DUST3 – Spraying of haul road.
40. BESPOKE – Submission of further ecological surveys prior to the commencement of each phase.

- 41. ECO7 – Construction Environmental Management Plan.
- 42. LS2 – Soil Movement Scheme.
- 43. LS3 – Machine Movement Scheme.
- 44. LS4 – Stripping of Top and Subsoil.
- 45. LS5 – Maintenance of Bunds.
- 46. LS6 – Retention of soils.
- 47. LS7 – Location and volume of bunds.
- 48. LS9 – Soil stripping depths and replacement
- 49. LS10 – Notification of commencement of soil stripping
- 50. LS11 – Notification of soil placement
- 51. LS12 – Topsoil and subsoil storage
- 52. LS13 – Topsoil and subsoil placement
- 53. LS14 – Final soil coverage
- 54. POLL4 – Fuel/chemical storage.
- 55. RES1 – Stones to be picked.
- 56. RES4 – Final landform.
- 57. MIN7 – Extraction depth limit.
- 58. MIN8 – Limits of permitted site.
- 59. GPDO2 – Removal of PD rights – specific.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would be located adjacent to a European site (Blackwater Estuary SPA and SAC) and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site, either individually or in combination with other plans or projects.

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

EQUALITIES IMPACT ASSESSMENT

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

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

The agent for the applicant has been continually kept up to date with consultation responses arising throughout consideration of the application.

The timely appraisal of these responses has allowed the agent to submit a considerable amount of additional and amended information in support of the application, resulting in a timely decision.

LOCAL MEMBER NOTIFICATION

BRAINTREE – Witham Northern

MALDON – Heybridge and Tollesbury

ESS/39/14/BTE**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR:**

Land at Colemans Farm, Little Braxted Lane, Little Braxted, Witham , Essex, CM8 3EX

An Environmental Statement (ES) has been submitted with the application and examines the potential impact of the proposal on the natural and built environment and considers, where necessary, ameliorative measures to reduce and minimise that potential impact. The assessment has been undertaken according to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011

The key subject areas identified are as follows:-

- Landscape and Visual
- Ecology
- Hydrology and Hydrogeology
- Soils
- Archaeology and Cultural Heritage
- Noise
- Air Quality
- Highways Impact
- Right of Way

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

Landscape and Visual

The Landscape and Visual Impact Assessment (LVIA) considers the effects on Landscape Character, Landscape Value and Visual Amenity.

Sensitive landscape receptors identified include the Special Landscape Area, cultural heritage interest recognised by designation, access to and quality of the countryside as well as recreation activities where scenic interest form part of the activity. The capacity of the landscape to accommodate development of the nature proposed is assessed as being between medium to high.

Visual assessment indicates that the Zone of Significant Visibility of the proposed development would be localised and restricted to an area of aprox. 1.93 square kilometres as a result of the combined effect of topography, intervening structures and vegetation.

Visual receptors have been identified and assessed.

It has been assed that there would be no unacceptable levels of adverse effect during the operation stage, where the existing arable fields are effectively replaced by views of restored landform in conjunction with a stronger landscape component, the net effect in the long term will likely fall within a slightly beneficial range.

Ecology

Desk based assessment and field surveys have been undertaken at the site.

All hedgerow within the survey area will have potential to be impacted by the proposals for the site. A total of 15 hedgerows were assessed using the Hedgerow Evaluation and Grading System. Nine of these hedgerows were considered to be of 'Moderately high to high' conservation value and considered to be of conservation priority and considered to be 'Of importance' in accordance with the Hedgerow Regulations 2007. Of these, four of the hedgerows are to be impacted as a result of the proposed works, low impact on two of the hedgerows, moderate impact on one hedgerow and a high impact on one hedgerow.

No other species were identified in the surveys and it has been assessed that the proposed works will have no impact on badger population, water voles, otters, bats.

Hydrology and Hydrogeology

A proportion of the mineral to be extracted is situated beneath the water table.

The site lies within the catchment of the River Blackwater. Two ordinary water courses cross the site, both rise from springs on the north-western site boundary and flow southeast to their confluence with the Blackwater. An irrigation reservoir known as Colemans lake is located immediately to the east of the site.

A site specific flood risk assessment in accordance with NPPF has been submitted. The majority of the site is in Flood Zone 1 and the River Black water flood plain (Flood zone 2 and 3) impinges on the southern edge of the site.

The site owner currently has one licence for surface water abstraction which relates to two separate abstractions (for filling Coleman's lake and spray irrigation)

An assessment of regional and local geology and hydrogeology was also carried out. Groundwater levels and flows have also been monitored.

The water management scheme has been developed on a phased scheme, whereby successive completed phases of mineral extraction will be used as silt settlement areas. It is proposed to work the mineral dry, therefore water table lowering will be required.

Catchment sensitivity is assessed as 'medium' due to the proximity and potential influence of the River Black water, upstream of the Blackwater estuary which is an SPA, RAMSAR, SSSI and Marine Conservation Zone.

Potential impacts upon water environment will differ during extraction and post- restoration phase.

Potential impact on structures and the A12 trunk road has been assessed, four structures are located within the potential radius of influence of dewatering, the impact has been assessed as 'negligible' with a significant effect of 'low' for three properties with Burghery Cottages assessed as 'low' impact with a significant effect of 'minor'.

Impact on surface water features has also been assessed. Colemans farm water body will remain during operation and post restoration and a slight reduction in water level may occur during dewatering of phase 3-6 however it is of local ecological value and reversible.

Mitigation measures:-

- All water derived from quarry void to be discharged to river blackwater upstream of any potential derogated reach.
- Groundwater level monitoring scheme to be designed and installed.
- Best practice for handling and storage of fuels.
- Volumes of water discharged to river blackwater to be controlled at pre-development greenfield rates.

Soils

A Soils and ALC Survey has been undertaken in respect of the application site, this confirmed that 53% of total soil resource comprises soils classified as best and most versatile.

The restoration scheme ensures that 'best and most versatile' agricultural land will be reinstated to arable land and where not possible, hay meadow to safeguard the agricultural links with biodiversity habitat.

The restoration scheme will create a change in the way land is farmed however this is assessed to have a negligible impact on the structure and viability of the existing agricultural operation and the existing best and most versatile soils can be safeguarded.

Archaeology and Cultural Heritage

A desk based archaeological assessment was carried out in support of the application to identify areas of archaeological potential within the site and to consider the site within its wider context.

Aerial photography survey was carried out and 8 potential features were identified.

The key outcome of the surveys is that there is little evidence to suggest any concentrations of the areas of potential archaeological significance. Some areas have been tentatively suggested for further investigation; however it appears clear that the importance of the site is relatively limited in an archaeological context.

A Built Heritage Assessment was submitted in support of the application. An assessment on the impact on 16 listed buildings in the vicinity of the site was considered.

The proposed quarry development is not located within the primary or secondary setting of any surrounding built heritage asset. There will be minor changes to long distance and obscured views in some circumstances, but none of these changes are relevant to planned views or vistas, and those changes are not assessed as compromising the understanding or historic importance of any particular building, structure or other heritage asset.

Noise

Predicted noise levels throughout the proposed operations have been calculated for noise sensitive properties and the predicted levels have been compared with criteria in government guidance on acceptable noise levels.

The assessment shows that the proposal can be operated in accordance with Government guidance.

It has been assessed that there will be minimal impact on the surrounding acoustic environment as a result of operations detailed in the application.

Air Quality

The existing air quality at the application site is already affected by emissions from the A12 truck road corridor. Review of climatic conditions and dust deposition rates indicates that dust occurrences events from the proposal would be limited and short term. In respect of PM 10's, the data and analysis indicates that air quality objectives would not be exceeded and air quality would not be significantly affected by the proposal.

Highways Impact

A Transport Assessment has been carried out and Statement submitted.

The proposals are expected to generate approximately 58 HGV movements per day. Based on a typical 10 hour working day this would result in around 6 additional movements (3 in and 3 out) per hour, on Little Braxted Road, Junction 22 slip road and the A12. In terms of absolute flows the level of traffic generated is assessed as modest.

Overall change in flows would remain below the threshold for requiring any further assessment under Rule 2 of the "Guidance for the Environment Assessment of Road Traffic", on the B1389. The change in flow on Little Braxted Lane is slightly higher than the threshold at 14% but it is considered the development would have no demonstrable impact on severance, driver delay, pedestrian delay, amenity, fear and intimidation as the road is relatively lightly trafficked and is not situated near heavily populated residential areas.

The assessment concludes the proposal will have no material impact on highway safety.

Right of Way

There are a number of footpaths on and in the vicinity of the application site including Bridleway 105-29 which runs through the site. There will be a need to create a diversion of the bridleway as part of the working scheme around the southern boundary of the extraction area.

The route would be slightly longer but finished to appropriate specification to allow use by all user groups.

The permanent diversion route will be south for the bridleway around the northern margin of the southern lake envisaged in the restoration scheme. This will create a long term benefit in terms of access and viewing experience across the restored landform.

