

**DR/24/14**

committee DEVELOPMENT & REGULATION

date 25 July 2014

## **MINERALS AND WASTE DEVELOPMENT**

Proposal: **Extension of time to existing quarry for an additional 15 years to 31<sup>st</sup> December 2029 and amendments to existing operation to allow for the importation of inert waste material for restoration.**

Location: **Asheldham Quarry, Southminster Road, Asheldham, Essex, CM0 7DZ.**

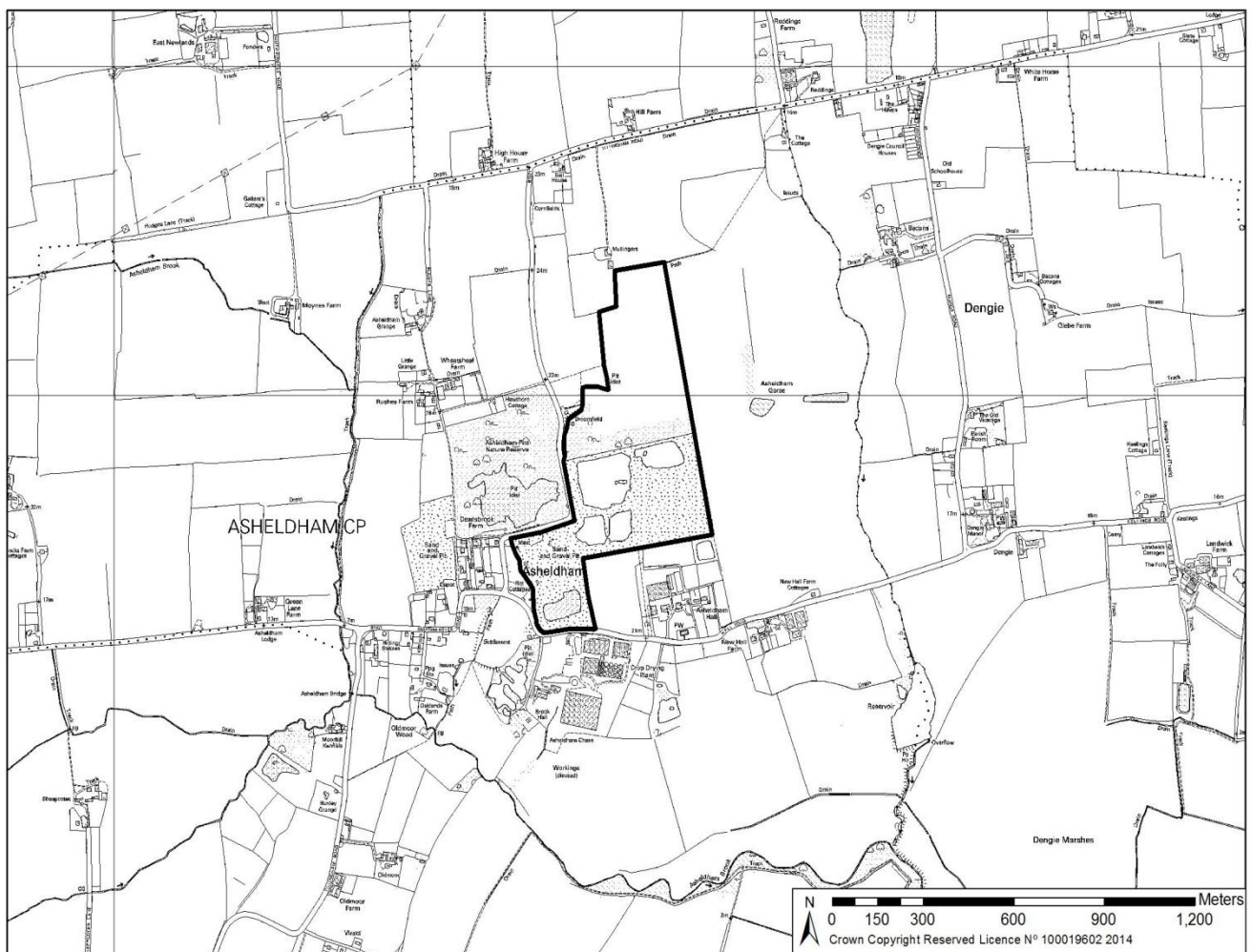
Ref: **ESS/16/14/MAL**

Applicant: **G&B Finch Ltd.**

Report by Director of Operations, Environment and Economy

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



## **1. BACKGROUND**

Planning permission was originally granted for mineral extraction at the application site in September 1980 under permission ref MAL/252/77. This permission, together with permissions relating to a processing plant, workshop, concrete roadway, weighbridge, office/messroom and ready mixed concrete plant, was reviewed under a Review of Mineral Permission ref ESS/14/00/MAL. The submitted conditions were accepted by Essex County Council on 31 October 2000.

