



Essex County Council

Development and Regulation Committee

10:30	Friday, 26 June 2020	Online Meeting
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Sophie Campion, Democratic Services Officer

Telephone: 033301 31642

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

How to take part in/watch the meeting:

Participants: (Officers and Members) will have received a personal email with their login details for the meeting. Contact the Democratic Services Officer if you have not received your login.

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Online:

You will need the Zoom app which is available from your app store or from www.zoom.us. The details you need to join the meeting will be published as a Meeting Document, on the Meeting Details page of the Council's website (scroll to the bottom of the page) at least two days prior to the meeting date. The document will be called "Public Access Details".

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The agenda is also available on the Essex County Council website, www.essex.gov.uk. From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	6 - 6
2	Minutes To approve the minutes of the meeting held on 22 May 2020.	7 - 56
3	Identification of items involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
4	Minerals and Waste	
4.1	Highwood Quarry, Great Dunmow To consider report DR/18/20, relating to the: <ul style="list-style-type: none"> Continuation of planning permission ref. ESS/20/18/UTT without compliance with Conditions 4, 67 and 69 (Hours of operation) to allow heavy goods vehicles to travel off site between the hours 0600 and 0700 Monday to Saturday. Ref: ESS/16/20/UTT Continuation of planning permission ref. ESS/21/18/UTT without compliance with condition 4, 6, 17 and 19 (Hours of operation) to allow heavy goods vehicles to travel offsite between the hours 0600 and 0700 Monday to Saturday. Ref: ESS/17/20/UTT <p>Location: Highwood Quarry, Stortford Road, Great Dunmow, Essex, CM6 1SL Ref: ESS/16/20/UTT & ESS/17/20/UTT</p>	57 - 106
5	Information Item	

- 5.1 Applications, Enforcement and Appeals Statistics** **107 - 108**
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. Report DR/19/20.
- 6 Date of next meeting**
To note that the next meeting is scheduled for Friday 24 July 2020.
- 7 Urgent Business**
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

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

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Sophie Campion, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 22 May 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr J Aldridge (part)	Cllr M Mackrory
Cllr B Aspinell	Cllr M Maddocks
Cllr M Garnett	Cllr J Moran
Cllr D Harris	Cllr J Reeves
Cllr S Hillier	

1 Committee Membership

Following the departure of Cllrs Durham, Hardware and Wood, the Chairman welcomed Cllrs Aspinell and Jowers as members of the Committee, noting that Cllr Jowers was a returning member, after his term of office as Chairman of the Council. The Chairman also noted that Cllr M Steptoe had joined the Committee but was unable to attend this meeting.

2 Apologies for Absence

Apologies were received from Cllr M Steptoe (substituted by Cllr Maddocks).

3 Declarations of Interest

Cllr Hillier declared an interest in agenda item number 5.3 (Dollymans Farm update) as the owner of the site was a former client. Cllr Hillier would not participate in any debate nor vote on the resolution. (Minute 9 refers.).

4 Appointment of Vice Chairman

Councillor Reeves proposed and Councillor Maddocks seconded the election of Councillor Stephen Hillier as Vice-Chairman of the Committee. There being no other proposals, Councillor Hillier was duly appointed.

5 Minutes

The minutes of the meeting held on 28 February 2020 were agreed.

6 Identification of Items Involving Public Speaking

In accordance with the procedure, the following individual to speak was identified for the following item:

1) To consider Report DR/15/20, relating to the Temporary Relaxation of Hours of Opening for a 12 week period at Essex Recycling Centres for Household Waste (RCHW) and Waste Transfer Stations - COVID 19 Recovery Plan.
Location: Essex wide.

Public speaker: Jason Searles, speaking for.

7 Bradwell Quarry, Bradwell

The Committee considered report DR/11/20 by the Chief Planning Officer.

Members noted that in July 2019 planning permission was granted for an extension to Bradwell quarry; this included the retention of all existing processing plant, which includes a dry silo plant mortar (DSM). This application seeks to extend the operational hours of the DSM.

Members noted the addendum to the agenda.

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:

- Need & Principle
- Traffic & Highways
- Residential Amenity - Visual impact & lighting, Noise and emissions
- Ecology.

Members noted:

- The officer was holding meetings with the operator, to explore ways in which any potential source of conflict with local interests could be addressed
- Although one objection had been received to this proposal, this was in respect of the quarry working generally; and no complaints had been received in the course of the trial period
- With regard to the issue of having members of the public walking on top of the bund, the officer would also ensure that the official route would be made as clear as possible.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour (Cllr Aldridge being unavailable during this item), it was

Resolved

That planning permission be granted subject to:

- a) Legal agreement: Prior completion within 6 months of a deed of variation to ensure all previous legal obligations remain associated with the new permission
- b) Conditions: Re-imposition of all previous conditions of ESS/03/18/BTE (updated as appropriate where discharged) and with the following amendments:

Deletion of conditions 1, 2 and 9 replace with:

Condition 1 - commencement

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

Condition 2 – application details

The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:

- Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
- Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
- Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
- Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
- Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
- Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
- Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Site A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
- Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
- Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
- Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
- Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
- Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS_03_18_BTE Additional Info Noise Response_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0,

ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme

- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-18
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-18
A5-3 Rev A	Site Setting	29-09-17
A5-4 Rev E	Public Right of Way	12-02-18
A5-5 Rev A	Geological Map and Excavation Profile	05-10-17
A5-6 Rev C	Temporary Site A5 Works	12-02-18
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-18
A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

As amended by Planning Application reference ESS/35/20/BTE, application form dated 20 March 2020, supporting letter from Honace date 20 March 2020, letter from Blackwater Aggregates and letter from It does Lighting Ltd

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority and except as varied by the following conditions:

Condition 9 – operational hours

Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable:-

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times: -

07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.

(b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;

(c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times: -

07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday;

(d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times: -

07:00 hours to 18:30 hours Monday to Friday
07:00 hours to 13:00 hours Saturdays

Except that the DSM may in addition be operated between the following hours, but shall not include HGV movements onto the public highway.

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday

and at no other times.

8 Wivenhoe Quarry, Alresford

The Committee considered report DR/12/20 by the Chief Planning Officer.

Members noted that in November 2019 the Committee resolved to approve this application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990; and there was a requirement for this legal agreement to be finalised within six months of the resolution. Since then,

progress had been made, but unavoidable extraneous issues, such as part of the land falling into probate and the impact of working restrictions following the COVID-19 pandemic, had caused a delay, and the applicant was seeking a six-month extension to allow completion.

Members noted the addendum to the agenda.

There being no points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour (Cllr Aldridge being unavailable during this item), it was

Resolved

That planning permission be granted subject to:

Within 6 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4th December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
 - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
 - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
 - 4 – Noise Assessment by WBM Acoustic Consultants dated 03

December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019; 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;

- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015

4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18

5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018

6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018

7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018

7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018 8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018

11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-0992-RP11-Final by Crestwood Environmental Ltd dated 23 May 2018

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals Planning Authority,

except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.

3. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under

Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

4. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

Reason: To enable the Minerals Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

6. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take place outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

(d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.

7. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

The development shall take place in accordance with the approved scheme.

Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.

8. The public's rights and ease of passage over Public Footpath 24 shall be maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

9. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

10. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.

11. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in

writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)¹, including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information shall be given well in advance and in writing. The use of a site contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;
- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.

- 12.No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for

Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.
- i) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EclA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all

activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

14. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP shall include the following:

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

The CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time. Additional surveys will be required prior to each phase;
- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available;
- Arrangements for accessing 'Bund B' as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason: To conserve Protected and Priority species and allow the MPA to

discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

15. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

16. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20th December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority

habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

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

Reason: *To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and

hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand off between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

19. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Minerals Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

21. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

22. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.

23. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

24. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

Reason: To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.

25. From the date of this permission the operators shall maintain records of

their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

27. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

1. The type of waste or restoration material deposited at the site during the year;
2. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;
3. The volume in cubic metres (m³) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.

28. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan

Policies QL11, TR1a and TR9.

29. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

30. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

31. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

32. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

33. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D

dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

34. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

35. No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

36. No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

38. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

39. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring

District Local Plan Policies QL11 and COM22.

40. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:
- a) Attended measurements by a competent person of L_{Aeq} 5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
 - b) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
 - c) Details of equipment and calibration proposed to be used for monitoring;
 - d) Details of noise monitoring staff qualifications and experience;
 - e) Monitoring during typical working hours with the main items of plant and machinery in operation;
 - f) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;
 - g) Complaints procedures;
 - h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
 - i) Procedures for characterising extraneous versus site attributable noise if required;
 - j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

42. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an

effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

43. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

44. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

45. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Minerals Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential

nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.

46. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

47. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

48. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

49. No excavation shall take place nor shall any area of the site be traversed by

heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

50. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

51. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

52. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is

equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

- (c) When there are pools of water on the soil surface.

Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

54. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

55. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

56. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils and overburden;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage

- mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

57. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

58. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

59. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- a) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials;
- d) those areas from which it is proposed to strip soils in the following year; and
- e) details of the forthcoming year's soil replacement programme including

proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

60. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

61. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

62. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

63. Unless otherwise agreed in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

64. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.

65. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.

66. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

67. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.

- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

68. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.

69. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN11.

9 Dollymans Farm, Rawreth

Committee considered report DR/13/20 by the Chief Planning Officer.

Members noted that, in May 2019, the Committee resolved to approve this application subject to conditions and a legal agreement pursuant to Section 106 of

the Town and Country Planning Act 1990; and there was a requirement for this legal agreement to be finalised within six months of the resolution. In November 2019, the Committee resolved to extend this period by six months. Since then, discussions had been continuing and negotiations had been lengthy. A draft of the agreement was now however on circulation, which it was hoped would be accepted by all parties. So the applicant was seeking a three-month extension to allow completion.

Officers responded to points raised by Members:

- It was confirmed that there were no material changes to the original application
- The operators themselves were expected to ensure maintaining the restriction on using the A127 and they had their own fleet of lorries
- The progress report to waste planning would be in the public domain
- The agreement itself would serve as a mechanism to ensure timely restoration
- The WW1 crash site memorials were listed; they would be retained and located together, in a better setting, because of the restored site
- There was a pre-development condition covering the surface water drainage plan; the officer concerned would be alerted to the importance of this as the application proceeded.