REPRESENTATIONS

<u>Observation</u>	<u>Comment</u>
Concerns regarding safety and risks associated with heavy traffic	See appraisal
Speed of vehicles on slipway off A12 not reduced to 30mph until first set of traffic lights and vehicles continue at speeds of 50-60mph through the intersection to catch green lights. Such speeds cause hazards for vehicles accessing and egressing business car parking.	See appraisal
Proposal will generate loose stones and gravel on road surface, which will pose risk to parked vehicle and pedestrians and will need to be swept away weekly.	See traffic appraisal
Speed limit on slipway should be reduced to 20-30mph prior to entrance Little Braxted Lane.	See traffic appraisal
Traffic related near misses and peril are observed regularly, proposal will exacerbate this.	Noted
Road access is unsafe. Lorries leaving the quarry from Little Braxted Lane and going towards Chelmsford would have to cross fast-moving traffic coming up the curved slip road from the A12. Lorries entering from Colemans Bridge would also have to cross this line of traffic. Unsafe for vehicles on the slip road.	See appraisal
Proposal would bring industrial development south of the A12 into agricultural fields of the River Blackwater Valley, ruining the landscape and changing the character of the local countryside and villages.	See appraisal
Whilst not identified by the applicants, otters have been observed in the area. Proposal would endanger the otters, which are a protected species. The proposal makes no provision for otters.	See appraisal
Whilst proposed restoration would create Biodiversity Framework Habitats, large areas of open water for fishing and other recreational uses are also proposed, which may not be compatible with biodiversity.	Further planning permission required for any future recreational uses.
New road layout condition required. Enhanced Braxted Park Road exit from the site and an extra lane on the A12 (funded by the developer) required for road safety.	See traffic appraisal, no requirement for extra lane on A12.
Condition required protecting Little Braxted Lane from lorries by way of a turning circle outside the Little Braxted Lane access point. The lane, which is Roman or older, should also be narrowed below the access point and at the other end of the lane.	Entrance improvement including turning circle proposed.
Condition required that HGVs not go through Witham nor use Oak Road.	Lorry routeing plan to be agreed with applicant
Buffer condition required for otters. Quarry boundary from the River Blackwater should be taken back in phases 3 and 6.	See appraisal

Condition required to prevent the impact of dewatering. The dewatering centres should be moved back from the River Blackwater. Levels in river and local fishing lakes should not change as a result of dewatering.	See appraisal
Flood prevention condition required. Last winter site flooded and fields absorbed flood water preventing drainage downstream. Storage capacity for flood water required at every stage of the quarry's life.	See appraisal
Archaeology condition required. In Phase 2A the quarry should be taken back from the reservoir to prevent damage to the possible Neolithic barrow.	See appraisal
Condition required limiting the life of quarry to 10 years.	Such a condition may affect the viability of the scheme and therefore be unreasonable should permission be granted
Condition required stipulating that recreational uses should be subject to planning permission, including leisure uses and car parking.	Further planning permission required for any future recreational uses.
Condition required for quarry buildings to be removed at the end of quarry life.	Condition to be included
Condition required that the developer provides a bond or join the industry scheme.	The NPPF clarifies that bonds should only be sought in exceptional circumstances
No landfill or retail trade conditions required.	Further planning permission would be required. Condition to restrict retail sales to be included should permission be granted.
Condition requires that there is to be no vehicle movements on Saturday afternoons or on Sundays.	Condition to control hours of operation to be included
Condition required that bridlepath be moved further from the quarry so that horses can use it.	See appraisal
Condition required that A12 should be screened.	See appraisal
Objections due to traffic related issues that have not been considered and may be impossible to resolve or implement.	See appraisal

Estimated 58 HGVs per day is highly unlikely and ignores all operative, admin, servicing welfare and prepack collection movements.	See appraisal
No account given to slow moving HGVs accessing the A12 trunk road in either direction from Little Braxted Lane.	See appraisal
A12 is over-used, sub-standard, incident prone and subject to regular delays. Proposal will cause further traffic safety issues on the A12 between Kelvedon and South Witham, which has not been considered or discussed with the Highway Agency. These issues need to be resolved or the application refused.	See appraisal
100% of the site is within Braxted, not Rivenhall Parish. Deliberately misleading – application is incorrect and deliberately misleading.	Noted
Applicant has ignored protected otters that are present in River Blackwater and has chosen to destroy important habitat.	No otters found during surveys – see appraisal
Conditions required addressing air quality/dust, noise limits (including that bagging and loading operations are lowered and banded), vibration, building and hard surface be removed and restored to green field, hours of operation limited (08:00-17:00 weekdays summer, 08:00-16:00 weekdays winter, 08:00-12:00 Saturdays), air quality monitoring (particularly vehicle fumes), new access points on and off A12, lighting (particularly limiting site lighting to hours of daylight), a lasting free legacy to villagers of Rivenhall End, and restoration/after-use (noise inducing activities not permitted).	See appraisal
Concern of possible impact of proposal may have on adjacent commercial fishery business – Colemans Cottage Fishery. The fishery is well established, major business and supports local economy. Concerns proposal may reduce or change local water table (as proposal would affect groundwater drainage), which would affect levels of Burghy Brook (adjacent to proposal site and drains to the lake at Colemans Cottage and then on to lake owned by Chelsmford Angling Society). The fishing lakes are shallow and any change to water table may result in fish loss, necessitate re-stocking, cause closure of the fishery, loss of income, loss of customers, loss of related trade, loss of jobs and impacts on local economy. Water levels are critical to effective operation. Fishing lakes home fish up to 22 pounds and represent considerable investment.	See appraisal regarding water issues
Advised that water pump will be running constantly to keep quarry dry. Concerns as to where excess water will be pumped to and whether it will have an adverse impact on the fishing lakes.	See appraisal
Proposal will result in customers going elsewhere, which would result in a loss of income for fishery (primary source of income) and also impact on trade in tackle/bait shop and restaurant. Potential for loss of jobs and impact on local economy.	See appraisal – the principal of extraction has been accepted in the Mineral Local Plan.
Proposal will increase noise, dust and pollution, affecting	See appraisal

environment and lakes/fishery. Customers will go elsewhere as fishing is meant to be a peaceful and relaxing pastime.	
Proposed condition requiring works to cease if water levels of the fishery fall or change, thereby allowing the applicant to rectify the situation, is pertinent. However, applicant would need to respond immediately to prevent the loss of valuable stock and damage to the business.	See appraisal and requirements of the Env Agency
Proposed access is via Little Braxted Lane and B1389, which are subject to 60mph speed limits. Little Braxted Lane at the access point is effectively a single carriageway and visibility splays are poor due to vegetation. Notwithstanding removal of vegetation (which is inappropriate within the countryside location), the level of vehicular conflict will still increase as a result of the proposal.	See appraisal
Visibility splays along Little Braxted Lane will be increased to 70m in each direction following them removal of vegetation. However, these plays do not extend to the junction of Little Braxted Lane and the B1389. Vehicles exiting site will not be able to see vehicles entering Little Braxted Lane from B1389. As Little Braxted Lane is single carriageway, vehicle conflict will occur and vehicles will have to reverse against traffic. Proposed 58 HGV movements per day will increase the potential for vehicle conflict. Proposed movements do not include employees/sub-contractors, which will further increase vehicular movements. Little Braxted Lane is substandard to accommodate the proposed vehicular movements.	See appraisal
Additional 6 HGV movements per hour will conflict with exiting 46 vehicle movement per hour on Little Braxted Lane. If an accident does occur and Little Braxted Lane is closed, fishery business will be negatively affected and cause loss of income.	See appraisal
Requests that necessary action be taken to protect the well-established fishery business and local leisure facility. Requests to be advised if matter referred to Committee.	See appraisal – the principal of extraction has been accepted in the Mineral Local Plan.
Object as proposal fails to demonstrate that it has considered essential traffic issues and it is difficult to see how the applicant could viably address these issues.	See appraisal
Key highway issues not addressed or considered and Highway Agency and Rivenhall Parish not consulted.	See appraisal. Rivenhall Parish Council was consulted and submitted reps
Estimated vehicle movements incorrect and misleading.	See appraisal
Proposed traffic movement management are inadequate and unenforceable.	See appraisal
58 HGV movements per day proposed. This is an arbitrary guess as no experience in relevant area. 20-44 tonne HGVs not the best to cross 70mph road from a standing start.	See appraisal
Application makes no reference to significant trade traffic and traffic associated with site safety, site management, admin,	See appraisal

catering, security, maintenance etc. Omission shows failure to grasp seriousness of traffic implications.	
Highways Agency not consulted, yet application states that exported material will travel either northbound or southbound via the A12 trunk road.	Highways Agency consulted and no objection
Colemans Bridge interchange with A12 is of a very low standard and an inadequate junction onto an over-congested dual carriageway.	See appraisal
Southbound HGV movements first cross a 2-way 70mph slip road from standing start, turn a sharp left and join the A12 from the inside of a blind corner. Highways Agency would require improvements, which may not be practicable or achievable.	See appraisal
Northbound HGV movements join 70mph slip road, turn right at traffic lights intersection (sharp turn) and then join A12. Inappropriate proposal.	See appraisal
A12 HGV movements would prefer to use junction onto Braxted Rd near Appleford Bridge rather than the Colemans Bridge junction. The applicant has failed to demonstrate how Braxted Road plan will be signed, controlled and policed. Unlikely to be achievable and will result in traffic impacts for Rivenhall End.	See appraisal
Proposed vehicle movement will exacerbate existing problems with A12 between Kelvedon and South Witham.	See appraisal
Submission errors include: unaware of any locals being employed by the applicant, the site is located in Rivenhall End in the Parish of Rivenhall and there are otters in the relevant area of the River Blackwater.	Noted and see appraisal
Conditions requested in relation to dust, noise (operations and highways), temporary minerals processing areas, restoration, hours of operation, planting on A12 boundary, traffic, air quality	See appraisal
Condition requested in relation to dust from exposed areas and haulage routes.	See appraisal
Condition requested in relation to noise from processing plant. Bunds and lowering required. Impending quiet asphalt re surfacing of A12 and reduction in ambient noise needs to be taken into consideration.	See appraisal
Condition requested requiring that temporary minerals processing areas and buildings etc be restored to green field upon completion of extraction.	See appraisal
Condition requested limiting hours of operation (08.00-17.00 summer, 09.00-16.00 winter, 08.00-12.00 Saturday and nil on Sundays).	Hours of operation to be conditioned
Condition requested requiring immediate restorative planting along A12 eastern boundary.	See appraisal
Condition requested requiring air quality monitoring.	Condition to be included
Condition requested requiring improvements to North Witham interchange and traffic lights to enable HGVs to turn.	See traffic appraisal
Condition requested in relation to Appleford Bridge safeguarding, repairs and repair funding.	Part of public highway network, no condition proposed.