Permission ref ESS/14/00/MAL requires the extraction of sand and gravel and restoration by 31 December 2014.

Prior to the current operator taking over the site in 2011, the quarry was moth-balled. Extraction of mineral has taken place on the southern section of the site and there is still approximately 16 hectares of existing permitted area yet to be worked.

Conditions 24 and 25 attached to permission ref ESS/14/00/MAL respectively required the submission and approval of final restoration and aftercare schemes by 31 March 2001.

Details were duly submitted and subsequently approved on 20 September 2001. The approved details show that the quarry was to be restored to agriculture and lakes. Importation of restoration material was not proposed or permitted.

Although the lateral extent of the quarry operations is referenced in condition 5 of permission ref ESS/14/00/MAL, the depth of working and total amount of mineral to be extracted is not defined. The original permission ref MAL/252/77 shows a maximum depth of working of 10.5m below the surface and a figure of 1,407,000m<sup>3</sup> of total workable mineral was stated.

## **2. SITE**

The application site is approximately 35.6 hectares in area. It is located approximately 6.5km north of Burnham-on-Crouch and 13.5km south east of Maldon.

The site is accessed via the B1021 Southminster Road/ Tillingham Road. It is largely bounded to the south and west by Tillingham Road and Hall Road. The Asheldham Pits Local Wildlife Site forms an area of scrub adjacent to the remainder of the western boundary. To the north and east there is open agricultural land.

The site is located within Flood Zone 1.

Asheldham Pits Local Wildlife Site is located to the west of Tillingham Road

and occupies the piece of land to the east of Tillingham Road adjoining the western boundary of the application site.

Asheldham Camp Local Wildlife Site is located to the south of Hall Road. A Scheduled Ancient Monument is also present at Asheldham Camp.

The nearest residential properties are Broomfield and Mullingers Cottages, located approximately 10m and 50m to the north respectively; Pitt Cottages, located approximately 175m to the west and Asheldham Hall, located approximately 110m to the south east.

The Church of St Lawrence is a Grade II Listed Building located approximately 60m to the south of Asheldham Hall, which itself is Grade II Listed.

A crop drying plant is located immediately to the south of Hall Road.

Footpaths 8, 10 and 11 follow the boundaries of the site, having been previously permanently diverted as part of the quarry operations. Footpath 5 runs along the western side of Tillingham Road.

### 3. PROPOSAL

The application is for an extension of time by 15 years to 31 December 2029 to extract approximately 1,165,000m<sup>3</sup> of sand and gravel. Additionally, the application includes the proposal to import 851,829m<sup>3</sup> of inert waste material for use in restoration.

The proposed revised restoration would incorporate areas of biodiversity and agriculture (arable and grazing pasture), as well as visitor parking and permissive footpaths for public access across the restored area.

The permitted geographical extent of the site area would not alter as a result of this application.

An Environmental Impact Assessment has been required by the Mineral Planning Authority and submitted with the application. Details of the Environmental Statement are set out at **Appendix 2**.

### 4. POLICIES

The following policies of the Essex Minerals Local Plan, (MLP), Adopted January 1997; the Essex Minerals Local Plan, (RMLP), Adopted July 2014; the Essex and Southend Waste Local Plan, (WLP), Adopted 2001; the Maldon District Replacement Local Plan, (MDRLP), Adopted 2005 (saved policies only); and the Maldon District Local Development Plan (Pre-Submission Draft), (MDLP), provide the development plan framework for this application. The following policies are of relevance to this application:

<u>MLP</u>	<u>RMLP</u>	<u>WLP</u>	<u>MDRLP</u>	<u>MDLP</u>
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Need	MLP2		W9B		
Access/Access and transportation	MLP3	S11	W4C		
Non-Preferred Sites/Provision for sand and gravel extraction	MLP4	S6			
Restoration and Afteruse/Mineral site restoration and afteruse	MLP8	S12			
Working and reclamation	MLP9		W10C		
Processing Plant/Primary processing plant	MLP10	DM3			
Secondary processing plant		DM4			
Programming	MLP12				
Development Control/Development management criteria	MLP13	DM1	W10E		
Best Practicable Environmental Option			W3A		
Flood Control			W4A		
Water Pollution			W4B		
Planning conditions and legal agreements/Imposition of conditions		DM2	W10A		
Hours of operation			W10F		
Public Rights of Way			W10G		
Development outside boundaries/Settlement boundaries and the countryside				S2	S8
Landscape Protection				CC6	
Presumption in favour of sustainable development/Sustainable development		S1			S1
Strategic priorities for minerals development		S2			
Climate change		S3			
Protecting and enhancing the environment and local amenity/Natural environment, geodiversity and biodiversity		S10			N2
Conservation and heritage assets					D3

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

The NPPF combined and streamlined all planning policy except for Waste, so Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) continues to apply. Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF, while the NWMPE and PPS10 are material considerations in planning decisions.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Essex Minerals Local Plan, the Essex and Southend Waste Local Plan and the Maldon District Replacement Local Plan is considered at **Appendix 1**.

Paragraph 216 of the NPPF states, in summary, that decision makers may also give weight to relevant policies in emerging plans according to the stage of plan preparation; the extent to which there are unresolved objections; and the degree of consistency to the NPPF.

The Maldon District Local Development Plan has been submitted to the Secretary of State but the Public Examination is yet to take place. The extent to which there are unresolved objections is unknown.

The emerging Essex and Southend Replacement Waste Local Plan is at an early stage of preparation and has not been submitted to the Secretary of State. Therefore, its policies are not considered here.

The Essex Minerals Local Plan <sup>1</sup> has been Adopted by Full Council as of 08 July 2014.

## **5. CONSULTATIONS**

MALDON DISTRICT COUNCIL – Does not state whether there is an objection to the application. Recommends conditions relating to:

- Restriction of the number of vehicular movements;
- Restriction of vehicular entering and exiting times and site opening hours;
- The maintenance of the highway free from debris;

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<sup>1</sup> The Essex Minerals Local Plan has been adopted and is subject to a 6-week period for challenge, commencing 08 July 2014. Should a challenge arise during this period, there is a possibility that the Minerals Planning Authority may be directed to suspend the use of all or specific policies in that Plan. Therefore, it is prudent that consideration is also given to policies in the existing Essex Minerals Local Plan (1997), to ensure that the policy framework upon which to consider the planning application is robust.

- Installation of a wheel wash;
- Sheeting of vehicles;
- Preservation of vegetation adjacent the entrance;
- Screening of the site perimeter;
- Control of vehicle routeing so that North Street and Queenborough Road Southminster are not used.

Environmental Health suggests conditions as follows:

- Acoustic calculations to be carried out prior to commencement of development to ensure the proposed bund height provides sufficient attenuation, and maintenance of the bund at such a height;
- Submission of an updated noise management scheme prior to commencement of development;
- Prior notification of temporary noisy works;
- A dust management plan;
- A limit on the number of vehicles;
- A limit on site opening times and possible width restriction at entrance gates;

ENVIRONMENT AGENCY – No objection. Comments that an Environmental Permit would be required. Does not consider that the proposal is a recovery operation, for which a Waste for Recovery Permit would be suitable. A Waste for Disposal Permit may be required. No concerns relating to protected species and habitats. Concerned that there may be possible negative effects on the adjacent Asheldham Pits Local Wildlife Site.

NATURAL ENGLAND – No objection.

ESSEX WILDLIFE TRUST – No comments received.

ROYAL SOCIETY FOR THE PROTECTION OF BIRDS – No comments received.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

ANGLIAN WATER – No comments received.

ESSEX AND SUFFOLK WATER – No objection.

AFFINITY WATER – No comments to make.

NATIONAL GRID – No comments received.

UK POWER NETWORKS – No comments received.

ENGLISH HERITAGE - Recommends that the application is determined in accordance with national and local policy, and on the basis of specialist local advice.