There being no further points raised, the resolution was proposed and seconded. Following a vote of ten in favour (Cllr Aldridge being unavailable during this item, and Cllr Hillier abstaining), it was

Resolved

That subject to the completion, within three months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement;

planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', drawing no. M.17.149.D.001, dated April 2018; 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018; 'Initial Works', drawing no. M.17.149.D.004, dated April 2018; 'Phase 1 Restoration', drawing no. M.17.149.D.005, dated April 2018; 'Phase 2 Restoration', drawing no. M.17.149.D.006, dated April 2018; 'Phase 3 Restoration', drawing no. M.17.149.D.007, dated April 2018; 'Final Restoration', drawing no. M.17.149.D.008, dated April 2018; 'Concept Restoration', drawing

no. M.17.149.D.009, dated April 2018; and 'Restoration Sections', drawing no. M.17.149.D.010, dated April 2018; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the

Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

07:00 to 18:00 hours Monday to Friday

07:00 to 13:00 hours Saturday

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

Reason: *In the interests of limiting the effects on local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

6. The total number of heavy goods vehicle movements* associated with operations undertaken from the site shall not exceed the following limits:

60 movements (30 in and 30 out) per day (Monday to Friday); and

30 movements (15 in and 15 out) per day (Saturdays)

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

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

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to*

comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

8. All vehicle access and egress to and from the site shall be from Doublegate Lane, and the access road, as shown on drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To ensure appropriate restoration of the site, that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, NE4, NE5 and NE6 of the

Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

11. The development hereby permitted shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. Operations shall commence in phase one and progress in numerical order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies 6, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr
 West of Dollymans Farm: 55dB LAeq, 1hr
 Wethersfield Way, Wickford: 55dB LAeq, 1hr
 Bersheda, north of A127: 55dB LAeq, 1hr
 Electricity sub-station entrance, A129: 55dB LAeq, 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

15. For temporary operations, the Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties/locations referred in condition 14 shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

16. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at the five location points referred in conditions 14 and 15 and shown in Appendix B 1 (Site Location and Baseline Survey Locations) of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 29/08/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste

Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

17. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation, remediation (as appropriate) and recording has been submitted to and approved in writing by the Waste Planning Authority. Should a remediation strategy be deemed required following the investigation (i.e. the need to preserve in situ) such a scheme together with updated working plans shall be submitted to the Waste Planning Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

Reason: To ensure that any archaeological interest on-site has been adequately investigated, preserved and/or recorded prior to the development taking place and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policies HE1 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

- The parking of vehicles of site operatives and visitors during initial site set up;
- Areas proposed for the initial loading and unloading of plant and materials;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- The proposed construction of the access road to the site from Doublegate Lane;
- The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
- The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
- Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and

- Statement of consideration of operational development issues raised within Network Rail's consultation response, dated 08/10/2018

That submitted, in respect of the access road, shall include details of construction; design (width, finish/surface and details of a bridge over Chichester Hall Brook watercourse); and any additional features proposed in respect of surface water run-off. The development shall subsequently be implemented in accordance with the details approved.

Reason: For the avoidance of doubt as to the specification of the initial works proposed, to ensure appropriate management of the start-up phase of the development, in the interests of highway and site safety, ecology and amenity and to comply with policies 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, and T1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27, DM28 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, H12, GB1, GB3, GB11, CC2, CC4, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

19. No development shall take place until a scheme of landscape and visual mitigation for the site access, weighbridge, office and parking has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the formation of temporary bunding in addition to advanced planting and furthermore detail proposed management and maintenance during operations. The development shall subsequently be implemented in accordance with the details approved.

Reason: On the basis that it is considered that additional mitigation could be provided to further offset impact, in the interest of visual amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM and, DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

20. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan for trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Arboricultural Impact Assessment' but provide exact protection and working details/practices (including the 15m stand-off to the hedgerow) and the protection of the ground and watercourse below the access route. The method statement shall include measures to ensure that all removed timber, hedgerow arisings is utilised for habitat creation, such as habitat heaps, piles or log stacks. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

22. No development shall take place, other than the construction of the haul route/access road, until a Public Rights of Way signage scheme for highway users has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide drivers and pedestrians/users of the Public Right of Way network with signage from the start of the access road and repeated at all crossings/junctions. The signage shall be clear as to both the hazard and the right of the users. The development shall be implemented in accordance with the approved scheme with signs erected and maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); policy DM31 of the Rochford District Council Development Management Plan (2014); and policies T1, T3, T6 and T7 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

23. No development shall take place until:
- a) A revised scheme showing the plant area at existing or a lower land level, rather than 12 AOD and, and/or bunded on its eastern and southern boundaries has been submitted to the Waste Planning Authority for review. The scheme submitted shall be considered deliverable by the applicant and if elements referenced above are not considered so appropriate commentary provided; and

- b) A detailed layout plan for the proposed plant site as detailed on 'Initial Works', drawing no. M.17.149.D.004, dated April 2018 has been submitted to and approved in writing by the Waste Planning Authority.

Should in the view of the Waste Planning Authority, the revised proposals for the plant area be considered an improvement, the development shall be implemented as such. If not, the existing details as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018 shall remain approved. In both scenarios, details submitted and approved pursuant to part b) which shall show the exact layout of plant and machinery (together with specification); and location and maximum heights for stockpiles shall be maintained for the duration of the development hereby permitted. For the sake of completeness, no materials shall be stockpiled on-site unless within the plant site as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018.

Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To minimise nuisance and disturbance to the surrounding area and environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6

of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV5 of the Rochford District Council Core Strategy (2011); policy DM29 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no. M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, in the interests of safe working and to comply with policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017).

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping (if proposed) and detail how imported materials will be handled, maintained and engineered;
 - b) The proposed specification of the infill/restoration profile (i.e. an engineering report with detailed cross sections showing proposed make-up or construction to the restoration surface including depth of top soil finish) which demonstrates that material deposited will bond and not give rise to structural problems and/or excessive water retention;
 - c) The type or machinery to be used to strip the site and place infill material; and
 - d) Confirm that soil will only be stripped, handled and/or placed when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles of machinery (except for the purpose of stripping that

part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

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

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

Reason: To ensure the re-use of the existing restoration layer, if considered appropriate, to minimise structural damage and compaction of soil to aid final restoration works, in the interests of amenity and to comply with policy policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1 and ENV3 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C5 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

28. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all existing trees and vegetation together with areas to be planted, in addition to those shown on the existing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018 with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

with a tree(s) or shrub(s) to be agreed in advance in writing by the Waste Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

30. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide detailed drawings (including cross sections) of all water bodies proposed to be retained for ecological benefit and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Doublegate Lane and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

31. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: To ensure the restored land is agriculturally versatile, agricultural operations are not impeded and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy GB11 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited

to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- If infiltration is proven to be unviable then discharge rates are to be limited to 45.61l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.
- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

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

Reason: To ensure that that the development does not give rise to flood risk, ensure the effective operation and maintenance of drainage features and to comply with policies 10 and 11 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV3 and EN4 of the Rochford District Council Core Strategy (2011); policy DM28 of the Rochford District Council Development Management Plan (2014); and policies CC1, CC2 and of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

33. No development shall take place (including groundworks or site clearance) until a Farmland Bird Method Statement has been submitted to and approved in writing by the Waste Planning Authority. This must be provided after the results of a breeding bird survey undertaken following the British Trust of Ornithology Guidelines. The content of the method statement shall include the following if mitigation measures are required to offset impacts to Farmland Birds:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated

- objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works; and
- f) initial aftercare and long-term maintenance (where relevant);

Specifically, a Skylark Mitigation Strategy shall also be included as part of the Farmland Bird Method Statement submitted pursuant to this condition. This shall include provision for the evidenced number of Skylark nest plots, in nearby agricultural land, prior to commencement. The Skylark Mitigation Strategy shall seek to cover a 10 year period and include the following:

- a) purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird and Skylark mitigation strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the overall site restoration and aftercare period.

Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

34. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Waste Planning Authority no later than after completion of phase three. The submitted scheme shall accord with that suggested with the Planning Practice Guidance and:
- a) provide an outline strategy for an aftercare period of five years. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme including the aims and objective of management from an agricultural, landscape and ecological perspective; and
 - b) provide for a detailed annual programme to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting, which shall in addition to covering agricultural matters also provide commentary on landscape planting, ecological and hydrological features; and the WWI memorials.

Whilst the formal aftercare period for the site shall be five years, the outline

strategy shall, as a minimum, seek to cover a period of 10 years in respect of the management of on-site and boundary landscaping and ecological and hydrological features. The outline strategy should, in respect of this, include details of any legal and funding mechanism(s) by which the long-term management of the site will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives from a landscape and/or ecological perspective are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers long term net benefit.

Unless the Waste Planning Authority approve in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the submitted scheme.

Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and in context of policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and

Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

Dunton Fields Early Years Centre, Laindon

The Committee considered report DR/14/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to proposed conditions 2, 4 and 5.

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:

- Need
- Policy Considerations
- Design and Layout
- Impact on Natural Environment
- Impact on Residential Amenity
- Traffic and Highways

Responses were made to comments made by Members:

- Concern was expressed over the possibility of people from outside travelling in and dropping their children off, rather than it being used predominantly by local people. It was noted that no operator had been appointed yet. After approval, an operator would be appointed and a travel plan requested. The creation of a Travel Plan would be up to the school and parents, although an ECC team would be able to provide assistance
- The land use had changed from employment to education – would there be sufficient demand for this facility? In response, it was pointed out that this facility was part of Basildon's response to its local plan, which assessed a need for the provision of 660 early years places in the borough
- The site was near to two large culverts and an attenuation pond, which might represent a health and safety risk to children. In response, it was pointed out that Essex had had no choice in the location, but both boundaries and access to the site would be made appropriately secure
- Proceeding with this development virtually removed any remaining green space in the immediate area
- The overall design of the building was questioned, and in particular the flat roofline, in an area of pitched roofs. The applicant could be asked to reconsider this but it would require a deferral of the decision. The same applied to the issue of timber cladding, which members considered could be a potential fire hazard.
- The applicant had made no reference to such 'green' measures as the reduction of carbon emissions or recycling of grey water
- The proposed access road would not be wide, which could lead to

problems. Currently there were no parking restrictions proposed in the area and Highways had raised no objections.