Condition requested in relation to Braxted Road. Traffic calming measures and enforcement required. Condition required that no HGVs enter/exit Braxted Road access point from/to Rivenhall End.	Lorry routeing Plan proposed to be agreed through s.106
Condition requested providing that no quarry vehicles will use Oak Road, Rivenhall End.	Lorry Routeing Plan proposed to be agreed through s.106
Condition requested requiring that minimal signage is erected and on site lighting not used during hours of darkness.	Lighting condition to be include
Condition requested requiring that applicant pays for clearer northbound signage/markings to prevent vehicles (including quarry vehicles) from pulling into residential driveways and slip roads.	See appraisal
Condition requested requiring legacy for Rivenhall End. For example, free public wood or play area.	NPPG - no provision for an annual payment to be made to the local community.
Originally objected to Replacement Minerals Local Plan Pre-Submission Draft - Response Form on the 26th February 2013.	Noted
Concerns regarding the negative impact on local residents and wildlife and any further impact and damage due to heavy goods vehicles using Oak Road, which is not fit for this purpose due to its restricted width.	See appraisal
Endorse local and parish council objections, which include unsafe planned road access, industrial development to the Blackwater valley, no provision for otters (a protected species), and the incompatibility with biodiversity arising from recreational use following restoration of open water for fishing etc.	See appraisal
Endorse local and parish council proposed conditions regarding highways, flood prevention, no landfill or retail trade or weekend working and the life of the quarry to be limited to ten years.	See appraisal
Concerns with regard to the impact on the surrounding area of Rivenhall End as a result of increased traffic accessing the site.	See appraisal
Object to secondary access point as it will mean that HGVs travel along Oak Road.	See appraisal
Concerns about road safety and proposal will prevent children from walking to school. Oak Road and the road into Rivenhall village are busy enough, without the addition of more large trucks travelling to and from the proposed secondary access point.	See appraisal
Feed from Burghey Brook directly into our lake known as Colemans Cottage Lake not shown in 2nd Map following page 26 in water frame directive (Hafren Water)	Noted
Concerns that Burghy Brook that feeds to us will run dry especially in dry months as that water will be being pumped further upstream into the River Blackwater, therefore leaving Cottage Lakes water levels very low.	Noted and see appraisal
Hydrogeology papers do not remove my concerns about flood and other risks. Conditions to prevent flood should require storage capacity for flood water available during every phase and	See water and flood risk appraisal

restricting pumping into the River Blackwater when there is a risk of flood.	
To prevent dewatering from reducing the level of water in the River Blackwater (and in local fishing lakes) the quarry should be taken back from the river in phases 3 and 6 (would also provide a buffer for otters and other wildlife). Condition required restricting dewatering in summer when the water level is likely to be reduced.	See water and flood risk appraisal
The discharge rate is still wrongly stated. The run off rate should be restricted to the 1 in 2 year rate of 127 l/s (as stated in the Flood Risk Assessment) and not 513.71 l/s. New paper still doesn't reflect the very wet winter of 2013/14 (when the quarry site was partly covered by flood water). Including this data could materially change the calculations.	See flood appraisal
The junction with Lt Braxted Lane is not visible from the slip road until within 100 yards. Traffic leaving A2 would encounter low loader vehicles, which would cause fatal accidents.	See traffic appraisal.
Exit onto Braxted Park Rd is no safer as it is narrow and not strong enough to take heavy vehicles.	Noted
Direct access onto A12 required.	Direct access to A12 is not proposed. Proposed access points assessed in traffic appraisal.
Still felt that having large commercial trucks exiting the site onto Little Braxted Lane then immediately to the A12 junction is exceedingly dangerous, even with the opening enlarged and sight lines improved. Traffic does exit the A12 on the slip road at 60 mph (sometimes faster) on the bend where the lane joins. The proposal is likely to cause fatal accidents.	See traffic appraisal.
Exit onto Braxted Road not a good idea - access to the A12 is substandard with both north and south routes having virtually 90 degree slip roads. Highways Agency has allocated a junction number, presumably as it is not considered safe or long-term. There may be plans in the very long-term future for this section of the A12 to be widened and access improved but no date is known and is not likely in the foreseeable future.	See traffic appraisal.
Any local traffic leaving and going in the easterly direction would have to go over Appleford Bridge which although ancient and Grade 2 listed is single track and the only local bridge over the Blackwater in the area which can take 40 tonne trucks. It is frequently struck by them, causing long term closure of the road (3 weeks in 2014 with a 21 mile detour).	Noted.
The issue is the relative speed (or lack thereof) of the gravel lorries exiting and entering the site and accessing the road system via the slip road. The sight lines for vehicles coming up the exit ramp from the A12 are so poor that they will not see any lorries exiting turning at Little Braxted Lane until very late and, especially in winter, there is insufficient stopping distance for a	See traffic appraisal. Junction improvement work proposed.

column of vehicles.	
Near unanimous objections of the local residents of Rivenhall, Braxted, Wickham Bishops and Witham	Noted
Site scored worst in the Braintree Plan, so question why it has been included so near the top of the priority list in the ECC plan?	Identified as preferred site in MLP.
Highways Agency has not been directly consulted. Whilst technically the site entrance is not directly on to the A12, as it is a few feet down the Little Braxted Lane the Highways Agency must be consulted in the interests of public safety.	Highways Agency consulted – no objection
At the A12 Witham North Slip Road 44 ton fully laden lorries are expected to turn right out of the site onto Little Braxted Lane. These 55 ft long articulated vehicles would in effect block the lane as they turned right into it then stopped immediately at its junction with the A12 slip road. From this stationary position, vehicles would move uphill into the traffic stream on the A12 slip where cars may be travelling at 50-60 mph.	See traffic appraisal.
What is there to prevent lorries turning left into Little Braxted Lane into the small roads to the south which are unsuited to HGV traffic? How will it be policed?	Lorry routeing plan proposed to be agreed under s.106
Appleford Bridge is routinely damaged by HGV traffic, necessitating costly repairs. HGVs exiting the site onto Braxted Lane and using Appleford Bridge will exacerbate that situation. Who will pay for that additional damage?	See appraisal and highway comments
Nothing preventing HGVs turning left onto Braxted Lane to join the A12 at Rivenhall End, which is a dangerous and substandard junction in both directions (for that reason buses have ceased stopping there).	Noted
The A12 is already at capacity and regularly comes to a halt through sheer weight of traffic. Proposed traffic movements will worsen an already bad situation. What mitigation measures are being considered to improve traffic flow?	Assessed by Highways Agency – no objection.
If an accident blocks the A12, HGVs will divert through Witham town centre.	Noted
HGVs can go through either Witham or Rivenhall End/Silver End to cut through to the A120 for the M11.	Noted
How will vehicle movement numbers be policed?	Planning conditions can be monitored and enforced when expedient to do so.
What guarantees are there that the current proposals for a wildlife area (not water park for jet skiers) will be honoured?	Any proposal for water park for jet skiers would require a planning application.
Brice Aggregates is a new venture created specifically for this project. It has no experience, nor is it a member of the trade	The NPPF clarifies that

association. What bond or financial guarantee has been requested to ensure the restoration pledges can be enforced?	bonds should only be sought in exceptional circumstances
No guarantee that the applicant will not seek to further extend the life and size of the quarry and thus its impact on the local community.	Such proposals would require a planning application.
Rivenhall End is downwind of the site, so will be subject to dust, smell and noise – damaging quality of life, worsening air pollution and impacting on property values – in addition to light pollution in the winter months and the traffic problems. Therefore it would be reasonable to see some local benefits flow to the inhabitants, including: a new sturdy bridge by Appleford bridge to save on repairs to that listed structure and an additional lane on A12 between Rivenhall End and Witham North to reduce congestion.	See appraisal
Perimeter bunds and tree screening should be required to be in place at the earliest possible moment	See appraisal
Proposal is extremely impractical, but also detrimental to the local community.	Noted
Traffic and pollution on Oak Road has increased as it is used as a cut through to local areas.	Noted
The exit to Rivenhall is already dangerous and should be closed and no application for further large vehicles should even be considered. The slip road approaching the A12 on both carriage ways are extremely dangerous.	See traffic appraisal
Residents suffer the fumes/pollution at peak times, particularly asthma suffers, and pollution prevents children from going outside.	See appraisal.
Turning from Oak Road towards Great Braxted not suitable for lorries - cars have to reverse to allow lorries to enter or leave Oak Road.	See appraisal.
The small road to the application site is not suitable for proposed vehicles. The industrial park near Braxted Park is frequently snarled up due to lorries and proposed site just in front of an already hazardous bridge. If lorries were to use this site accidents would happen.	See appraisal.
Road access to the A12 towards both Colchester and Chelmsford by the proposed HGVs will be dangerous. Joining A12 difficult in car with good acceleration.	See traffic appraisal.
Access to the slip road from Braxted Lane will involve joining or crossing traffic from the A12.	See appraisal.
Alternative route towards Chelmsford through Witham has obvious disadvantages.	Noted.
A12 is boundary between industry and countryside/villages. Proposal will have negative noise and dust impacts on Little Braxted. Other industry will follow if approved, e.g. Solar panel installation recently proposed Little Braxted.	See appraisal on noise and dust. Solar panels require planning application.
Proposal hazardous to wildlife of Blackwater Valley, including protected species such as otters.	See appraisal.

Strict planning conditions required.	Noted
New papers on hydrogeology and archaeology have not addressed concerns about a plan for a quarry at Colemans Farm.	See appraisal.
Continue to object on grounds previously submitted.	Noted
<p>Following conditions should be imposed:</p> <p>Flood prevention:</p> <ul style="list-style-type: none"> Storage capacity for flood water available throughout every phase of development. Pumping into the River Blackwater should be stopped when there is a risk of flood. <p>River levels:</p> <ul style="list-style-type: none"> In phases 3 and 6 the quarry should be taken back from the river to protect the river from the impact of dewatering (also provide a buffer for otters). Dewatering should be restricted in summer. <p>Hydrogeological data:</p> <ul style="list-style-type: none"> Discharge should be limited to the one in two year rate of 127 litres per second (as stated in the Flood Risk Assessment, 4.2.2) Rate wrongly stated in the Hydrogeology Impact Assessment (5.4) of 513.71 l/s. Calculations should incorporate data from last winter. In 2013/14 some of the site was covered in flood water, therefore excluding this data represents a major omission. <p>Little Braxted Lane:</p> <ul style="list-style-type: none"> Little Braxted Lane (Roman or older and connected to the Roman road from London to Colchester), should be protected with signage and road narrowing. <p>Archaeological remains:</p> <ul style="list-style-type: none"> In phase 2A the quarry should be taken back from the reservoir in order to prevent further damage to the possible Neolithic barrow, "of medium significance of regional interest". Area should be excluded from the quarry. Further investigations should be undertaken. 	See appraisal.
New papers on ecology, dewatering and lorry rerouteing have not addressed our concerns about a plan for a quarry at Colemans Farm	See appraisal.
Essex County Council should make changes to the A12 that would allow lorries to use the Braxted Park Road gateway (instead of Little Braxted Lane) a condition as the safety of thousands of drivers on the slip road to Colemans Bridge is at stake.	No proposal for ECC to alter A12
A turning circle outside the Little Braxted Lane access to the quarry is required. A gateway allowing lorries to make three point turns is insufficient to stop lorries from mistakenly entering the narrow part of Little Braxted Lane.	Proposed alterations to entrance gate will enable lorries to turn