HIGHWAY AUTHORITY – No objection. Comments that the access is sufficient for the use in terms of geometry and visibility and there have been no recorded accidents within the last 3 years at this locality. Also notes that the proposal would not be detrimental to highway safety, efficiency or capacity at this location or on the wider highway network.

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

THE COUNTY COUNCIL'S NOISE AND AIR QUALITY CONSULTANT – No objection subject to a condition relating to temporary bund construction noise and quarterly noise monitoring for the first two years, and six monthly thereafter provided there has been compliance with the noise limits. A condition relating to a Dust Management Plan is required

PLACE SERVICES (Ecology) – No objection subject to the submission and approval of an Ecological Management Delivery Plan. Requests clarification over grazing pasture establishment techniques and management objectives.

PLACE SERVICES (Trees) – Supports the application, subject to no storage of inert waste within the root protection area of retained trees.

PLACE SERVICES (Historic Buildings) – No objection. Comments that Asheldham Hall and the Church of St Lawrence would not be affected.

PLACE SERVICES (Landscape) – Supports subject to conditions relating to planting, bunds, sections and a detailed restoration plan.

PLACE SERVICES (Archaeology) - No objection subject to conditions relating to a programme of archaeological trial trenching, mitigation strategy, satisfactory completion of fieldwork, and submission of a post-excavation assessment. Comments that the initial phase of archaeological evaluation has shown that there are extensive remains of predominately Roman date surviving across the southern half of the site and further large-scale excavations will be required.

ASHELDHAM AND DENGIE PARISH COUNCIL – Objects due to the following:

- Concern over control of the type of waste and restriction of vehicles to those in the applicant's fleet;
- Hours of operation should restrict vehicles from entering no more than 30 minutes before the opening/closing times. Usually 7am to 6pm;
- Viability of the proposed restoration since it has been promised by previous owners;
- Conditions to be attached clearly to allow enforcement if necessary;
- A 3 year renewable licence would allow review.

SOUTHMINSTER PARISH COUNCIL – Raises concerns relating to:

- Appropriate systems to ensure only the applicant's vehicles enter the

- site;
- Strict hours of operation which do not allow vehicles to enter more than 30 minutes before opening time;
- Viability of reinstatement programme due to previous owners not achieving it;
- Consideration of a 3 year renewable licence as opposed to a 15 year licence;
- HGV route should be via Green Lane, not North Street, Southminster.

LOCAL MEMBER – MALDON – Southminster – Any comments received will be reported.

## 6. REPRESENTATIONS

31 properties were directly notified of the application. 11 letters of representation, 1 petition including 85 signatures and 1 petition in support containing 123 signatures, have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Existing local roads are inadequate and are being damaged. Mud is also an issue.	See appraisal.
Lorries on the public highway currently cause noise and vibration to residential properties.	Not a planning issue specific to this application.
Operating hours should be 7:30am-6pm Monday to Friday, 7:30am-12:30pm on Saturday, with no working Sundays and Bank Holidays.	See appraisal.
Operating hours should be 7:30am-5pm Monday to Friday, 8am-12:30pm on Saturdays, with no working Sundays and Bank Holidays.	See appraisal.
Lorries should not be allowed to enter or exit the site outside of the above hours.	See appraisal.
None of the applicant's vehicles to be within 10 miles of the site before 6:45am.	See appraisal.
Permitted extraction and importation of waste figures should be exact.	See appraisal.
Inert waste should be clearly defined with no changes in future to include any other waste.	See appraisal.
Inert waste should be regularly monitored.	Monitoring of the site by Planning Officers would continue under the paid site monitoring regime. The



	type of waste would be regulated by the Environment Agency.
The applicant's lorries only should be permitted to import and export. Waste should only be allowed to be imported in lorries that will be/have been exporting mineral.	See appraisal.
The operator's vehicles currently enter the site prior to the permitted opening times.	Not an issue for consideration through this application.
Local businesses and farming have expanded over the years, resulting in increased traffic and size of vehicles on the roads.	See appraisal.
The operator's drivers currently travel too fast, are inconsiderate and import waste material.	Not an issue for consideration through this application.
The proposed inert waste will inevitably turn into all sorts of rubbish.	See appraisal.
The site is of archaeological interest.	See appraisal.
The site contains Great Crested Newts.	The site has been surveyed and no Great Crested Newts were found.
The Asheldham Bends are being investigated by the Highway Authority.	See appraisal.
The length of the temporary permission should be 3 years.	See appraisal.
Regular maintenance and repair of damage to local roads should be required.	See appraisal.
A planning contribution should be sought for a community fund to recompense local residents.	See appraisal.
The maximum number of lorry movements (48 in total) should be restricted by condition.	See appraisal.
What is the date of the current approval and the area it covers?	See 'Background' and 'Site'.
What are the limits of excavation in proximity to a residential property?	See appraisal.