The Chairman pointed out that several of these issues had been raised on many previous occasions and should be addressed before they come before Members. In the light of these, a new resolution was proposed and seconded. Following a vote of nine in favour and one against (Cllr Aldridge being unavailable for this item), it was

Resolved

To defer the decision and to ask the applicant to reconsider the following issues:

- the overall design of the building
- the appropriateness of a flat roofline
- the use of wooden cladding
- the health and safety aspects of the site – that a risk assessment should be made, relating to the proximity of the culverts and attenuation pond.

11 Temporary Relaxation of Hours of Opening at Essex Recycling Centres for Household Waste (RCHW) and Waste Transfer Stations

The Committee considered report DR/15/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, in respect of an amendment to the Appendix 1.

Members noted that a number of recycling centres had reopened and that large numbers of the general public were expected at these over the coming weeks.

Given the lack of time available to review and amend the opening hours of this number of centres and the need for the CPA to act proportionately to breaches of control, the proposal would give centres the flexibility to extend their opening hours, to accommodate the public, when that was considered necessary or expedient.

In accordance with the protocol on public speaking the Committee was addressed by Jason Searles, Head of Strategic Development & Compliance, Essex County Council, speaking on behalf of the applicant and in favour of the application. Mr Searles made several points.

- This ability will not necessarily be needed at every site; the aim is to give flexibility to meet demand
- Most sites have been able to cope so far, but there have been instances of cars overspilling onto the public highway. This should help alleviate such problems by extending available access time
- All sites have been closed for 8 weeks; he is confident that the 12 month period requested will be sufficient to deal with the consequent backlog
- Operations across all sites are under constant review, seeing how best to cope with the present situation.

Several members voiced concerns over the general impact of recycling centres on their localities, in terms of congestion and pollution. There was also the question of why some centres have remained closed. These were acknowledged to be potential issues but it was pointed out that this application was purely aimed at providing more flexibility to centres to deal with public demand.

The Chairman suggested that Mr Searles might contact those members who had asked specific questions about the opening of sites, after the meeting.

It was also acknowledged that the application should not be seen as creating extended hours at recycling centres but just making these permissible, if the need was there.

There being no further points raised, the resolution was proposed and seconded. Following a vote of ten in favour and one against (Cllr Aldridge being unavailable during all of this item was unable to vote but voiced his support), it was

Resolved

That it is not considered expedient to take enforcement action preventing the RCHW and WTS sites, listed in Appendix 1 to the paper, from operating extending hours until 9 August 2020.

12 Enforcement of Planning Control

The Committee considered report DR/16/20, updating members of enforcement matters for the period 1 January to 31 March 2020.

The Committee NOTED the report.

13 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/17/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

14 Date of Next Meeting

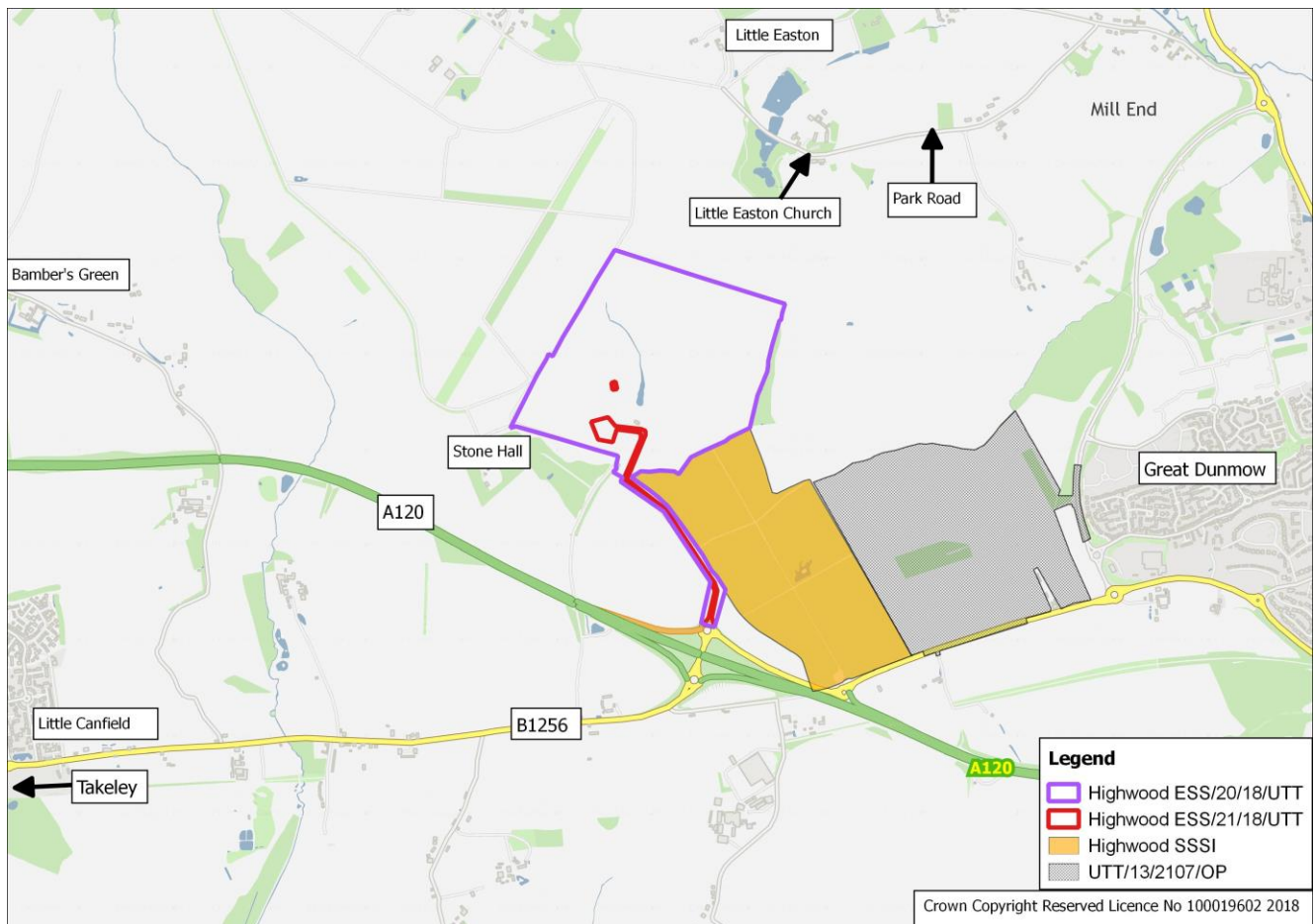
The Committee noted that the next meeting was scheduled for 10.30 am on Friday 26 June 2020, to be held as an online meeting.

There being no further business, the meeting closed at 12:37 pm

DR/18/20**Report to:** DEVELOPMENT & REGULATION (26 JUNE 2020)**Proposal:** MINERALS AND WASTE DEVELOPMENT

- 1) Continuation of the winning and working of sand and gravel, erection of a concrete plant, workshop and ancillary buildings, and the importation and treatment of inert material to produce secondary aggregate and reclamation material for progressive restoration to landscaped farmland originally permitted by planning permission ref. ESS/20/18/UTT without compliance with Conditions 4, 67 and 69 (Hours of operation) to allow heavy goods vehicles to travel off site between the hours 0600 and 0700 Monday to Saturday.
Ref: ESS/16/20/UTT
- 2) Continuation of the Importation of 70,000m³ per annum of inert waste and the installation and use of a soils washing plant for the recycling of waste, together with associated access onto the highway and a separate silt press as permitted by planning permission ref. ESS/21/18UTT without compliance with condition 4, 6, 17 and 19 (Hours of operation) to allow heavy goods vehicles to travel offsite between the hours 0600 and 0700 Monday to Saturday.
Ref: ESS/17/20/UTT

Ref: ESS/16/20/UTT & ESS/17/20/UTT**Applicant:** Sewells Reservoir Construction Limited**Location:** Highwood Quarry, Stortford Road, Great Dunmow, Essex, CM6 1SL**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

This report deals with two planning applications; both applications are for the variation of similar conditions on the same site, but different permissions. The variation of conditions relates to a change in operational hours, to allow HGVs to leave the site at 6:00am as opposed to 7:00am. As the planning issues are the same for both the applications they are being reported together.

Highwood Quarry was first granted planning permission in 2011 (ESS/65/06/UTT) for sand and gravel extraction with restoration through the importation of inert waste. The planning permission was subject to conditions and a legal agreement. The site became operational in 2012.

In 2015, planning permission (ESS/45/14/BTE) was granted for an additional volume of waste to be imported for processing and a soil washing plant to allow inert waste to be washed and screened to generate clean secondary aggregates.

There have been variations to both these permissions, an application for a bagging facility (ESS/77/12/UTT) and other minor applications at the site with respect to provision of offices and car parking.

In January 2017 the Development & Regulation Committee considered two similar planning applications (ESS/34/16/UTT & ESS/35/16/UTT), which proposed the

same change in hours as currently proposed. The Committee resolved to refuse permission and planning permission was refused in February 2017. No appeal was made.

In June 2018 it came to the attention of the mineral/waste planning authority that HGV vehicles were leaving the site between 6:00am and 7:00am in breach of planning control. The operator subsequently stopped but applied to allow early exit from the site through the two planning applications, one relating to the mineral's permission (ESS/20/18/UTT), the other relating to the waste permission (ESS/21/18/UTT).

These applications were considered by the Development and Regulation in October 2018, where it was resolved to grant planning permission, but for one year trial period, to assess the impact of HGVs leaving between 6am and 7am. In addition, a condition was imposed requiring the submission of data as to the time and destination of HGVs leaving the site. The applicant also obligated through a legal agreement, to only to deliver to London by HGVs leaving between 6am and 7am and not to travel east or west from the site on the B1256.

Notification was provided by the applicant that the one year trial commenced on 9 April 2019.

The current applications seek to allow the continuation of HGVs being able to leave the site between 6am and 7am for the rest of the life of the permitted development. The minerals extraction and restoration are required to be completed by the 25 March 2025 and landfilling/importation of waste by 25 March 2026.

2. SITE

Highwood Quarry is located south of Little Easton village on the redundant Easton Airfield, west of Great Dunmow. The site is accessed from the south by a purpose-built access road and access is directly onto the grade separated junction of the B1256 and A120(T).

The nearest residential property to the site is Stone Hall (Grade II Listed Building) located approximately 250m to the south west of the application site within woodland, currently unoccupied. B Lodge lies to the south of the extraction and is being used as office facilities for the mineral/waste operator. Little Easton village lies to the north, the church being approximately 1.2km from the minerals and waste processing yard. Properties on Stortford Road, Little Canfield south of the A120(T) are approximately 1km from the application site. Existing properties to the east in Great Dunmow are approximately 1.35km away from the site, although new housing is permitted such that once these properties are built the nearest property east of the site will be approximately 500m from the access road.