River Blackwater will be affected by dewatering. Both the quarry and dewatering centres must be taken back from the River in phases 3 and 6.	See appraisal
Queries the cumulative effect of the two dewatering centres.	See appraisal
All buildings should be removed at the end of the quarry's working life.	Condition is proposed
Continue to object to the application for reasons outlined previously, which include road safety, industrial development in an agricultural river valley, potential danger to otters and increased flood risk.	Noted.
New papers reveal that the site is used by a number of protected bat species and a kilometre of ecologically-valuable hedgerows would be destroyed. No provision has been made for these bats or otters. Failure to provide for protected species brings into question the biodiversity case for the proposal, upon which ECC has put much weight.	See appraisal.
Queries whether the biodiversity gains at restoration would outweigh the loss of agricultural landscape and damage to protected and other species of wildlife.	See appraisal.
Queries whether the junction between Little Braxted Lane and the slip road to the A12 would be safe for all road users.	See traffic appraisal.
Queries whether conditions would be imposed that would ensure no increase in flooding downstream from the site.	See appraisal and Flood Risk Assessment
New papers on access points have not addressed concerns regarding road safety. HGVs accessing and egressing the site would still have to cross fast moving traffic on the slip road, presenting danger to all users of the slip road.	See traffic appraisal.
Quarry traffic should be rerouted via Braxted Park Road and an enhanced access to the A12. If not rerouted, lives would be put at risk	See traffic appraisal.
Planned turning point would require lorry drivers to undertake three point turns, which they are unlikely to carry out. A full turning circle required, allowing lorries which mistakenly enter the bellmouth of Little Braxted Lane to return to the slip road. A turning circle would help to protect Little Braxted Lane from damage.	Proposed alterations to entrance gate will enable lorries to turn
Little Braxted Lane narrowing at both ends below the turning circle and additional signage. Condition required.	See appraisal
Support of Little Braxted Parish Council's submission regarding this scheme	Noted
Planned road access in and out of Witham Road, Little Braxted to access A12 is unsuitable – major works required. A12 is subject to heavy congestion during peak times and chaos when incidents occur, also speeding traffic leaving the A12.	See traffic appraisal.
Proposal will bring industrial scale development south of the A12 into protected countryside.	Preferred minerals site identified in MLP
Proposed quarry and restoration scheme should be treated as separate applications – land use priorities at the point of restoration not currently known.	Restoration scheme needs to be secured at this

	stage.
Conditions should be imposed requiring roads to be upgraded (HGV capability, improvements to Appleford Bridge and new secondary bridge), separate planning application required for restoration, bond or industry scheme and compensation/community scheme (payments to neighbours/businesses).	See appraisal. The NPPF clarifies that bonds should only be sought in exceptional circumstances NPPG - no provision for payments to be made.
Concern that a proposal circumvents certain requirements at the planning application stage regarding Highways because HGV traffic exits the site onto a minor road and not a major one just a few hundred yards from a major junction.	See traffic appraisal
Requests applicant re-looks at the situation – applicant knows the proposal is not what is required for the area.	Noted.
Requests applicant has a strong positive outlook for the Witham area so that it can help mirror the expected commercial shopping "renaissance" for Chelmsford.	Noted.
Benefactor mode would be a most welcome way forward.	Noted
Can be win-win-win.	Noted
If applicant is more in tune with local people both village and town dwellers, a benefit will be the real protection of the countryside and a far greater beneficial gain for the applicant.	Noted
Concerned regarding access in Little Braxted Lane, size (length) of HGVs (ie their drivers' ability to turn safely) and other traffic flows/speeds in the immediate area. Reassessment of the access is needed.	See traffic appraisal
Cutting down trees to deal with this visibility problem is not the way forward.	See traffic appraisal
Detailed info is needed re bird surveys and hedgerow creation and why only the creation of 0.28 H of woodland (p.10)?	See appraisal
Is the applicant thinking of future plans if he wishes the carpark and access road to be retained?	Future plans would require further planning application
New papers on hydrogeology and archaeology have not addressed concerns. Continue to object on grounds previously outlined.	See appraisal
Conditions required dealing with flood prevention (storage capacity for flood water available throughout every phase of development and pumping into the River Blackwater should be stopped when there is a risk of flood) and river levels (phases 3 and 6 the quarry should be taken back from the river and dewatering restricted in summer), hydrological data (limit discharge to the one in two year rate of 127 litres per second and calculations should incorporate data from last winter), Little Braxted Lane (protected with signage and road narrowing below	See appraisal

the access point and at the far end) and archaeological remains: (In phase 2A the quarry should be taken back from the reservoir in order to prevent further damage to the possible Neolithic barrow and further investigations should be undertaken).	
Traffic leaving site via Braxted Park Rd will turn right over Appleford Bridge, which will be a disaster for the bridge, road and wall surrounding Braxted Park Estate (Grade II).	
Revised access onto Colemans bridge will cause accidents and hold-ups.	See appraisal
Concerns regarding water level in River Blackwater during summer, which will devastate wildlife.	See appraisal
Creating an extension of industrial development beyond the A12, creating potential for further development.	Any further development would require planning permission.
Little Braxted Lane is totally unsuitable for proposed traffic.	See appraisal
Concerns regarding effect on River Blackwater and habitats.	See appraisal
Whole area would be adversely affected.	See appraisal
Planned road access is unsafe. Little Braxted lane access not compliant with MLP policy S11. HGVs leaving the site towards Chelmsford and entering site from Colemans Bridge would have to cross fast-moving traffic on the A12 slip road.	See traffic appraisal
A12 regularly at a stand still.	Noted.
Traffic problems on A12 generate traffic on the local roads of The Braxteds, Wickham Bishops, Maldon, Danbury and Witham. HGVs on these roads will create safety issues.	See traffic appraisal
Appleford Bridge is a pinch point and is often damaged. Proposal will exacerbate this.	Noted
Brice Aggregates not affiliated with the MPA – makes company unlikely to manage the traffic to the site and react properly to traffic issues.	Noted
No consultation with Highways Agency – irresponsible attitude.	Highways Agency consulted and no objection
Brings industrial development to the Blackwater Valley.	See appraisal
Otters in the area, not identified by the applicant.	Surveys did not identify otters.
Proposed vehicles will create major problems at the proposed A12 junctions.	See appraisal
Objects due to traffic/road safety grounds. Size of the proposed vehicles would create major problems on the two A12 junctions, both of which are substandard. Highway Agency should have been consulted.	See appraisal
Effects on community from traffic, noise, dust and light pollution.	See appraisal
Little attention has been given to the affect upon the river, water table, flood risk and biodiversity.	See appraisal
Industrialisation of farmland.	See appraisal
No guarantee of the site being restored, bond required.	The NPPF clarifies that bonds should

	only be sought in exceptional circumstances
The Little Braxted Lane road access to the site is not safe and is not compliant with MLP S11 of the Minerals Plan.	See appraisal
Site access is only yards from the A12 slip road. Large HGVs leaving the site to join the A12 heading towards Chelmsford would mean slow moving HGVs having to cross fast moving traffic coming off the A12 via a curved limited vision slip road. Lorries entering the site from Coleman's Bridge (Chelmsford direction) would also have to cross this line of fast-moving traffic. No mitigation options.	See appraisal
Slip road regularly subject to queuing traffic. Proposal will exacerbate this traffic hazard. The only way to mitigate would be to raise Section 106 money to build a feeder lane between junctions 23 to 22. Northbound slip road from Witham onto the A12 subject to similar queuing. Longer slip road required.	Highways assessment does not indicate a requirement for feeder lane/longer slip lane
May be safer to build a junction direct from the site with access and egress slips roads on the A12 between junctions 23 and 22.	Direct access not proposed
'Considerate contractor' planning conditions should be applied including wheel washing and road cleaning.	Condition proposed
Due to narrowness, HGV traffic either entering or exiting the site should be barred from a left turn in Little Braxted Lane towards Little Braxted.	Lorry routeing plan proposed to be agreed via s.106
HGVs should not enter or exit via Braxted Park Road, as this lane is already used by heavy commercial traffic and the historic Appleford Bridge is regularly damaged by such vehicles.	See appraisal
A12 Junction at Rivenhall End should not be used by site traffic due to its very short slip roads.	See appraisal
No consideration of direct retail sales and associated light traffic. Direct retail sales should be excluded by permission.	Condition to exclude retail sales proposed
HGV traffic movement should not be permitted through Witham. The B1018 might be classified for HGV use, but to get to that road HGV traffic must pass through Witham residential streets. The issue of existing HGV traffic through Witham is already a very contentious one. The only practical route must be via the trunk roads of A12/A120 via Marks Tey.	Lorry routeing plan proposed to be agreed via s.106
Otters are present. No works should be allowed which could endanger these otters. An extended buffer zone between the quarry works and the river would provide additional protection.	Survey did not identify otters.
Close proximity of the Witham Whetmead Nature Reserve to the proposed site. Proper flood relief works should be established with the Environment Agency before the application can be determined.	See flood appraisal.
All existing hedgerows should be retained and adequately protected.	Hedgerow removal

	assessed in Environment Statement
Afteruses such as paddocks would attract stabling, possibly other forms of accommodation and equestrian uses, which would detract from the rural aspect and be inappropriate.	Planning permission would be required.
Remaining land should be restored to arable or grazing after use	See appraisal
Future landfill use should be prevented.	None proposed
Floodlighting during working hours and security lighting at night would result in light pollution for Witham.	Lighting to be conditioned.
Campaign to Protect Rural England has a tranquillity policy. Proposal would affect the tranquillity of this site further into the rural countryside. Surrounding countryside should be protected from noise with appropriate acoustic screening.	See noise appraisal
To ensure the plan is delivered and completed with restoration, the developer should provide a bond or join the industry scheme.	The NPPF clarifies that bonds should only be sought in exceptional circumstances
Application should be refused unless legally binding guarantees can be obtained.	Appropriate condition included
Conditions required dealing with flood prevention (storage capacity for flood water available throughout every phase of development and pumping into the River Blackwater should be stopped when there is a risk of flood) and river levels (phases 3 and 6 the quarry should be taken back from the river and dewatering restricted in summer), hydrological data (limit discharge to the one in two year rate of 127 litres per second and calculations should incorporate data from last winter), Little Braxted Lane (protected with signage and road narrowing below the access point and at the far end) and archaeological remains: (In phase 2A the quarry should be taken back from the reservoir in order to prevent further damage to the possible Neolithic barrow and further investigations should be undertaken).	See appraisal
Site and HGVs would pollute the area of outstanding natural beauty and change the character and charm of villages.	See appraisal
Otters up and down stream would be at risk.	No otters identified in surveys
Roads would be damaged by HGVs and become dangerous on entry and exit from the A12. Existing road are totally inadequate.	See traffic appraisal
River Blackwater valley should be protected from industrialisation.	See appraisal
Concerned that proposal will result in serious road safety issues, affect otters and agricultural land, damage archaeology and generate noise and dust.	See appraisal
Bring industrial development south of A12 into Blackwater Valley. Damage Little Braxted Lane	See appraisal
Threaten road safety. Increase congestion.	See appraisal
Cause noise, dust and mud locally.	See appraisal