Will there be a need to change public rights of way?	No – see appraisal.
How will the site be safe and secure?	This is an operational requirement for the operator to follow.
Will visual impact be mitigated?	See appraisal.
Will the batching plant be moved?	No.
Will the site be used for domestic landfill in the future?	This option is not before the Mineral Planning Authority for consideration.
Will working hours be restricted?	See appraisal.
Machinery beepers and the noise from pumps could be an issue once the extraction moves closer to properties.	See appraisal.
Orange lights currently cause a problem overnight.	The operator has rectified this particular issue.
Are there any archaeological issues	See appraisal.
What is the likelihood that the currently proposed importation amounts and timescales will be kept to?	The proposed timescale is considered to be achievable – see appraisal.
Where would the sand and gravel be transported to and where would the source of inert material be?	The applicant has stated that it would generally be within the Essex region, but this is not proposed to be restricted via any planning permission granted.
People use and rely on the quarry for their livelihood.	Noted.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Need
- B. Policy Considerations
- C. Landscape and Visual Impact
- D. Ecological Impact
- E. Amenity Impact
- F. Environmental Impact

- G. Traffic and Highways
- H. Impact on the Historic Environment

## A NEED

### Need for Mineral

The application site is not identified as a preferred site for mineral extraction within the Adopted Essex Minerals Local Plan. However, planning permission exists for mineral extraction across the entire application site, with restoration required by 31 December 2014.

Since the existing permission will expire before the 15 year date when a periodic review would have been required, this application is not being considered under the Environment Act. Rather, it is a planning application for full planning permission. This means that the restrictions that would have been placed on consideration of an application under the Environment Act do not apply, i.e. that conditions should not be imposed which would prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site. The Environment Act states that restriction or reduction of the size or depth of the area which may be used for the winning and working of minerals would restrict the working rights of a mineral site.

However, the planning application must still be considered taking into account the general need to avoid undue sterilisation of mineral resources, as well as the requirement to consider economic factors as one of the three strands of sustainable development set out in the National Planning Policy Framework (NPPF).

Fundamentally, applications for mineral extraction must comply with MLP Policy MLP2 (Need). It requires that mineral working will be permitted only where there is an identified national, regional or local need for the mineral concerned.

The MLP states, in summary, that there is no need if there is an appropriate landbank of permitted sand and gravel reserves. There can be no other interpretation of need.

Similarly, MLP Policy MLP4 (Non-preferred sites), in summary, only allows sand and gravel working on non-preferred sites where the reserves comprising the landbank are insufficient or there is some other overriding benefit. The proposals must also be environmentally acceptable.

RMLP Policy S6 (Provision for sand and gravel extraction) states, in summary, that mineral extraction outside preferred or reserve sites will be resisted unless there is an overriding justification or benefit; the scale is no more than the minimum essential; and the proposal is environmentally acceptable.

As stated previously in the report, a maximum depth of working of 10.5m is currently permitted at the application site. The original application ref MAL/252/77 stated a workable mineral reserve of 1,407,000m<sup>3</sup>. Within that application, it was

stated that soft sand reserves would be left in situ, since they were considered to be uneconomic to work.

The current application proposes a maximum depth of working of 9.5m below the surface. A total of 1,165,000m<sup>3</sup> of mineral is proposed to be extracted across the entire site. It has been estimated that approximately 650,000m<sup>3</sup> (approximately 1million tonnes) of mineral has been extracted at the site to date. Whilst this would take the total of mineral at the site to more than the original workable reserve figure of 1,407,000m<sup>3</sup>, it is clear that the proposed extraction amount would remain within the originally permitted maximum depth of working.<sup>2</sup>

Therefore, it is not considered that need for the mineral concerned is required to be debated, since it can be said to be already permitted. The new operator is able to work the soft sand that was previously proposed to be left in situ. It is considered that refusal to allow the working of such mineral would sterilise the resource, which is not desirable given the general stance of national policy to safeguard this finite resource.