To the south east of the site and north east of the haul road is High Wood, an SSSI and an Ancient Woodland.

Little Easton Footpath 24 lies just south of the processing/extraction area and crosses the haul road.

The quarry/landfill and processing area lies within the parish of Little Easton, the access road and junction with the A1256 lie within Little Canfield Parish. The site does not lie within Gt Dunmow Town Council boundary, but the southern half of High Wood SSSI, is within the parish of Gt Dunmow

3. PROPOSAL

Planning Application – ESS/16/20/UTT: Planning permission ESS/20/18/UTT is the main planning permission for the site for sand and gravel extraction with inert landfilling to achieve pre-extraction restoration levels and includes permission for the processing plant and weighbridge. The planning application seeks to vary condition 4 (hours of operation), 67 (one year trial period for early hours) and 69 (early hours HGV records) of this permission.

Planning Application – ESS/17/20/UTT: Planning permission ESS/21/18/UTT gives planning permission for the soil washing plant and some additional importation of inert waste. The planning application seeks to vary, conditions 4 (hours of operation), 6 (HGV movement restriction within permitted hours), 17 (one year trial for early hours) and 19 (early hours HGV records) of the permission.

Extracts setting out the full wording of these conditions is included in Appendix A

The proposals seek to allow the continuation of HGVs to be allowed to leave the site one hour earlier than normal standard working hours i.e. from 6:00am as opposed to 7:00am for the life of the permitted mineral and waste developments. The earlier start would only relate to HGV movements leaving the site. There would be no operation of plant and machinery. All HGVs would be loaded the night before and would be parked facing to leave the site, avoiding the need for any reversing.

The earlier start was and is proposed to enable deliveries to London, such that the HGVs can get into London via A120(T) and M11 early in the morning avoiding the morning rush hour. This also means deliveries are made to construction projects in London in time for when they start works at 7:00am ensuring the constructions projects have the materials they need at the start of the day. The early return of HGVs then enables the quarry to focus on local deliveries and get materials to local construction projects earlier in the day aiding the construction of local projects. The applicant also drew attention to the fact that avoiding the London rush hour helps in some way to alleviate congestion and the resulting idling vehicle emissions.

The current proposals do vary slightly compared to the original trial period in that the applicant seeks to allow HGVs to travel west on the A120 and then be allowed to travel both south and north on the M11, thus not only allowing early deliveries to London, but those north on the M11 such as Hertfordshire and Cambridgeshire.

4. POLICIES

The following policies of the, Minerals Local 2014, Waste Local Plan 2017 and Uttlesford Local Plan 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP)

- S1 Presumption in favour of sustainable development
- S10 Protecting and enhancing the environment and local amenity
- DM1 Development Management Criteria

WASTE LOCAL PLAN (WLP) 2017

- Policy 1 Need for Waste Management Facilities
- Policy 10 Development Management Criteria

UTTLESFORD DISTRICT LOCAL PLAN (2005)

- S7 Countryside
- S8 The Countryside Protection Zone
- GEN 1 Access
- GEN4 Good neighbourliness
- GEN5 Light pollution
- GEN7 Nature Conservation
- ENV7 The Protection of the Natural Environment – Designated Sites
- ENV11 Noise generation

NEIGHBOURHOOD PLAN

Little Easton and Little Canfield have no Neighbourhood Plan, but Great Dunmow has an Adopted Neighbourhood Plan, the following policies are relevant.

- NE1 Identified Woodland Sites
- NE2: Wildlife Corridors

High Wood SSSI and Ancient Woodland in part lies within Dunmow Town Council boundary and High Wood forms part of both the Flitch Way Wildlife Corridor and The Ancient Woodland Corridor, identified in the Great Dunmow Neighbourhood Plan.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

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

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

The level of consistency of the policies contained within the Uttlesford Local Plan was considered by Uttlesford District Council against the NPPF 2012, no update has been provided since publication of the 2018 NPPF, consistency of policies will be considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. Uttlesford District Council have recently withdrawn their emerging replacement local plan.

5. CONSULTATIONS

Summarised as follows for both applications:

UTTLESFORD DISTRICT COUNCIL (PLANNING DEPARTMENT): No objection.

UTTLESFORD DISTRICT COUNCIL (ENVIRONMENTAL HEALTH DEPARTMENT): No objection. The noise monitoring information provide indicates the impact of the continuation of HGV movements between the hours 0600 and 0700 Monday to Saturday would be negligible, in that noise from the HGV movements was below the ambient noise levels at all monitoring locations and therefore largely inaudible above the ambient noise environment. The reports predict that allowing HGV movements at these times would still enable the site noise limit of 42 dB at each receptor to be achieved.

It is recommended that monitoring of noise levels and vehicle movement numbers is monitored to ensure continued compliance with the site noise levels that have already been set under the original planning consent.

PLACE SERVICES (Ecology): No objection, subject to securing biodiversity mitigation measures, namely a speed limit of 15mph at the pinch point i.e. High Wood SSSI and woodland adjacent to B Lodge which is likely part of a wildlife

corridor and foraging route for bats.

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions with respect to noise monitoring as previously imposed. In addition, that the monitoring location for Stone Hall should be that which would provide for the worst-case noise from the site access road and noise levels at the worst affected residential location should be modelled at the earliest opportunity within the development east of High Wood SSSI.

HIGHWAYS - STRATEGIC DEVELOPMENT: No comments received.

LITTLE EASTON PARISH COUNCIL: No objection to continuation of early HGV movements.

LITTLE CANFIELD PARISH COUNCIL: No comments received.

GREAT DUNMOW TOWN COUNCIL: Object to continuation of early hours for the life of the site. Stone Hall is currently unoccupied and when reoccupied the new occupiers could find the impact of noise and disturbance unacceptable. The TC would not object to a temporary rolling consent for earlier hours.

UTTLESFORD – DUNMOW (Access Road): Clarification requested as to whether there had been any complains during the 12-month period

Comment: Confirmed no complaints received within 12-month period. Any further comments will be reported.

UTTLESFORD – THAXTED (Mineral/Landfill area): Any comments will be reported.

6. REPRESENTATIONS

One property was directly notified of the applications and no letters of representation have been received.

7. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Traffic & Highways
- C. Noise
- D. Visual Impact
- E. Ecology
- F. Legal agreement and Temporary/Trial Planning Permission

A NEED AND PRINCIPLE OF DEVELOPMENT

The applicant is seeking through the variation of conditions to make permanent for the life of the mineral/landfill development the ability for HGVs to leave the site at 6:00am, one hour earlier than standard mineral/waste operational hours.

Operation of the site including mineral processing, waste processing and mineral extraction and landfilling would not commence until 7:00am.

The standard hours of operation for quarries and landfill facilities within Essex are Monday to Friday 7am to 6:30pm and Saturdays 7am to 1pm, no working Sundays or public holidays.

The current permissions allowed a one-year trial to assess the impact of the earlier leaving of HGVs. During that period noise monitoring has been undertaken and records submitted of the times and destination of the HGVs for the 1-hour earlier period.

The request was made by the operator to enable deliveries to London to be completed early in the morning, which would provide the operator more time during the day to focus on local deliveries.

The access road for the site is directly onto the B1256 roundabout junction with the A120(T). Vehicles travelling to London would utilise the A120 and M11 towards London and as a result it is not necessary for HGVs heading to London to pass any residential properties fronting the public highway, until after they leave the M11.

The nearest residential property to the site and access road is Stone Hall which at its closest point is approximately 510m from the access road. Stone Hall is surrounded by woodland. Planning permission (UTT/13/2107/OP) has been granted by Uttlesford District Council for residential development west of Great Dunmow, which lies on the eastern boundary of High Wood SSSI, the properties when built will be approximately 500m from the access road to the quarry.

During an early morning site visit in May 2019 HGVs were observed leaving the site entrance a few minutes before 6am. In addition, HGVs were not limited to those travelling west on the A120, some travelling east not in accordance with the planning permission. Also, HGVs associated with the bagging facility were also leaving the site which operates under a separate planning permission for which there was no permission to leave before 7am.

These matters were brought to the attention of the site operator and measures put in place to ensure HGVs did not leave the site before 6am and the requirement for movements to only be in a westerly direction reaffirmed. There had been a misunderstanding by the bagging facility operator who believed the facility was also permitted to allow HGVs to leave early, this was corrected and HGV from the bagging plant leaving before 7am stopped.

HGV records have been submitted monthly since June 2019. Records of HGVs submitted identified that HGVs were on occasion also not just serving London, but heading north on the M11, contrary to the application details. The operator had to be advised more than once before this activity ceased.

A further monitoring visit in August 2019 was made and all HGV movements observed were in accordance with the conditions and legal obligations. While it is disappointing that there were some breaches in the initial months to comply with

the planning conditions and legal obligations, once the importance of compliance was drawn to the operator's attention, the breaches were eventually addressed.

There have been no complaints, since the trial period commenced in April 2019.

Section 6 (Building a strong, competitive economy) of the NPPF in paragraph 80 states

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

and goes on in paragraph 83 (Supporting a prosperous rural economy):

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

While the proposals would not result in any expansion of business at the quarry, it would assist the quarry business in continuing to meet the needs of its London and local customers by enabling earlier delivery of materials to construction projects and supporting the business and economic growth overall, which is considered to be in accordance with the principles of the NPPF.

The applications when submitted also sought planning permission to allow vehicles to travel north as well as south on the M11. It was not considered that adequate justification had been provided for this as there is no particular congestion problem heading north on the M11, that warranted the operator being permitted to allow HGV movements prior to the standard 7am start. The applicant has subsequently confirmed they withdraw this element of the proposal and would be willing to enter into legal obligations such that all early HGV movements would be to London area only.

Allowing HGVs to leave a minerals/waste site in Essex before 7:00am is unusual although it has been permitted before in similar circumstances. Bulls Lodge Quarry on the north east side of Chelmsford has been given permission to allow loaded vehicles to leave between 6:00am and 7:00am as the access from this quarry to the A12(T) is currently via a short section of minor road before the Boreham interchange which gives access to the A12(T) road. As with Highwood Quarry, the route from Bulls Lodge Quarry does not require vehicles to pass any residential properties on the highway before gaining access to the trunk road. Granting permission at Highwood Quarry would not set a precedent for early

opening at all sites in Essex as any application would have to be considered on its individual merits.