Put otters at risk.	No otters identified in survey
Increase flood hazards down steam.	See appraisal
Impact local businesses.	
Colemans Farm is the wrong place for a quarry. Allocated in development of the Minerals Plan. However, promise by the developer of a flagship biodiversity site at restoration.	See appraisal
Given the failure to identify otters, queries whether other species have been correctly documented.	No otters identified in survey
Bat survey not been completed.	See appraisal
Queries whether the baseline for wildlife been correctly presented.	See appraisal and Environment Statement
Queries whether restoration would result in a significant enhancement to biodiversity.	See appraisal
Plans would create Biodiversity Framework Habitats. However, larger areas of open water for fishing and other recreational uses are not priority habitats.	Recreational uses would require future planning application.
'Other recreation uses' could be incompatible with biodiversity.	Recreation uses would require further planning application
A leisure park is not a flagship biodiversity site.	Use as a leisure park would require future planning application
Given the fact that the A12 is already a dangerous route based on the accident data, it is not clear how this development would provide safe and suitable access to the site.	See traffic appraisal
February 2014 much of the site was covered in flood water. The soil acted as a sponge soaking up water until the River Blackwater had subsided, helping to reduce flooding downstream. Not reflected in the application papers.	See flood risk appraisal and no objection from Environment Agency & Flood Authority
Groundwater monitoring data omits significantly high groundwater conditions encountered across much of the UK in the winter of 2013 and spring of 2014. A key omission. The most current data could have a material bearing upon the on-site water management and dewatering strategy. Baseline data set for groundwater levels is potentially not fit for purpose and lacks a nationally significant hydrological / hydrogeological event.	See flood risk appraisal and no objection from Environment Agency & Flood Authority
Dewatering and pumping may change the levels of water in the River Blackwater and local fishing lakes, potentially affecting wildlife in the river, fish in the lakes and the setting and fabric of listed buildings downstream.	See appraisal

New road layouts required at the junctions with the A12 from Little Braxted Lane and Braxted Road. Extra lane on the A12 between the two junctions required (funded by the developer).	Assessed by Highways England and extra lane not required
HGVs going towards Chelmsford on the A12 should use an enhanced Braxted Park Road exit from the site.	See appraisal
Legal agreement required preventing any quarry traffic from using the main part of Little Braxted Lane, as well as new signage.	Lorry routeing plan proposed via s.106 agreement
There should be no increase in the risk of flood downstream.	See appraisal
Existing arrangements for reducing the level of water in the river when heavy rain is forecast should either continue or be replaced with other preventative measures.	See appraisal
Conditions required to restrict runoff to the correct 1 in 2 year rate as per the Flood Risk Assessment (FRA) (para 4.2.2 and 4.2.3) of 127 l/s rather than the less favourable Hydrogeological Impact Assessment (HIA) criteria.	See appraisal
Creating a greater buffer distance between Phases 3 and 6 and the River Blackwater would reduce the potential impacts of dewatering as it would tend to reduce the zone of influence of the pumping and, in turn, reduce the risk of the river baseflows being reduced by excess seepage into the quarry void.	See appraisal
Base flows in the River Blackwater fall to low levels during the summer months and at those times a loss of 6.2% - 12.5% (HIA page 15) could have a material detrimental effect upon the amenity value of the river.	See appraisal
Dewatering should be restricted in the summer.	See appraisal
Condition requiring a monitoring station immediately downstream of the site. Conditions should describe the frequency of monitoring, the actions required, timescales and an independent enforcement regime.	
The NPPF says this should only be required in exceptional circumstances. This case is exceptional as Brice Aggregates is not a member of the industry scheme (which provides a bond).	The NPPF clarifies that bonds should only be sought in exceptional circumstances
Life of quarry to be limited to 10 years. Allowing the quarry to operate for 17 or even 18 years is not compatible with the requirement of NPPF para 143 which says reclamation should be "at the earliest opportunity."	Reclamation will be phased
No landfill.	No landfill proposed
There should be no working and no lorry movements on Saturdays or Sundays.	Hours to be conditioned.
There should be a limit of 58 lorry movements on a full working day.	See appraisal – hours of operation and tonnage controlled by

	condition
Every vehicle leaving the site should use a wheel wash and the affected parts of Little Braxted Lane should be swept daily.	Condition to be included
Monitor required at the site every three months, with additional visits if complaints are made by local residents about breaches of conditions.	Standard quarry monitoring would be carried out
Errors and omissions including failure to see and report signs of otters, failure to complete the bat survey, no supporting plan for managing hedges, failure to take account of 2013/14 groundwater data, off-site discharge rates incorrect, little consideration of the potential impact of a reduction in off-site flows upon downstream areas (in particular the effect of a change in the pattern of surface water discharge and groundwater seepage to the River Blackwater during the operational stages of the scheme), failure to complete the archaeology survey, discrepancies over the life of the working quarry, no plan for enhancing the Braxted Park Road access point, no rationale for 58 lorry movements a working day, no supporting plan for lorry routeing, and inconsistencies between noise data in Environmental Statement and Noise Assessment.	See appraisal
<p>Flood Risk</p> <ul style="list-style-type: none"> • Proposal would allow floodwater to overflow into and be stored within the quarry void and above ground across 'seasonally wet grassland'. During periods of high river flows a detrimental effect to downstream areas in flood risk terms as a result of the proposed quarry not anticipated. • Floodwater will instead be stored in the quarry void or across wet grassland areas and be released to the River Blackwater at controlled rates, with additional seepage via underground flow from the quarry pit sides. • Long term, the proposal will provide some flood risk benefit to downstream areas as the scheme is due to provide a net increase in floodable void above the permanent water level in the lakes. • FRA para 2.2.4 indicates that there would be a short term loss of fluvial flood storage attributed to creation of bunds. No technical reason why this potential detrimental impact has not been mitigated. • Should be a tangible net uplift in available fluvial (river) flood storage capacity across the site during every individual phase. • Provision of long term flood storage should be safeguarded by planning conditions. • Planning conditions should be clearly worded to capture the requirement to restrict runoff to the correct 1 in 2 year rate as per the FRA (para 4.2.2 and 4.2.3) of 127 l/s rather than the less favourable HIA criteria. 	See appraisal
<p>Dewatering</p> <ul style="list-style-type: none"> • The impact of dewatering does not appear to pose a particularly significant threat to water levels in the River Blackwater at most times of the year. • However, during the summer months proposal could have 	See appraisal

<p>a material detrimental effect upon amenity value of the river.</p> <ul style="list-style-type: none"> • Visual appearance not considered. • Creating a greater buffer distance between Phases 3 and 6 and the River Blackwater would indeed help to reduce the potential impacts of dewatering • A planning condition (or requirement of the Environmental Permit) could impose a restriction on dewatering during the summer months when low baseflows would be most likely. 	
<p>Monitoring</p> <ul style="list-style-type: none"> • The Environment Agency will ensure that water levels and quality are monitored as part of the requirements of the Environmental Permit. • To secure a specific monitoring location it would be necessary to lobby the EA and seek to ensure that a suitable monitoring location was requested as part of the Environmental Permit. • The most likely impact or changes would be a reduction in water level or an increase in silt content within the River Blackwater. It is unlikely that either would cause significant damage per se. 	See appraisal
<p>Data</p> <ul style="list-style-type: none"> • Generally, the assessments and assumptions are reasonable. • The one exception is that there appears to be little consideration of the potential impact of a reduction in off-site flows upon downstream areas and in particular the effect of a change in the pattern of surface water discharge and groundwater seepage to the River Blackwater during the operational stages of the scheme. • Would have expected to see additional consideration of a change from a steadier, consistent discharge to the River Blackwater to a more variable. • Data is arguably robust but not as current as it could be. Rainfall data (HIA page 3) is dated 2010 but the additional 3 years of data is unlikely to have any meaningful effect. • Groundwater monitoring data has been presented for 2012 / 2013 (HIA page 7) which is reasonably up to date but is missing the significantly high groundwater conditions encountered across much of the UK over the Winter 2013 / Spring 2014. • Generally, best practice has been followed. However, the FRA does not appear to make any reference to or take into account latest best practice guidance on assessing flood risk (BS8533 Assessing Flood Risk : 2011). 	See appraisal
<p>The proposed quarry at Colemans Farm would be so unsafe and damaging to indigenous wildlife and the local environment as to</p>	See ecology appraisal