However, the removal of the soft sand reserves would result in the need for an alternative restoration scheme, hence the proposal for the importation of inert waste, which is considered further in the report. (It is noted that the extraction of such soft sand has already commenced on site).

Although, in respect of mineral extraction, this application is only for an extension of time for the removal of previously permitted mineral, the impacts of the proposed additional 15 years and compliance with this aspect of MLP Policy MLP4 and RMLP Policy S6 will be considered further in the report.

### Need for Landfill

The application site is not identified as a preferred site for landfill within the Waste Local Plan. Therefore, Waste Local Plan Policy W9B (Need) applies. It states:

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

In considering this policy, it is noted that overburden, including all soil horizons, ranges from almost zero to a maximum of 3.6m across the site. A volume of approximately 187,000m<sup>3</sup> has been calculated to be present on site.

Sand and gravel deposits have been modelled as a volume of 1,165,724m<sup>3</sup>, calculated as approximately 1.9 million tonnes using a conversion factor of 1.6t/m<sup>3</sup>.

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<sup>2</sup> 'Plan G' dated March 1977 was approved as part of permission ref MAL/252/77. It authorised the extraction of sand and gravel to a maximum depth of 10.5m below the surface.

With the proposed extraction of the remaining 1,165,724m<sup>3</sup> of mineral, restoration to the scheme permitted under ESS/14/00/MAL would now require 1.126 million m<sup>3</sup> of material to be placed into the excavated void. This would result from the extraction of the soft sand which was previously proposed to remain in situ. With silt contributing 0.082 million m<sup>3</sup>, the required imported material would amount to 0.857million m<sup>3</sup>.

Restoration to the proposed scheme would require a similar 1.120 million m<sup>3</sup> of material to fill the void, with a requirement for 0.851 million m<sup>3</sup> of imported material. Therefore, the proposed scheme would not appear to require excessive amounts of imported material in comparison to the approved scheme.

The application considers alternatives to the proposed scheme, namely 'do nothing'; extend the time limit for restoration without the importation of waste/extract a lower quantity of mineral; or extend the time limit for restoration with a greater quantity of imported waste.

The 'do nothing' scenario would see the current planning permission expiring on 31 December 2014, prior to the extraction of the remaining 1,165,724m<sup>3</sup> of mineral. It would also not be possible to achieve the permitted restoration scheme by that date. This would likely be contrary to MLP Policies MLP8 (Restoration and afteruse) and MLP9 (Working and reclamation), which respectively require the land to be capable of being restored to a beneficial afteruse within a reasonable time and the implementation of the reclamation scheme to be feasible. It would also be contrary to RMLP Policy S12 (Mineral site reclamation and afteruse), which in summary requires the land to be capable of being restored at the earliest opportunity and to an acceptable environmental condition.

The scenario of extending the time limit without importing waste would result in the site being left as a water-filled void. The base levels would be 7-8m lower than the surrounding landscape in some areas, with groundwater levels at 5.5m – 7m below the surface.

The application further states that the importation of a lower amount of waste would still result in an adverse permanent impact on the landscape.

The extraction of a lesser amount of mineral would result in the sterilisation of some mineral, as in the 'do nothing' scenario.

The scenario of importing a greater amount of waste than that proposed could result in the site being restored to its original levels, allowing the whole site to be restored to agricultural use. However, this would be beyond that essential for restoration, contrary to Waste Local Plan Policy W9B.

On balance, the proposed time limit and amount of imported material is considered to be required and acceptable in principle. However, the suitability of the specific impacts associated with the scheme will be considered further in the report.

## B POLICY CONSIDERATIONS

The NPPF contains a presumption in favour of sustainable development. It states, at paragraph 7, that there are 3 dimensions to sustainable development: economic, social and environmental.

Paragraph 8 goes on to state that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

RMLP Policy S1 (Presumption in favour of sustainable development) and MDLP Policy S1 (Sustainable development) also reflect this national stance in favour of sustainable development.

The application considers socio-economic factors as follows.

The site employs a total of 15 staff, including drivers. The proposal would allow for their employment for a further 15 years. The site also supplies materials to 11 local businesses within 10 miles of the site.