It is considered in this case that to allowing HGVs to leave from 6:00am for deliveries to London would give the operator greater flexibility to continue to meet the needs of its customers and meets the economic dimension of sustainable development as set out within the NPPF. However, it is necessary to consider the social and environmental dimensions, particularly whether the proposals would give rise to unacceptable adverse impact on residential amenity.

B HIGHWAYS & TRAFFIC

While the application seeks to allow the continuation of HGV movements earlier in the morning, the application proposes no increase in the total number of daily HGV movements from the site.

Both the existing planning permission for the quarry and landfilling and the permission for the waste processing facility, limit the total number of HGVs movements from these combined activities to 312 per day (156 in 156 out) Monday to Friday and 156 HGV movements on Saturdays (78 in 78 out).

National and Local Plan policies (MLP policies S11 [Access and Transportation] and DM1 [Development Management criteria], WLP policies 10 [Development Management Criteria] and 12 [Transport and Access] and ULP policy GEN1 [Access] seek to minimise adverse impact on highway safety and capacity.

The Highway Authority has raised no objection to the application subject to the re-imposition of conditions limiting the total number of HGV movements.

Allowing the HGVs to travel before the morning congestion into London would make a small contribution to alleviating congestion and reduce the time HGVs might be idling in traffic queue with associated vehicle emissions.

Subject to the imposition of conditions with respect to maximum HGV movements it is considered there are no highway safety or capacity grounds to refuse planning permission and that the proposals with respect to highways and traffic are in accordance with MLP policy S11 and DM1 and WLP policy 10 and 12.

C NOISE

National and local plan policies seek to minimise the impact of noise from development on residential amenity, MLP policies DC10 (Protecting and enhancing the environment and local amenity) and DM1 (Development Management Criteria), WLP policy 10 (Development Management Criteria) and ULP policies GEN 4 (Good neighbourliness) and ENV11 (noise)

The National Planning Policy Guidance for minerals states that normal working hours for mineral operations are 7am to 7pm. The guidance states that *“For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h*

(free field) at a noise sensitive property. Impacts on residential and local amenity includes, noise and visual impact.” It is considered that this guidance is also relevant to waste management development carried out in conjunction with mineral development as this give rise to similar environmental impacts.

The application is accompanied by the original noise assessment submitted with the 2018 applications and two sets of monitoring results undertaken during the early morning HGV movements. The County’s Noise Consultant has no objection to the applications as the noise monitoring has shown compliance with 42dB(A) LAeq,1h maximum limit. However, the County’s Noise Consultant has requested that maximum noise limit conditions and noise monitoring conditions are re-imposed with respect to Stone Hall and for nearest property once built within the new development east of High Wood SSSI. In addition, the County’s Noise Consultant commented that the noise levels for Stone Hall had been calculated from readings taken on the site rather than as requested from a monitoring point close to Stone Hall property itself and this should be corrected in future.

Objection has been raised by Great Dunmow Town Council due to the potential for adverse impact upon residential amenity upon Stone Hall the nearest property, particularly as this property has been empty during the trial year. The Town Council would not object to a rolling temporary permission, such that permission could be withheld if complaints were received from any new occupiers. Consideration of a rolling temporary permission is considered later in the report.

To continue to ensure early HGVs movements are only associated with deliveries to London the applicant has indicated a willingness to re-enter into legal obligations such that all early moments would only be associated with deliveries to London via the A120 westbound and M11. This would prevent HGV movements before 7am along the B1256 towards Dunmow or towards Takeley which would result in HGVs passing residential properties.

In order to be able to continue to verify whether the conditions and obligations associated with the early hours are being complied with it is considered appropriate to reimpose the condition for records to be maintained and required to be submitted should there be any evidence in the future that these conditions/obligations were not being complied with.

Subject to the re-imposition conditions with respect to noise and legal agreements securing the obligations described above, it is considered that there is no justification to withhold planning permission for the life of the minerals and waste on noise grounds. The proposal would be in accordance with MLP policy DM1, WLP policy 10 and ULP policies ENV11 and GEN 4.

D VISUAL IMPACT

Highwood Quarry access road and processing area is well screened from residential properties. Stone Hall is surrounded woodland and High Wood SSSI forms a screen to the east of the access road. Due to existing vegetation and screening bunds, HGVs leaving the site would not be visible from residential properties. Other residential properties are located to the north of site in Little Easton approximately 1.2km from the site, within Little Easton to the south are

1km away and within Great Dunmow to the east are 1.35 Km from the site, however due to distance and intervening vegetation and bunding the access road and processing area are not visible from these properties. It is acknowledged planning permission has been granted for residential properties to the west of Dunmow which will bring the edge of Great Dunmow closer to the site. The edge of the outline planning permission is 500m from the haul road. However existing screening bunds and exiting vegetation including High Wood screen views of the quarry processing areas and the access road.

It is therefore considered there are no grounds to withhold planning permission on visual amenity grounds and that the proposals are in accordance with MLP policy DM1 and WLP policy 10.

E ECOLOGY

The haul road is adjacent to the High Wood SSSI. As part of the permitted quarry a buffer of 20m was required between the haul road and the SSSI. In addition, a new hedgerow has been provided on the edge of the haul road adjacent to the SSSI and the buffer area planted with groups of trees.

National (Chapter 15 NPPF) and local plan policies seek to protect nationally designated sites, and protected habitats and species, including MLP policy DM1, WP policy 10 and ULP policies GEN7 (Nature Conservation) and ENV7 Protection of the Natural Environment – Designated Sites).

The County's Ecologist has raised concern with respect to the impact upon protected species e.g. bats, particularly when the late rising of the sun, in autumn and spring, would result in disturbance on the haul road in hours of darkness. Through studies undertaken with respect to nearby developments, it is likely that there are bat foraging routes that cross the haul road where High Wood SSSI is closest to the haul road and there is existing trees and woodland to the southwest. This concern was not unfortunately raised as part of the previous applications. Biodiversity corridors that pass through this pinch point are highlighted in the Gt Dunmow Neighbourhood Plan. Additional information has been provided and it has been suggested that a 15 mph speed limit could be imposed to slow HGVs at the pinch point. The County Ecologist is now satisfied that sufficient information has been provided to determine the application and subject to a condition limiting the speed of vehicles to 15 MPH at the pinch point raises no objection to the application.

It is therefore considered that planning permission could not be withheld on ecology grounds and the proposals are in accordance with MLP policy DM1, WLP policy 10 and ULP policy GEN 7 and ENV7.

F LEGAL AGREEMENT AND TEMPORARY/TRIAL PLANNING PERMISSION

There was an existing legal agreement associated with the mineral/landfill permission and in association with the trial permission (ESS/20/18/UTT) a deed of variation was signed.

The deed of variation included additional obligations namely:

- HGVs movements between 6:00am and 7:00am would only be for deliveries westwards onto the A120(T) to the M11.
- No HGVs exiting between 6:00am and 7:00am would use the B1256 eastwards through Great Dunmow or westwards through Little Canfield.
- No HGVs would enter the site between 6:00am and 7:00am.

A deed of variation would be required in association with ESS/16/20/UTT to carry these obligations forward for the mineral and landfill permission, if planning permission were to be granted.

A separate legal agreement was entered into in association with the permission for the waste processing permission (ESS/21/18/UTT) which secured the same legal obligations and a deed of variation would be required in association with ESS/17/20/UTT to carry forward these obligations to the new permission if granted.

Great Dunmow Town Council (adjacent parish) has raised concern with respect to noise impact on the nearest residential property at Stone Hall, particularly as the property has been vacant during the trial 1 year period and has suggested a rolling temporary permission.

Guidance with respect to temporary planning permissions is such that temporary planning permission should only be granted for development which is of a temporary nature or to allow a trial period. The previous planning permissions were to allow a 1 year trial period to assesses the actual impacts. Monitoring has shown compliance with noise conditions and there have been no complaints. Mineral extraction with landfilling is by its nature temporary development. If early hours were now granted it would be for the life of the permitted minerals and waste development i.e. until 25 March 2026. There would be no further opportunity to withdraw the permission to allow early exit of HGVs (unless a further application were made, which is not in the control of the Mineral/Waste Planning Authority). However, it is considered unreasonable and not in accordance with guidance to require the applicant to reapply each year for early hours start for HGVs, as suggested by Great Dunmow Town Council.

Noise monitoring has demonstrated compliance with the noise limits imposed and while it is appreciated that Stone Hall has been unoccupied there have been no other complaints.

8. CONCLUSION

It is acknowledged that both Essex standard planning conditions and NPPG guidance considers a normal morning start to be 7:00am and anything before 7:00am is considered night-time hours.

The applicant seeks to allow vehicles which have been loaded the night before to leave westwards on the A120 towards London between 6:00am and 7:00am. However, as the access is located on the junction of the B1256 with the A120(T), HGVs leaving the site for London would not directly pass by any residential properties.

No objections have been received from the Local Parish Councils, but Great Dunmow Town Council adjacent parish has raised concern with respect to noise impact on the nearest residential property.

The need for the early hours has been justified by the applicant as wishing to undertake deliveries to London leaving the rest of the day for local deliveries. Early departure would avoid some of the commuter congestion into London. The early start would also enable materials to be delivered ready for the start of construction operations in London at 7:00am and the earlier return of vehicles from London to start on local deliveries at an earlier aiding construction projects both in London and locally. The applicant's willingness to re-enter into legal obligations to restrict early activity to only these deliveries to London, would give the Minerals/Waste Planning Authority the means to restrict HGVs using local routes between 6:00am and 7:00am.

While the ability for HGVs to make to deliveries to London would not expand the business at Highwood Quarry, it would enable the business to meet the needs of its customer and so support the business overall, which is considered to be in accordance with NPPF in terms of building a strong and competitive economy.

It is therefore considered that subject to conditions and legal obligations as suggested throughout the report the proposals would be in accordance with the development plan as a whole and would be in compliance with MLP policies. It is considered that there are no planning grounds to refuse planning permission for early hours HGV movements for the life of the developments.

The NPPF refers to the 3 strands of sustainable development, social, economic and environmental. It is considered that the proposals would comply with the 3 strands allowing greater flexibility for the operator (economic) while protecting residential and local amenity (social and environmental).