render the site fundamentally inappropriate.	
That 95% of HGS would use an access point on Little Braxted Lane close to the A12 slip road is an 'expectation' not a maximum. The slip road is already extremely active particularly at peak times. Additional HGVs would slow movement further (tailbacks of stationary vehicles are already a frequent occurrence) and present an additional hazards for traffic leaving the A12 at 50-60mph in off-peak hours.	See traffic appraisal
No calculation of the amount of time inward/outward HGVs would take to negotiate passage on to the slip road. Even with improvements and coordination, six vehicles per hour using the proposed site entrance would block access to Little Braxted Lane for much of the working day.	See traffic appraisal
Assurance given that HGVs will always turn right out of the site and not left down Little Braxted Lane. Does not cover ancillary vehicles. Secondly, HGV driver with a quota to meet will improvise at times of gridlock. No requirement monitoring. Self-policing is unacceptable. Expecting local residents to monitor and enforce the requirement is unfair. The police and Trading Standards will be unwilling to become involved.	Lorry routeing plan proposed via s.106
The arable land has acted as a flood control, the soil absorbing water and reducing the amount of flooding of land and properties downstream.	See appraisal
Dewatering and pumping related to the quarry will change the level of the water in the River Blackwater. Efficient flood-risk management, monitoring and policing by an independent outside agency is essential.	See appraisal
Proposals for a biodiversity flagship on the site after restoration are not compelling as the proposed Biodiversity Framework Habitats would neighbour large areas of open water for fishing and other recreational use. Commercial exploitation of these areas would hardly be compatible with wildlife habitats and would further alter the social fabric of the area.	See appraisal
Plans to narrow the Little Braxted Lane/slip road junction to discourage HGV drivers from ignoring restriction signs and using the Lane as a through route. Any redesign of that access point must not constitute an open invitation to HGV drivers not bound by the controls placed on the developer/operator to use the Lane as a through route when it is free of quarry vehicles.	See appraisal
An independently policed condition required that no HGV will turn left out of the site down Little Braxted Lane. Inward/outward movement of HGVs must be managed so that they do not constitute a permanent/semi-permanent obstruction of the public road.	Lorry routeing plan proposed via s.106
Highway alterations to be funded by the developer/operator.	Alterations proposed within applicants ownership would be at applicants expense
Condition requiring that adequate flood water storage is available	See flood

throughout the development and operating period and that pumping water from the site into the River Blackwater should cease immediately when flooding is possible.	appraisal
A buffer zone to be created between phases 3 and 6 of the quarry and the River Blackwater to help reduce the flood risk, impact of dewatering and to mitigate the impacts on otters and other wildlife. This would also enable the nearby bridleway actually to be usable by riders.	See appraisal
Monday to Friday operation only	Hours to be condition include Saturday
Requirement for wheel washing and road cleaning.	Condition to be included
An inflexible limit of 58 lorry movements per full working day.	Hours and tonnage to be controlled
No landfill or retail trade to be permitted.	Would require planning application.
Screening to be in place on the A12 from the onset of development through the operational period	See appraisal
Developer to provide a bond. To ensure compliance development to be monitored and policed by an appropriate outside agency.	The NPPF clarifies that bonds should only be sought in exceptional circumstances
Flood during the life of the quarry remains a major concern.	See flood appraisal
There should be an increase in available storage capacity for flood water – using a large (clay-lined) void – during every individual phase of the quarry (not just when the phasing makes it convenient to provide a void).	See flood appraisal
Pumping into the river should cease when flood is likely; this should be a condition of planning approval and/or of discharge consent.	A discharge consent would be required to be issued by the Env Agency
Existing arrangements for reducing the level of water in the river when heavy rain is forecast – which have the effect of avoiding floods - should either continue or be replaced with other preventative measures.	See flood appraisal
Developer has acknowledged the mistake in the HIA; discharge should be limited to the one in two year rate of 127 litres per second (as stated in the Flood Risk Assessment, 4.2.2) rather the rate that is wrongly stated in the Hydrogeology Impact Assessment (5.4) of 513.71 l/s.	Noted
Concerns regarding the leeway the applicant has been given to continue to refine the application.	Noted
There are no new measures to accommodate lorries bound for Chelmsford on the A12 and having to cross the slip road.	See traffic appraisal

Proposed removal of vegetation as an aid to visibility does not get around the fundamental problem of the inadequacy of this access point for this venture.	
Quarry traffic entering Little Braxted Lane from the slip road will inevitably mislead other heavy traffic into believing it to be a through route.	Noted. Signage proposed
The applicant should be required to provide a turning circle on his land to extricate non-quarry traffic from an already congested situation.	Improved entrance proposed would facilitate vehicle turning
The number of quarry lorries entering and leaving the site would effectively block Little Braxted Lane to all other traffic seeking access to Little Braxted village and beyond from the A12.	See appraisal
In the face of the congestion at the slip road, quarry traffic with schedules to keep to will turn left from the proposed site into the wholly inappropriate stretch of lane, incorporating a river bridge with a 3 tonne limit, towards Little Braxted village. A marked narrowing of the Lane below the proposed access point would be essential to prevent this.	Signage proposed
Drastically improved, unequivocal signage and road narrowing would be required to make the proposed more complicated access arrangement come close to functioning adequately.	Signage proposed
New papers reveal that bat species are present on the site. 1 kilometre of hedgerows, used by bats, would be destroyed. No provision has been made for these bats or any other protected species, including otters. This failure brings into question the biodiversity case for proposal – which ECC has put much weight when selecting the site.	See appraisal
Would biodiversity gains at restoration outweigh the loss of landscape and damage to protected and other species of wildlife?	See appraisal
Would junction between Little Braxted Lane and the slip road to the A12 be safe for all road users?	See appraisal
Would there be no increase in flooding downstream from the site?	See appraisal
Traffic generated will have a huge and significant effect upon the A12.	See appraisal
Concerns regarding the effect of the proposal on the circulation of traffic on the A12 at Junction 22 – Colemans Bridge.	See appraisal
Highways Agency has previously stated that Junction 22 of the A12 is unsatisfactory and that a large number of HGV movements via Junction 22 would generate safety concerns.	Highways Agency do not raise any objection
Junction 22 is currently a busy and complex junction. It controls the movement of 5 roads, assisted by traffic lights. 2 of these roads already subject to heavy commercial traffic from industrial areas/	See appraisal
Traffic backs up along the B1389 onto the A12. Stationary vehicles queuing to leave A12 causes traffic hazard. Alternate route via Hatfield Peverel adds 6 miles journey.	See appraisal
Nearby housing developments will increase traffic on the A12. A12 will need to be improved.	See appraisal
Proposal would be tipping point, creating a very dangerous	See appraisal

Junction 22.	
Industrial development in a rural area. The industrial areas of Witham are north of the A12, which provides a natural barrier for the essentially rural villages to the south. Proposal will be within the River Blackwater valley, an area that should not be subject to large scale development such as that proposed. The development would be visible from miles away, which would detract from the essentially rural nature of the landscape.	See appraisal
The proposed development would be sited between narrow country lanes, particularly Little Braxted Lane to the west. These roads cannot support heavy goods traffic and would need to be substantially upgraded, which be detrimental to the local environment. Access to the site from the A12 slip roads at Witham North would also need to be upgraded.	See appraisal
Blackwater River is home to otters, a protected species. Proposal would endanger otters and all other wildlife in the area.	See appraisal
Proposal would cause more damage than has ever been experienced in the history of Little Braxted. Village should be left to its normal peaceful existence for future generations to enjoy.	See appraisal
Concerns regarding ongoing amendments to the proposal. Amendments an attempt to wear down opposition to the proposal.	See appraisal
Continued objection on grounds of unsafe local roads and HGVs crossing fast moving traffic on slip road when leaving the site for Chelmsford.	See appraisal
Objection to the proposal on the grounds that such an industrial development would destroy an attractive area of the river Blackwater.	See appraisal
Second exit proposed from the site giving access to Tiptree would result in even more traffic of a heavy nature going over Appleford Bridge, which is already a pinch point and is frequently damaged with the existing levels of use.	See appraisal
Would like to see a restriction on lorries leaving the site from the access turning right towards Tiptree.	See appraisal
The proposed site access points in Little Braxted Lane and via Colemans Bridge would involve heavy vehicles crossing or joining fast moving traffic on the A12, significantly increasing the likelihood of accidents at these junctions. New road layout conditions which are compliant with MLP policy S11 required.	See appraisal
To provide a buffer for otters and other wildlife, and to reduce the potential impact of dewatering of the river and local fishing lakes, quarry should be taken back from the river.	See appraisal
Provision should be made for a void to take flood water throughout the life of the quarry.	See appraisal
Local residents who currently enjoy a tranquil and picturesque setting. Steps should be taken to limit noise and pollution effects. Suggest excluding lorry movements on the weekends and a wheel-wash for all vehicles leaving the site.	See appraisal
Site is to be accessed from Little Braxted Lane. The transport statement which supports the application has been prepared on this basis and detailed designs have been provided for this point of access only. Request condition be imposed on any approval	Lorry routeing plan proposed

that prevents access to and from the site by any means other than the Little Braxted Lane access arrangements.	
The alternative access would make use of Braxted Road. While Braxted Road provides access to the A12 the on- and off-slip roads at this junction are short and, given the nature of the vehicle traffic likely to be generated by the proposed mineral extraction activities, may well give rise to a highway safety issue. It should be noted that the safety of accessing the site via the alternative access and Braxted Road has not been assessed in the transport statement.	See appraisal
Requests that should the proposal be approved, the air quality control measures required are both comprehensive and rigorous and are demonstrably sufficient to make the air quality impact of the proposed mineral extraction operation acceptable in all respects. Also request s that a system of monitoring be put in place to ensure that the air quality control measures are being properly implemented and are effective.	See appraisal
Until now detailed designs had only been submitted for the Little Braxted Lane access to the site. The application proposals therefore appeared to be predicated upon the site being accessed from Little Braxted Lane only. Detailed designs have now been submitted for a Braxted Road (Braxted Park Road) access. This suggests that the mineral extraction operation may use both accesses.	See appraisal.
The transport statement submitted with the application, which does not appear to have been updated as part of the additional information recently submitted, suggests that the Braxted Road (Braxted Park Road) access is an “alternative access”.	See appraisal
It is unclear what is meant by “alternative access” and the additional information submitted makes the position even less clear.	See appraisal
Requested that applicant be asked to clarify how the site, once operational, is proposed to be accessed, e.g. using just one of the proposed accesses or a combination of the two. If a combination, it would be useful to know what factors will determine which access is to be used when.	See appraisal
The Little Braxted Lane access remains the better of the two options. While Braxted Road provides access to the A12, the on and off slip roads are short and, given the nature of the vehicle traffic likely to be generated by the proposed mineral extraction activities, may well give rise to a highway safety issue.	See appraisal
The local infrastructure does not want, need or is able to support the scale of this and other proposed projects.	See appraisal
Roads and services are already at crisis point with daily traffic jams, accidents and general weight of traffic affecting business and quality of life.	See appraisal
Current damage to property, kerbs, bollards, road signs, road surface, drains will only increase further. Lorries are mounting and illegally running along pavements.	Noted
The slip roads, access and local infrastructure are completely	See appraisal

inadequate only leading to a further increase in accidents, damage and the potential for loss of life.	
The planned road access is unsafe. Brings a huge increase in traffic. Will profoundly affect local wildlife and residents.	See appraisal
Likely reduce local property values.	Noted
Potentially affect archaeology and ground water/flood prevention.	See appraisal
Create many years of significant disruption of visual and air quality of the local area.	See appraisal
Open the likely-hood of usage changes.	Would require planning application
The two Braxted bridges to Witham are a disgrace in planning terms both with considerable damage. The problem compounded by industrial encroachment over the Blackwater into the Braxteds.	Noted
Proposal all about money and the destruction of what was good farming land.	Noted
Any planning gains should be granted on the basis that the local council and local population benefit as much as the land owner from such permissions whereby ongoing income is split 30/70 in the grantees favour and huge upfront cash and cast iron warranties taken to cover any future restoration.	The NPPF clarifies that bonds should only be sought in exceptional circumstances
There is enough lake water in this area due to gravel excavations at Heybridge, Witham and Braxted. No more fishing lakes or conservation areas (or solar farms) are required.	See appraisal
Wildlife (including badgers, cormorants and otters) are nothing but pests to the fisheries and are covertly disposed of all the time	Noted
Already insuffiecnt land.	Noted
Objections on the grounds of Noise, mud, dust and disruption, congestion, damage to the local roads, flooding issues, endangering wildlife, possible damage to historical remains and areas and danger of lives on the A12 sliproad.	See appraisal
Concerns regarding the proposal, in particular traffic and highway issues.	See appraisal
Proposals for HGV movements to and from the site will have a significant impact on the Colemans Bridge A12 junction area, where traffic regularly builds up along both the slip roads and the approach lanes of the A12. Worse during rush hours. HGV movements would need careful management, as well as conditions limiting movements during certain parts of the day.	See appraisal
Conditions limiting movements during certain parts of the day would increase movement per hour during other times.	See appraisal
Proposal does not address Government plans to widen A12 to 3 lanes.	Highways England has assessed the proposal and no objection raised.
Queries the impact upon the local roads, particularly on Braxted Park Road and the current Appleford Bridge, which is a listed site and has limited capacity. Queuing to cross Appleford Bridge creates long tailbacks during busy periods. Proposal would have	See appraisal

an adverse effect upon minor local roads, particularly as the crossroads between Tiptree Road and Braxted Park road which has been identified as a black spot for traffic accidents. In particular the cycling route from Maldon-Tiptree cuts across this junction and increased traffic would create safety fears.	
Unsafe access on Little Braxted Lane/A12 slip road given volume of traffic. No safeguard against exit onto Braxted Rd leading to traffic problems on both Appleford Bridge and Rivenhall Hotel junction	See appraisal
Concerns regarding road safety and congestion. Despite weight limit, width and height restriction signs on the road past Colemans farm many lorries already end up in the lane in the wrong place causing congestion and damaging the road, hedges and trees. Proposal will exacerbate this.	See appraisal
HGVs will cause pollution and will damage the local wild life environment, as well as potentially causing air quality problems for the residents of the surrounding areas.	See appraisal
Concerns regarding noise and dust pollution, particularly when weather conditions are 'wrong'.	See appraisal
Quarry would add to the countryside already lost to solar farms.	Noted

DR/22/15

committee DEVELOPMENT & REGULATION

date 24 July 2015

MINERALS AND WASTE DEVELOPMENT

Proposal: **To enable the importation of materials from time to time to meet product imbalances and to offer a fuller product portfolio to customers without compliance with Condition 7 (Importation Restriction) of planning permission ESS/46/14/TEN**

Location: **Land at Martells Quarry, Slough Lane Ardleigh**

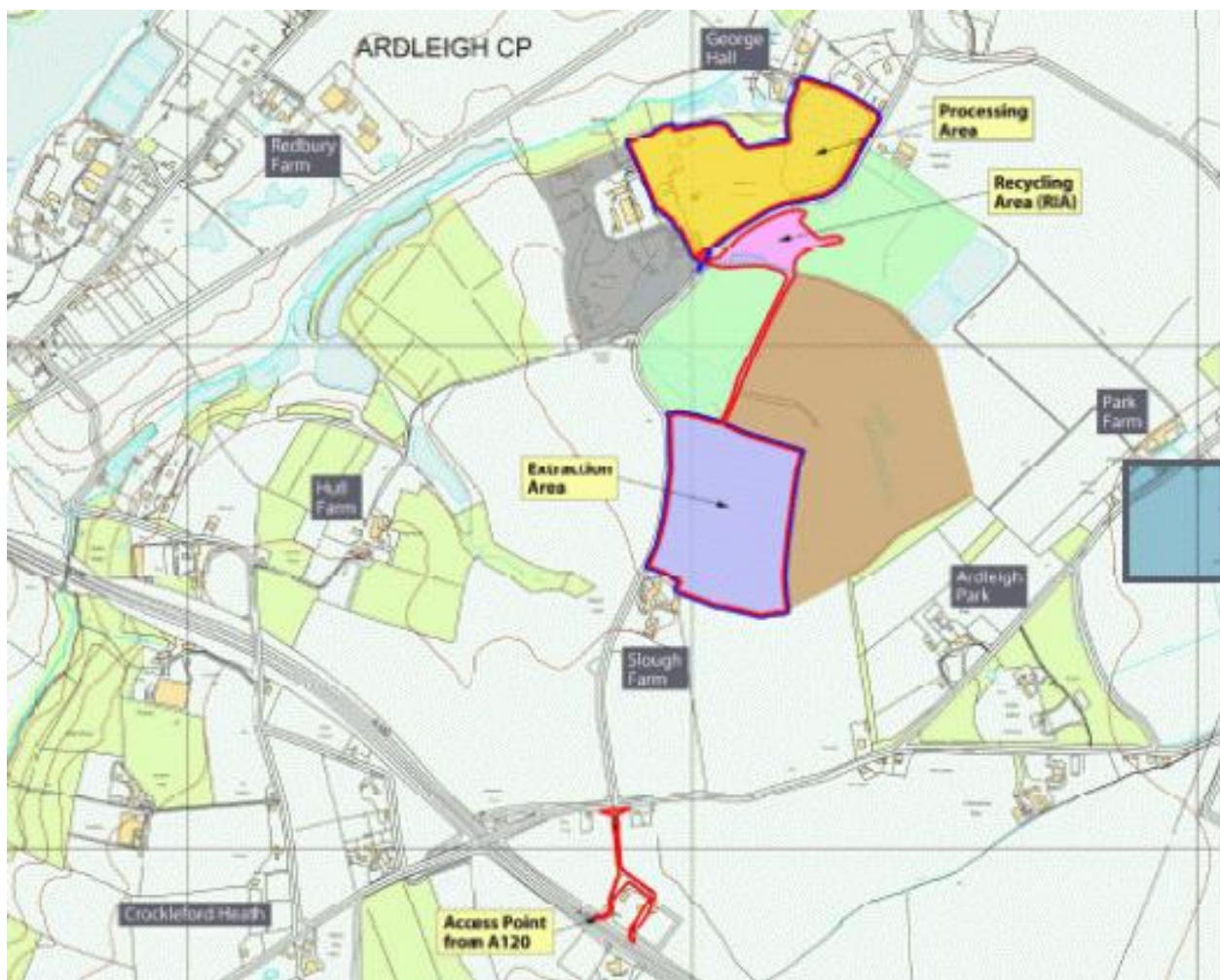
Ref: **ESS/23/15/TEN**

Applicant: **Aggregate Industries UK Ltd**

Report by Director of Operations, Environment and Economy

Enquiries to: Terry Burns Tel: 03330 136440

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND AND SITE

Mineral extraction at Martell Quarry has been ongoing since the 1920's. The Martell Quarry/Landfill complex comprises the quarry processing, stockpiling and site offices and immediately to the west, lying within the former and original quarry void and Martells Industrial estate, comprising a number of businesses with activities including, but not exclusively, concrete batching, scrap metal, end of life vehicle dismantling and inert waste recycling.

These areas are all located to the north of Slough Lane that divides the complex and to which the processing plant area and industrial estate share access off. To the south of the lane and along a short haul road lies the main excavation activities and to its immediate east lies the active Ardleigh Landfill site.

Both quarry and landfill HGV traffic access and exit the complex travelling south along Slough Lane across the B1029 to access a private road with barrier provision that links onto the A120.

Some of the traffic generation by the industrial estate businesses which operate under a number of permissions, are restricted to access/egress the industrial estate north along Slough Lane towards Ardleigh.

The extant quarry permission, ESS/46/14/TEN, is time limited with mineral extraction to cease by December 2026 and for ancillary activities such as the processing plant to be removed when no longer required for their purpose and in any event before the restoration deadline of June 2033. Condition 7 of the permission states that: *"No materials shall be imported to the site for processing other than those from the application area"*.

2. PROPOSAL

This application seeks without compliance with Condition 7 to enable the importation of up to 20,000 tonnes per annum of mineral to meet both product and production sales imbalances and to offer customers a fuller product portfolio. The applicant states that due to the potential variation found in the Martell's Quarry reserves, these may from time to time be a need to import to assist blending with the indigenous reserves. The applicant states that importation would enhance the indigenous silica sand supply from what is an important reserve and the only silica sand quarry in Essex.

The applicant confirms that:

- Quarry output, including the imported mineral, would remain unchanged (extant permission limits mineral leaving the site to 125,000 tonnes per annum)
- Site operating hours would remain unaffected (extant permission restricts site operations including vehicle movements to Monday to Friday 07:00 – 18:30 and Saturdays 07:00 – 13:00 hours).
- Where practicable backhauling of mineral would be undertaken. Worst case scenario would be less than 2 additional traffic movements (1 in/1 out) per

day.

In respect of environmental considerations, the application states that for:

- Landscape and visual impact – the application site is well screened from visual receptors and any importation and storage arrangements would have no additional impact from that existing.
- Ecological – the proposal would not affect any undisturbed land. The proposed stocking area is already utilised for a similar purpose and would not result in new activity.
- Air quality, Noise and health impacts – The proposed operations would be managed as part of the existing dust management scheme and activities would be carried out within site noise limits. There would be minimal potential for any noise, dust impacts due to the nature of the proposal of importing, storing and blending with the indigenous sand.