9. RECOMMENDED

That planning permission be GRANTED subject to:

ESS/16/20/BTE

1. The prior completion within 6 months of a deed of variation to the existing legal agreement to address the following:

1.1 To ensure the original legal agreement remains associated with new planning permission ESS16/20/UTT

1.2 To impose the following obligations:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. Planning permission be subject to the following conditions:

Condition 4

Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except for HGV movements as defined in condition 67: -

(a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays

(b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Condition 13

Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 11 and condition 68. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Condition 67

HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5

tonnes or more

Condition 68

The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 6am and 7am Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Condition 69

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Condition 70

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)
156 movements (78 in and 78 out) per day (Saturdays)

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

New Condition 71

Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development

3. the re-imposition of all other existing conditions updated as appropriate

The draft wording of conditions and reasons is set out in Appendix B for ESS/16/20/UTT.

ESS/17/20/UTT

1 The prior completion, within 6 months, of a Legal Agreement under the Planning to secure obligations covering the following matters:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. That planning permission be subject to the following amended conditions:

Condition 6

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 9

Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 8 and condition 18. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Condition 17

HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Condition 18

The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 6am and 7am Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Condition 19

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

New Condition 20

Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

And:

3 The re-imposition of all other existing conditions updated as appropriate

The draft wording of conditions and reasons is set out in Appendix C for ESS/17/20/UTT.

BACKGROUND PAPERS

Consultation replies
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 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

UTTLESFORD - Dunmow
UTTLESFORD - Thaxted

Appendix A

Wording of existing conditions proposed to be amended

ESS/20/18/UTT

Condition 4

Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -

(a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

(b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Condition 67

For a period of one year from the date of commencement of development under this permission as notified under condition 2 of this planning permission HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

After the one year period the hours of operation shall revert to those as set out in condition 4.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 69

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted monthly to the Mineral Planning Authority from the date of implementation of the planning permission for a period of 12 months.

ESS/21/18/UTT

Condition 4

The development hereby permitted shall only be carried out during the following times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

Except as amended by condition 17.

Condition 6

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted (when combined with the vehicle maximum permitted vehicle movements under planning permission ESS/65/06/UTT) shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 4 of this permission.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

Condition 17

For a period of one year from the date of commencement of development under this permission as notified under condition 2 of this planning permission HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

After the one year period the hours of operation shall revert to those in condition 4.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 19

Records shall be maintained of all HGV movements from the site between 6am to 7am. The records shall include the time the HGV left site and the destination of the HGV. The records shall be submitted monthly to the Mineral Planning Authority from the date of implementation of the planning permission for 12 months.

Draft full conditions and reasons for ESS/16/20/UTT

1. The development hereby permitted shall be begun before the expiry of 1 year from the date of this permission.

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

2. Written notification of the date of commencement of development under this planning permission shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To enable the Mineral Planning Authority to adequately control the development and to comply with Adopted Essex Minerals Local Plan 2014 (MLP) policies DM1 and S10 and Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

3. The development hereby permitted shall be carried out in accordance with the details of the application ESS/65/06/UTT dated 12 December 2006, together with:

<u>Description</u>	<u>Dated</u>
Environmental Statement – Non Technical Summary	Dec 2006
Environmental Statement – Volumes 1 & 2	Dec 2006
Email from Douglas Symes	20 Feb 2007 (07:36)
Letter & enclosures from Richard Jackson PLC	23 Feb 2007
Letter & enclosures from D K Symes Associates	9 Mar 2007
Air Quality Impact Assessment by RSK Environmental Ltd	Mar 2007
Hydro-geological risk assessment by Hafren Water Version 1.0	Mar 2007
Appraisal of Badger Activity	May 2007
Archaeological Evaluation by ECC Field Archaeology Unit	Jun 2007
Email from Douglas Symes with enclosures letter to Environment Agency dated 22/10/08 and letter to DK Symes from Hafren Water	11 Nov 2008 (10:50)
Additional Submission under Para. 19 from D K Symes Associates	Mar 2008
Additional Submission 2 from D K Symes Associates	15 September 2008
Additional Information from D K Symes Associates	June 2009
Email from Douglas Symes with letter to Environment Agency from C Leake	3 March 2009 (12:27)
Email from Douglas Symes	11 Nov 2009 (13:10)
Summary of investigation of the potential impacts of mineral	Feb 2010

extraction on the extant water regime, Little Easton (Version 1) Feb 2010	
Letter from D K Symes re application details, restoration proposals, RoW, S106, landscaping, plant and tonnage volumes	3 March 2010
Email from Douglas Symes	7 April 2010 (14:41)
Email from Douglas Symes with letter from Chris Leake dated 26 April 2010	27 April 2010 (10:30)
Email from Douglas Symes – re Stone Hall water supply	13 May 2010 (10:27)
Groundwater model refinement as amended by Email from Adam Taylor dated 28 July 2010 (18:52) with amended figures	26 July 2010
Letter from Chris Leake to D K Symes	9 September 2010

<u>Description</u>	<u>Reference</u>	<u>Dated</u>
Application Plan	Plan No. 89079/A	29-11-2006
Site Context	Plan No. 89079/SC/1	29-11-2006
Illustrative cross-sections looking across site from Little Easton	Plan No. 89079/SC/2	29-11-2006
Site Plan	Plan no. 89079/S	29-11-2006
Composite Operations Plan	Plan no. 89079/CO/1	29-11-2006
Illustrative Cross Sections showing Plant Site, Bunds & Access	Plan No. 89079/CO/2	29-11-2006
Illustrative Restoration Plan	Plan No. 89079/R/1	29-11-2006
Proposed Access Road Preliminary Layout	Drawing No. 33496-01	21-06-2006
Composite Operations Plan	Plan no. 89079/CO/1a	28-03-2008
Location of Cross Section A-A'	Plan No. 89079/CS/1a	01-05-2009
Illustrative cross section showing sight line from tower	Plan No. 89079/CS/2	28-03-2008
Construction of 'Picture Frame' & Recharge Drain – Year 1	Plan No 89079/RD/1	01-05-2009
Construction of 'Picture Frame' & Recharge Drain – Year 2	Plan No 89079/RD/2	01-05-2009
Construction of 'Picture Frame' & Recharge Drain (to year 5)	Plan No 89079/P/1a	01-05-2009
Illustrative Progressive Operations Plans (years 5-9)	Plan No 89079/P/2a	01-05-2009
Illustrative Progressive Operations Plans (year 9 to completion)	Plan No 89079/P/3a	01-05-2009
Off-Site Planting	Plan no. 89079/OS/1	02-03-2010

And

As amended by non-material amendment Ref ESS/65/06/NMA1 approved by the Mineral Planning Authority on 7 January 2015,

And

As amended by planning application ESS/52/13/UTT dated 12 September 2013, Supporting statement by D K Symes Associates September 2013 and drawings Application Plan 89079/A dated 29-11-2006 and Composite Operations Plan 89079/CO/1e dated 04 -09-2013,

And

As amended by planning application ESS/20/18/UTT dated 18 July 2018 and supporting statement by PDE Consulting dated July 2018,

And

As amended by planning application ESS/16/20/UTT dated 11 February 2020 and supporting statement by PDE Consulting dated February 2020

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority, except as varied by the following conditions: -

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, P2, S5, S6, S10, S11, S12, DM1, DM3 and DM4 and WLP policies 9 and 10 and Adopted Uttlesford District Local Plan 2005 (UDLP) policies S7, S8, GEN1, GEN2, GEN4, GEN5, ENV2, ENV5, ENV7, ENV8, ENV9, ENV11, ENV12, ENV13.

4. Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -
 - (a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays
 - (b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies DM1 and S10 and WLP policy 10.

5. The developer shall notify the Mineral Planning Authority in writing 7 days in advance of the following:
 - i) intention to start stripping soils from any part of the site or new phase of working
 - ii) commencement of construction of the "picture framing" in each phase
 - iii) completion of the "picture framing" ("picture framing" shall mean the creation of a below ground clay wall as described in the "Additional Information" dated June 2009 prepared by D K Symes")
 - iv) cessation of mineral extraction
 - v) completion of inert landfilling
 - vi) Commencement of the subsoil placement on each phase, or part phase, to allow a site inspection to take place.
 - vii) completion of final restoration under this planning permission;

The following dates have been submitted and approved by the Mineral Planning Authority.

Commencement of the development	26 March 2012	Approved by MPA on 21 November 2012
Commencement of "picture framing" north of B Lodge (phase A/B)	1 September 2012	Approved by MPA on 4 July 2014
Commencement of soil stripping in phases A and B	9 May 2012	Approved by MPA on 21 November 2012
Commencement of exportation of mineral from the site	2 October 2012	Approved by MPA on 21 November 2012.
Commencement of inert landfilling	5 March 2014	Approved by MPA on 4 July 2014
Commencement of inert recycling	5 March 2014	Approved by MPA on 4 July 2014

Reason: To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

6. All vehicular access and egress to and from the site shall be from B1256, as indicated on Plan No. 89079/S dated 29/11/06. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

7. The access road shall be maintained with a concreted surface from 'B' Lodge to the junction with the B1256 for the life of the mineral and landfill development and shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

8. The development hereby permitted shall be implemented in accordance with the road cleaning details approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved road cleaning details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/8/1) dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and set out on pages 1 and 2 paragraphs 8.1 and 8.3 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1 dated December 2011.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

9. No loaded vehicles shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 6 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with MLP policies DM1 and S10 and WLP policy 10.

11. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

12. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as set out in condition 11 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

13. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 11 and condition 68. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

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

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

15. All plant, equipment and machinery shall only operate during the hours permitted under condition 4. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

16. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum. No installation of the processing

plant and/or extraction of mineral except that associated with the "picture framing" and no installation of the processing plant associated with inert recycling shall take place until such time as all the screening bunds numbered 2, 5, 6 and 7 as identified on Plan 89079/CO/1 have been completed in full.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

17. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the sand plant which shall not exceed 98m Above Ordnance Datum.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

18. Prior to the installation of any mineral processing plant, concrete batching plant, inert waste processing plant and equipment and buildings details of such shall be submitted to the Mineral Planning Authority for approval. The installation of such plant, equipment and buildings shall be in accordance with the approved details.