3. POLICY

The following policies of the Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan Adopted December 2007 provide the development plan framework for this application. The following policies (paraphrased or in quotation marks if set out in full) are of relevance to this application:

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

a) Policy S1 “Presumption in favour of sustainable development”

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

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

Requires that minerals development demonstrate (and where relevant to this application):

- “Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- Appropriate mitigation measures mitigation measures shall be included in the proposed scheme of development, and
- No unacceptable adverse impacts would arise.....”

c) Policy S11 “Access and Transportation”

Minerals development would be supported where demonstrated there would be no unacceptable impacts on the efficiency and effective road network operation, including safety, capacity, amenity and the environment.

The policy further supports road transportation where the highway network is suitable for HGV or can be improved to accommodate such vehicles.

d) Policy DM1 “Development Management Criteria”

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; safety and capacity of the road network and the visual environment.

e) Policy DM3 “Primary Processing Plant”

Whilst this policy seeks to ensure that primary processing plants are located within the proposed mineral site boundary the policy addresses the importation element in that “Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so”.

The supporting text to this policy has relevant comments recognising that the importation of non-indigenous material can increase vehicle movements and extend site life. The text goes on recognising that limited imports could enable minerals to be blended and produce a broader product range. The text notes that this may be a more efficient use of resources. However, there is a need to avoid additional or non-essential mineral movement generation to keep environmental and community impacts to a minimum.

The text considers that imports should be considered on a case by case basis, and that in all cases the main use of the primary processing plant is to process the indigenous reserves.

The text highlights that movement of mineral between sites purely to increase product availability is normally not considered acceptable especially given the impact of additional traffic.

Relevant policies within the Tendring District Local Plan Adopted 2007 are:

a) Policy TR1a “Development affecting highways”

Provides for applications affecting highways to be considered accommodating the proposed traffic generation.

b) Policy TR9 “Access of freight to transport networks”

Whilst this policy seeks to encourage the use of rail/port for distribution of freight, where this is not possible the policy requires that such proposals be located where good access exists in line with the Local Plan Road Hierarchy without causing adverse impact on either environmental sensitive areas or communities.

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

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

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

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

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

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

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

4. CONSULTATIONS

TENDRING DISTRICT COUNCIL: No objection subject to retention of conditions relating to HGV movements and mineral output as ESS/23/15/TEN

ENVIRONMENT AGENCY: No comment to make.

HIGHWAY AUTHORITY: No objection subject to all vehicles associated with the proposal using Slough Lane to the south of the proposal site and the private access on and off the A120 Trunk Road.

ARDELIGH AND ELMSTEAD PARISH COUNCIL: Concerned over damage caused on the local network of narrow roads by many lorry journeys with heavy loads. The breakdown of road edges causes potholes which are dangerous for cyclists and motorists.

LOCAL MEMBER – TENDRING – ARDLEIGH AND LITTLE BROMLEY - No

comments received.

5. REPRESENTATIONS

Site, press and neighbour notification was undertaken and as a result 5 representations with the same objection have been received by e-mail from an adjoining residential property, Little Garth, located to the north-east.

The objection states that the application “is a serious change from the original planning permission granted, which would lead to an unacceptable increase in the movement of HGV traffic along Slough Lane which is already heavily used by large vehicles. More lorry movements would lead to further degradation of the road surface, damage to banks and unacceptable increase in noise and pollution. Despite there being a link road to the A120 there is a significant amount of HGVs using the Station Road/Slough Lane route ignoring the traffic restrictions already in place”.

6. APPRAISAL

The principal issues in respect of this proposal are:

- A. Appropriateness and need for the development in this location.
- B. Environmental issues –Traffic.
- C. Environmental Issues - Noise.

A. APPROPRIATENESS AND NEED FOR THE DEVELOPMENT IN THIS LOCATION

Martells Quarry operates as the county’s only industrial grade silica sand site; the mineral being recognised in the NPPF as of both local and national importance. The applicant has operated the site for a number of years, although there has been no submitted evidence to support their present contention that the quarry has “struggled to provide the range of products required by the market”. The applicant confirms that as a result issues of meeting product imbalances, production sales imbalances and providing a fuller product specific to customers is one that would probably reflect the situation experienced at other mineral sites nationally.

Both the NPPF and Policy DM3 recognise the benefit of flexibility to supporting business and that “blending” of mineral is a recognised practice both as an indigenous activity as well as between mineral sites. Blending from the purely mineral use, enables a mineral resource to be fully exploited, its use and supply opportunity maximised and minimising wastage.

Whilst there may be policy support to help the flexibility of supply, business support and continuing employment opportunities in rural areas, this must be balanced against the local effects importation brings.

In this particular instance, the quarry is well established with suitable infrastructure to accommodate existing indigenous blending activities. The quarry location could, without the need for further investment/infrastructure/environmental

disruption, accommodate importation, that other less well placed sites may lack to accommodate importation.

The application seeks to undertake the blending as part of the existing quarry activities, within the existing operating hours and would not prejudice mineral extraction/restoration cessation dates.

Overall, there would be no conflict with policy S1; S10, DM1 or DM3 supporting such sustainable type activities within existing mineral development locations.

B. ENVIRONMENTAL ISSUES – TRAFFIC

The occupants of Little Garth have objected to further traffic increase as a result of this proposal, the degradation of the highway and HGV's not using the Slough Lane/private access onto the A130.

The existing quarry operates under a condition (no. 13) restricting HGV access to a defined route (south on Slough Lane to access the private haul road through to the A130), except for local deliveries. The condition also sets maximum vehicle movement numbers to:

“daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - averaged over period of 1 year;

daily HGV movements of 54 (27 out and 27 in) (Saturdays) - averaged over period of 1 year;

inclusive of a maximum daily peak for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Minerals/Waste Planning Authority upon written request”.

The application proposes no additional increase in permitted movements, but could result in (at worst) 2 additional lorry movements per day, although where possible ‘backhauling’ would be utilised. The existing routing restriction would equally apply to any traffic associated with this application were approval forthcoming – which accords with the Highway Authority’s request.

Other HGV's not associated with the quarry/landfill and operating from the adjacent industrial estate are not restricted under their respective permissions to use the defined quarry traffic route south along Slough Lane.

In terms of further highway degradation this would occur irrespective of this particular application. The applicant has sought to minimise traffic impact by seeking where possible the backhauling of imported mineral which would take place within the existing traffic flow pattern.

The applicant has not formally sought to vary Condition 13 (traffic movement numbers) to accommodate any need for additional movements to accommodate their worst case scenario (2 movements) referred to earlier in this report. It is considered that the restrictions in Condition 13 are suitable and should monitoring of the quarry vehicle movements identify a need to reassess this condition then that can be undertaken at a later date.

In terms of this particular application, it is not therefore considered that the proposal would impact on local amenities over and above what already occurs.

Traffic issues are not considered either from a highway or environmental aspect to be considered unacceptable and I do not see any conflict with Policy S10, S11, DM1, DM4, TR1a or TR9 arising.

C. NOISE

The existing processing plant and stockpiling area are well located within the complex. The proposed importation activities would not add cumulatively to either what is already permitted nor to prejudice existing noise generation level restrictions.

It is not considered that noise aspects are material to this proposal and that there would be no conflict with Policies S10 or DM1 in terms of introducing unacceptable impact into the locality.

GENERAL

The opportunity is given to planning authorities when determining applications made as Variation of Conditions (Section 73 of the Town and Country Planning Act 1990 – Determination of applications to develop land without compliance with conditions previously attached) to review, and update, the remaining extant conditions associated with the relevant permission, and any subsequent ancillary permission, to ensure that they are consistent with the application that it is being determined under.

7. CONCLUSION

The proposal would be for a specific annual tonnage that could be monitored through condition. Importation when required would augment existing processing activities contributing to the sustainable use of an existing facility, maximisation of the mineral resource without prejudicing either the existing quarry extraction or restoration cessation dates.

In terms of the local resident's concerns these are, in respect of this application, considered unjustified and that their amenities would not be prejudiced over and above what is already permitted by the permission.

On balance, the proposal is considered to comply with the relevant policies of the Development Plan taken as a whole and represents sustainable development in the context of the NPPF and accordingly planning permission should be granted.

RECOMMENDED

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

- 1) Condition 7 of planning permission ESS/46/14/TEN being amended to read: “No more than 20,000 tonnes of mineral per annum shall be imported into the processing area as defined on Drawing No M13.227.D.005 entitled “Final”, and;
- 2) All other conditions of planning permission ESS/46/14/TEN being carried forward and appropriately reviewed and updated to reflect current practice.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance to a European site.

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

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION

TENDRING – ARDLEIGH AND LITTLE BROMLEY

DR/23/15

Committee DEVELOPMENT & REGULATION

Date 24th July 2015**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Director of Operations, Environment & Economy

Enquiries to Robyn Chad – tel: 03330 136 811
or email: robyn.chad@essex.gov.uk

1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Robyn Chad/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of May

13

Nº. Decisions issued in June

6

Nº. Decisions issued this financial year

12

Overall % in 13 weeks or in 16 weeks for EIA applications or applications agreed within the extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in June

5

Nº. Section 106 Agreements pending at the end of June

0

Minor Applications

% of minor applications in 8 weeks this financial year (Target 70%)	89%
Nº. Pending at the end of May	14
Nº. Decisions issued in June	3
Nº. Decisions issued this financial year	9
Nº. Delegated Decisions issued in June	3

All Applications

Nº. Delegated Decisions issued in June	8
Nº. Committee determined applications issued in June	1
Nº. of Submission of Details dealt with this financial year	66
Nº. of Submission of Details pending at the end of June	105
Nº. of referrals to Secretary of State under delegated powers in June	0

Appeals

Nº. of outstanding planning and enforcement appeals at end of June	1
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	1

Enforcement

Nº. of active cases at end of last quarter	24
Nº. of cases cleared last quarter	6
Nº. of enforcement notices issued in June	0
Nº. of breach of condition notices issued in June	0
Nº. of planning contravention notices issued in June	0
Nº. of Temporary Stop Notices issued in June	0
Nº. of Stop Notices issued in June	0