The details of the mineral processing plant and buildings were approved on 21 November 2012 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 18 dated 3 September 2012, supporting statements entitled "Condition 18 – Details of Plant & Buildings" and the following plans

Plan No.	Date	Title
Gen./ISO/1	3/9/12	Elevations of ISO container
Gen./OM/1	3/9/12	Elevations of office/messroom
Gen./OW/1	3/9/12	Details of office & weighbridge
890079/LP/1 also SP548-LAY-01	22/9/11 amended 3/9/12	Existing washing plant aggmax installation
89079/RP/1	30/8/12	Revised plant details
89079/P/1	3/9/12	Illustrative details of plant and operation area

and emails from D K Symes Associates dated 13 September 2012 (12:09) and email dated 3 October 2012 (17:35). The plant and buildings shall be implemented in accordance with the approved details.

The details for the workshop were approved on 4 July 2014 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014, Plan No. 89079/MB/S, plan of Illustrative elevations of workshop.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

19. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Details of lighting for the processing plant and buildings were approved on 21 November 2012 under condition 19 of Planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 3 September 2012, supporting statements entitled "condition 19 – Details of lighting" and the following plans:

Date	Plan No.	Title
22/9/11	890079/LP/1	Existing washing plant aggrmax installation
(amended 3/9/12)	also SP548-LAY-01	
3/9/12	89079/P/1	Illustrative details of plant and operation area

The details of lighting for the workshop were approved on 4 July 2014 under condition 19 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014 and External Lighting Proposals (Project number 3283 RKW) prepared by Coco Lighting Ltd dated 28 April 2014 and email from SRC dated 8 May 2014.

The lighting shall be implemented in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to safeguard Stansted airport and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.

20. Floodlights/fixed lighting shall not be illuminated outside the hours as set out in condition 4 save for security lighting activated by unauthorised entry by persons or vehicles, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.

21. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

- (a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, without prior planning permission from the Mineral Planning Authority;

- (b) No mineral waste shall be deposited except silt at the site complex without prior planning permission from the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon landscape and safeguard Stansted Airport and to comply with MLP policies DM4, S10 and DM1 and WLP policy 10.

22. No as raised mineral and/or primary aggregates shall be imported to the site for processing.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed in the application details and to comply with MLP policies DM3, S10 and DM1.

23. No extraction of sand and gravel shall take place below 77m Above Ordnance Datum.

Reason: To ensure that there are no adverse impacts on the local amenity and groundwater from the development not assessed in the application details and to comply with MLP policies S10, S12 and DM1, WLP policy 10 and UDLP policy ENV12

24. There shall be no extraction of mineral in each phase prior to the completion of the groundwater mitigation measures (picture framing, use of dewatered water into surface ditch and compensatory borehole) in that phase, except that mineral extraction necessary to implement the "picture framing".

Reason: To ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

25. No dewatering shall take place at the site until there is provision in place for settlement of sediment from dewatered water; this settled dewatered water shall be available for recharge via the surface water ditch to the Little Easton Ponds.

Reason: To ensure that there are no adverse impacts on surface water and the local amenity from the development and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

26. The development hereby permitted shall be implemented in accordance with the details of the engineering, construction, phasing and a timetable for implementation of the "picture framing" including the associated "recharge trench" approved on 29 April 2020 under condition 26 of planning permission ESS/20/18/UTT (ref ESS/20/18/UTT/26/01). The approved details are set out in the application for approval of details reserved by condition dated 11 November 2019, the Statement of Support, by DK Symes Associates dated November 2019, letter from Hafren Water dated 20 November 2019, Drawing no. 89079/CO/1e entitled "Composite Operations Plan" dated 05-01-2019 and drawing no. 89079/TR/3 entitled "Cross Section showing Recharge Facility" dated 07-10-2019.

Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

27. Prior to the restoration of phases B, D or E construction and engineering details of the seasonal pond and its connection to the "recharge trench" shall be submitted to the Mineral Planning Authority for approval. The seasonal pond and connection to the recharge trench shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

28. The development hereby permitted shall be implemented in accordance with the details of seed mix for screening bunds and programme of maintenance approved on 12 March 2012 under condition 28 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition dated 9 November 2011 and set out on page 4 paragraphs 28.1 and 28.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

29. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/29/1) dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.

30. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.

31. The development hereby permitted shall be implemented in accordance with the planting scheme for Bund 7, the buffer zone between the access road and Highwood SSSI and management plan approved 17 August 2018 under condition 31 of planning permission ESS/65/06/UTT. The approved planting scheme as set out in the application for approval of details reserved by condition dated 9 November

2011, including

- Email from D K Symes dated 22 March 2012
- Drawing 89079-OS-1c
- Drawing 89079-CO-1c
- Drawing 89079/CO/1d August 2013
- High Wood SSSI Buffer Zone - Strategy for Woodland Planting, Regeneration and Management Dated August 2013

Reason: To comply with section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in the interest of visual amenity and to ensure the planting has the maximum period to establish and minimise the impact of the development on High Wood SSSI to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies S7 and ENV7.

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

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

33. No development or any preliminary groundworks shall take place until:

- a. All retained trees (Retained trees shall be those show on Plan No 89079/P/1a – Site Preparation) have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
- b. The fencing shall be maintained throughout the life of the development
- c. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Mineral Planning Authority.

Reason: In the interest of visual amenity and to ensure protection of the existing natural environment and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7 and ENV8.

34. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 12 March 2012 under condition 34 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011

and on pages 5 and 6 paragraphs 34.1 to 34.5 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and plans reference

Drawing No.	Dated	Title
89079/P/1b	20-06-2011	Illustrative Progressive Operations Plans (to year 5)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (years 5 - 9)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (year 9 to completion).

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

35. The development hereby permitted shall be implemented in accordance with the scheme of machine movements for the stripping and replacement of soils approved on 12 March 2012 under condition 35 of planning permission ESS/65/06/UTT. The scheme is set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 from D K Symes Associates as set out on page 7 paragraph 35.1 to 35.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and MAFF 2000 Good Practice Guide for handling soils sheets 3, 4 and 15.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

36. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [except for the purpose of stripping that part or stacking of topsoil in that part] unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 34 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

37. All topsoil, subsoil and soil making material shall be retained on the site and used in restoration scheme as indicated on Plan No. 89079/R/1.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy 10.

38. Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition * and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
- (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods

- Test for Soils for Civil Engineering Purposes'; or
(c) When there are pools of water on the soil surface.

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy W10E.

39. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse. When subsoil is to be retained for use in the restoration process, subsoil shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

40. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils unless otherwise agreed in writing by the Mineral Planning Authority;
 - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
 - c) not be subsequently moved or added to until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
 - d) have a minimum 3.0 metre stand-off, undisturbed around each storage mound;
 - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
 - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

41. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils or such other method as submitted and approved in writing by the Mineral Planning Authority. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

42. The development hereby permitted shall be implemented in accordance with the scheme to accommodate all surface and foul water drainage approved on 23 March 2012 under condition 42 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (Ref ESS/65/06/UTT/42/1) dated 9 December 2011 and set out on page 7 paragraphs 42.1 to 42.7 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and accompanying drawing by Intermodal IT1099HD/038 and email from Douglas Symes dated 29 February 2012 (11:21).

Reason: To minimise the risk of pollution of water courses, aquifers and High Wood SSSI and minimise the risk of flooding to comply with MLP policies DM1 and S10 and WLP policy 10.

43. The development hereby permitted shall be implemented in accordance with the details of petrol/oil/grit interception facilities approved on 23 March 2012 under condition 43 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (ref ESS/65/06/UTT/43/1) dated 9 December 2011 and on pages 7 & 8 paragraphs 43.1 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and email from D K Symes Associates dated 29 February 2012 (11:21).

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy and 10.

44. Any fuel, lubricant or/and chemical storage vessel [whether temporary or not] shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy 10.

45. No works or excavation shall take place within 10 metres from the boundary adjoining High Wood SSSI as shown on drawing 89079/A and dated 29/11/06.

Reason: To minimise the impact of the development on High Wood SSSI and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7.

46. No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.
- A) No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.
- B) The development hereby permitted shall be implemented in accordance with the origin of waste details approved on 4 August 2017 under condition 46 of planning permission ESS/6506/UTT. The approved waste origin details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/46/1) dated 9 November 2011 and set out in the statement 'Details Pursuant to Planning Permission ESS/65/06/UTT' prepared by D.K. Symes Associates dated December 2011.

Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become net sufficient for managing its own waste ensuing that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity.

47. No waste other than those waste materials defined in the application details, that is, inert construction, demolition and excavation waste shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policy 10.

48. Prior to the use of skips as part of the waste operation details of skips storage, including the maximum number of skips, purpose and a location area within the Site shall be submitted to and approved in writing by the Waste Planning Authority. Skips shall be stored in accordance with the approved details.

Reason: In the interests of local amenity and to comply with WLP policy 10.

49. No development shall take place other than the construction of the access road, until signs have been erected on both sides of the access road at the point where Footpaths Little Canfield 5 and 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Public Right of Way and

the access road and to comply with MLP policies DM1 and S10 and WLP policy 10.

50. Any temporary alternative rights of way shall be a minimum of 2m wide with grassed margins of not less than 3 m from the toe of any bund.

Reason: *In the interest of the safety of all users of both the Right of Way and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy LC2*

51. Extraction of minerals shall cease by 25 March 2026. All buildings, structures, hard standings, foundations, plant and machinery used in connection with the mineral extraction and stockpiles of unprocessed and processed primary mineral shall be removed within 6 months of the date of cessation of mineral extraction as defined by condition 4vi. Landfilling and processing of inert waste materials shall cease by 25 March 2027. The site shall be progressively restored as set out within the application (as defined by condition 3). All buildings, structures, hard standings, foundations, plant and machinery used in connection with the landfilling and stockpiles of processed and unprocessed material shall be removed within 12 months of the date of cessation of landfilling as defined by condition 5v or the 25 March 2027 whichever is the sooner. Each phase of the development shall be restored within 12 months of the cessation of landfilling in that phase and the last phase shall be restored no later than 25 March 2027 and restoration in all phases shall be in accordance with the restoration scheme approved under condition 56 of this permission.

Reason: *To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

52. In the event of a cessation of winning and working of mineral and/or the deposit of waste for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme, as referred to under condition 56, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. The revised scheme of restoration and aftercare, with a timetable for implementation shall be submitted to the Mineral Planning Authority within 6 months of the cessation of mineral extraction and or landfilling, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: *To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

53. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: *To ensure the restored land is agriculturally versatile and agricultural*

operations are not impeded and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

54. Prior to the commencement of landfilling details of pre-settlement levels shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include land topography shown in contours at not less than 1 metre intervals and shall show existing contours 250m outside the Site and show calculations demonstrating the anticipated settlement to achieve 'Illustrative Restoration Plan' Plan No 89079/R/1. The development shall be implemented in accordance with the approved details.

Reason: *To ensure proper restoration of the site and compliance with MLP policies DM1, S10 and S12 and WLP policy 10.*

55. Prior to the placement of overburden and/or subsoil, the reinstated area shall be covered with a low permeability capping layer sufficient to prevent the ingress of surface water into the deposited waste. The low permeability capping layer shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence.

Reason: *To prevent ingress of water to the landfill and a build up of leachate within the site to minimise potential of pollution to groundwater and to comply with MLP policy S12 and WLP policy 10.*

56. Prior to commencement of landfilling within Phase D a restoration scheme for the site shall be submitted, including details of the following

- Progressive restoration of the site, such that Phase C shall be restored prior to mineral extraction in Phase E, Phase D shall be restored prior to mineral extraction in Phase F, Phase E shall be restored prior to mineral extraction in Phase G, Phase F shall be restored prior to mineral extraction in Phase H and Phase G shall be restored prior to mineral extraction in Phase 1.
- Hedgerow planting, including species, spacing, protection
- Woodland planting, including species, spacing protection
- Rough grassland, seed mix
- Seasonal pond, construction details with link to recharge trench, levels, at 0.5m contours and cross sections. Details to exclude birds, likely to cause a bird strike hazard
- Phased programme and timetable for implementation
- Advance approval of a scheme for

All restoration works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: *To ensure proper restoration of the site make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV8.*

57. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agriculture, nature conservation and woodland use shall be submitted to and approved in writing by the Mineral Planning Authority prior to replacement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 of the Planning Policy Guide for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.
- b. Provide for a detailed annual programme, in accordance with Paragraph 50 of the Planning Policy Guide to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture, nature conservation and woodland and in accordance with MLP policy S12 and WLP policy 10.

58. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority for each phase of the development. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

The written scheme and programme of archaeological investigation for areas 1-5 was approved on 12 March 2012 under condition 58 of planning permission ESS/65/06/UTT. The approved written scheme and programme of archaeological investigation for areas 1-5 are set out in the "Written Scheme of Investigation for Archaeological Excavation – Archaeological Areas 1 -5" dated October 2011 received with email dated 20 January 2012.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy S6, WLP policy 10 and UDLP policy ENV4.

59. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed. Any such written confirmation or ecological assessment shall be submitted to the Mineral Planning

Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8

60. The development hereby permitted shall be implemented in accordance with the ecological survey and mitigation/compensation strategy approved on 23 March 2012 under condition 60 and 61 of planning permission ESS/65/06/UTT. The approved survey and strategy are set out in the Application for Approval of Details Reserved by Condition dated 13 February 2012 including the Environmental Statement dated December 2006, and specialist surveys for badgers by Susan Deakin of Liz Lake Associates, May 2007, for bats by John Dobson of Essex Mammal Surveys July 2006 and herpetological survey by Patrick McKenna of Eco- Planning UK July 2006 and report by Susan Deakin Ecology dated January 2012 entitled "Update appraisal of ecological interests and mitigation/compensation strategy pursuant to conditions 60 and 61 of the planning approval".

Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.

61. The development hereby permitted shall be implemented in accordance with the Bird Hazard Management Plan approved on 4 April 2012 under condition 62 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 November 2011 and in paragraphs 62.1 to 62.18 of "Details Pursuant to Planning Permission ESS/65/06/UTT - Submission" dated December 2011". No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Mineral Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application and to comply with MLP policies DM1 and S10 and WLP policy 10.

62. Upon completion of the restoration of the Site "B" Lodge shall be reinstated as a dwelling house

Reason: To ensure that the "B" Lodge does not remain in office use upon completion of the development in the interests of local amenity and to comply with policies MLP policies DM1, S10, WLP policy 10 and S12 and UDLP policy S7.

63. From the date of this permission the operators shall maintain records of their quarterly output production for minerals and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policies DM1, S10 and S12.

64. Details of the tonnage of waste imported to the site during each year (1 Jan to 31 Dec), the tonnage of exported recovered materials for each year and remaining void space in cubic metres at the site as at 31 December shall be submitted to the Waste Planning Authority. The details shall be submitted to the Mineral Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to ensure the development is operating in accordance with the submitted details as set out in condition 3 and ensure compliance with approved restoration timetable and to comply WLP policy 10.

65. Prior to the removal of the oak tree as shown on Plan No. 89079/P/1a – Site Preparation details of its felling and the relocation of the tree and/or wood to an alternative location shall be submitted to and approved in writing by the Mineral Planning Authority. The oak tree shall be removed in accordance with the approved details.

Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLF policies ENV7 and ENV8.

66. Prior to the 31 March of each year following the date of this planning permission a working and reclamation scheme for the site shall be submitted for the site detailing the following:

- Areas to be stripped of topsoil, subsoil, or overburden,
- Areas to be used for storage of topsoil, subsoil and overburden,
- Areas to be restored that year
- Areas to be worked for mineral
- Location of water storage
- Location of internal haul roads

Reason: To ensure working and reclamation is in accordance with approved details and to minimise the impact of local amenity in accordance with MLP policies DM1 and S10 and WLP policy 10.

67. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

Reason: In the interest of safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

68. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

69. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Mineral Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.

70. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)
156 movements (78 in and 78 out) per day (Saturdays)

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and WLP policy 10.

71. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8

Draft conditions and reasons for ESS/17/20/UTT

1. The development hereby permitted shall be begun before the expiry of 1 year from the date of this permission. Written notification of the date of commencement of development under this planning permission shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended) and to enable the Waste Planning Authority to adequately control the development and to comply with Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 7 October 2014, together with supporting statement dated 7 October 2014, noise report dated September 2014, Essex Biodiversity Validation Checklist dated 17 November 2014, letter dated 3 November 2014, emails dated 4 November 2014 (15:34), 10 November 2014 (15:12) and 27 February 2015 (12:48), together with plan numbers:

Plan No.	Title	Date
M14.103.D.001	Site Location Plan	Sep 2014
M14.103.D.002	Existing Situation	Sep 2014
M14.103.D.003	Indicative Site Layout	Sep 2014
M14.103.D.004	Indicative Elevations	Sep 2014

And

As amended by planning application ESS/36/15/UTT dated 12 August 2016, Supporting Statement by PDE Consulting dated August 2016,

Essex Biodiversity Validation Checklist dated 12 August 2016 and Drawing M14.103.D.001 Site Location Plan dated Sept 2014

And

As amended by planning application ESS/21/18/UTT dated 27 July 2018 and the supporting documents:

Supporting statement by PDE Consulting dated 27 July 2018,
Essex Biodiversity Validation Checklist dated 30 July 2018
Letter from LF Acoustics dated 13 July 2018,
Letter from Wilkinson Associates (Ref: A1408) dated 18 July 2018,
Email from PDE Consulting dated 12 September 2018
Letter from LF Acoustics dated 10 September 2018 and accompanying Figure 1
Letter from PDE Consulting dated 16 October 2018

And

As amended by planning application ESS/17/20/UTT dated 11 February 2020 and Supporting Statement by PDE Consulting dated February 2020

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions: -

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies: S1, S10, S11 and DM1, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4, ENV11 and S7.

3. All plant, buildings, machinery, foundations, hardstanding, used in connection with this permission shall have been removed within 3 months of cessation of mineral extraction or by the 25 March 2026 whichever is the sooner. The site shall be restored to agriculture in accordance with planning permission ESS/20/18/UTT or any subsequent approved restoration scheme.

Reason: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with MLP policy S12, WLP policy 6 and 10.

4. The development hereby permitted shall only be carried out during the following times:

07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays

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

Except as amended by condition 17.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies: DM1 and S10, WLP policy 10.

5. All vehicular access and egress to and from the site shall be from the B1256, as indicated on Plan No M14.103.D.001, dated September 2014. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: DM1, S10 and S11, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4 and ENV13.

6. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted (when combined with the vehicle maximum permitted vehicle movements under planning permission ESS/65/06/UTT) shall not

exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 4 and 17 of this permission.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: S1, S11, DM1, WLP policy 12.

7. The development hereby permitted shall be implemented in accordance with the measures to ensure no mud, dust or deleterious material is carried out onto the public highway approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved measures as set out in the application for approval of details reserved by condition 8 dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and on pages 1 and 2 paragraphs 8.1 to 8.3 in "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

8. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

9. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 8 and 18. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.

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

Reason: In the interests of local amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

11. All plant, equipment and machinery shall only operate during the hours permitted under condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.

12. No waste other than those waste materials specified in the application reference ESS/45/14/UTT shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policies W3A, W9B and W10E and RWLP policy 10.

13. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.

14. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.

15. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

16. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the soil washing plant which shall not exceed a height of 97m Above Ordnance Datum, as shown on drawing no. 14.103.D.004 entitled "Indicative Elevations of Proposed Plant" dated Sept 2014.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

17. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

Reason: To allow a trial period of one year to allow it to be demonstrated that HGVs leaving between 6am and 7am does not give rise to unacceptable impacts, in the interest of safeguarding local amenity and to comply with, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

18. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

19. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Waste Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.

20. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.

DR/19/20**Report to:** DEVELOPMENT & REGULATION (26 June 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of April

27

Nº. Decisions issued in May

3

Nº. Decisions issued this financial year

5

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

100%

Nº. Delegated Decisions issued in May

3

Nº. applications where Section 106 Agreements pending at the end of April

2

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Pending at the end of April	18
Nº. Decisions issued in May	2
Nº. Decisions issued this financial year	6
Nº. Delegated Decisions issued in May	2

All Applications

Nº. Delegated Decisions issued in May	5
Nº. Committee determined applications issued in May	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	18
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of May	54
Nº. of referrals to Secretary of State under delegated powers in May	0

Appeals

Nº. of outstanding planning and enforcement appeals at end of May	2
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

Enforcement

Nº. of active cases at end of last quarter	24
Nº. of cases cleared last quarter	14
Nº. of enforcement notices issued in May	0
Nº. of breach of condition notices issued in May	0
Nº. of planning contravention notices issued in May	0
Nº. of Temporary Stop Notices issued in May	0
Nº. of Stop Notices issued in May	0