Inert waste is proposed to be mostly imported from the applicant's transfer site at Great Leighs, but local construction sites are also proposed to be used as a source of suitable material. In this case, vehicles would most likely go direct to the application site and could, in most cases, still be used for back-hauling waste material.

The application states that the extracted mineral would be vital to sustain local house building activity.

The loss of agricultural land would be considered to have a temporary moderate adverse effect; however the proposed long term restoration benefits would be moderately beneficial.

In summary, the application considers that the development would have a temporary positive impact on the local economy, with a positive long-term social benefit. This is considered to be a reasonable conclusion.

The environmental strand of sustainable development will be considered throughout the report.

WLP Policy W3A (Best practicable environmental option), in summary, requires that waste development should be sustainable, should consider the best practicable environmental option, and should confirm to the proximity principle.

The issue of sustainable development has been considered above and will be discussed later in the report. The best practicable environmental option emphasises the protection and conservation of the environment. Whether this proposal meets this requirement will be considered further in the report.

The 'proximity principle' no longer exists as a recognised term in Planning policy.

Rather, Planning Policy Statement 10 has a key planning objective of allowing waste to be disposed of in one the nearest appropriate installations.

The source of waste is not specifically identified in the application, but it is suggested that it would mostly be sorted at Great Leighs. Given that there is no specific direction that waste should be derived from within the administrative boundary of the determining authority, it is not proposed that a condition should be imposed restricting the source of waste to Essex waste only, in the event that permission is granted.

A conclusion on compliance with WLP Policy W3A will be drawn later in the report.

## C LANDSCAPE AND VISUAL IMPACT

The application site lies outside of the settlement boundaries.

MDRLP Policy S2 (Development outside boundaries) requires that, outside development boundaries defined in the local plan, the coast and countryside will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value.

Emerging MDLP Policy S8 (Settlement boundaries and the countryside), in summary, supports sustainable developments within the settlement boundaries. It states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon (among other requirements).

MDRLP Policy CC6 (Landscape protection) requires that the natural beauty, tranquillity, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that:

- No harm is caused to the landscape character in the locality, and
- The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
- The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.

Whilst the above policies are not considered to be aimed at minerals development, which can only be worked where they occur, the principle of the protection of the countryside is understood.

In addition, WLP Policy W10E (Development Control) permits waste management development only where the effect of the development on the landscape and countryside has been satisfactorily provided for.

Similarly, MLP Policy MLP13 (Development Control) requires that mineral extraction will be refused where there is unacceptable impact on the visual environment or the landscape and countryside.

RMLP Policy DM1 (Development management criteria) requires there to be no unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

The development during extraction and restoration would not be significantly visible from outside of the site due to the retention of vegetation on the site boundaries, which would provide screening. The impact on the landscape would be largely limited to within the site itself, except for users of the public rights of way who would have considerable views of the operations.

Following restoration, there would be a beneficial impact on footpath users due to the proposed recreational use. The northern section would have minimal impact on the landscape since it would be restored back to agriculture.

The proposed restoration scheme seeks to maintain levels on the site boundary in accordance with the approved restoration levels, in order to minimise the impact on the wider landscape.

Overall, the site is very well screened. The Landscape Officer has requested details of the proposed screening bunds, planting and section drawings. It is considered that these items could be required by condition in the event that permission is granted.

In addition, to ensure that the level of screening is not damaged, a condition could be imposed to ensure that no waste is stored within the root protection area of retained trees, as required by the ECC Tree Officer.

The application proposes retention of existing infrastructure on site, including the existing processing plant, concrete plant, workshop, concrete roadway, weighbridge and office/messroom.

MLP Policy MLP10 (Processing Plant), in summary, requires the primary processing plant to be within the limits of a mineral working and at low level or with visual and aural mitigation. Sites with their own processing plant are preferred and importation of material will not normally be allowed.

RMLP Policies DM3 (Primary processing plant) and DM4 (Secondary processing plant), in summary, respectively require that the primary processing plant should be located within the mineral site's boundary and not have unacceptable impact on local amenity or the environment and that secondary processing plant will only be permitted where there is no unacceptable impact on local amenity or the environment.

The processing plant and concrete plant would be located within the southern



area of the site and cannot be readily seen from outside of the site boundaries. Exact details of location and design of the facilities, it is considered, could be required by condition, in the event permission is granted.

It is further considered that a condition could be imposed to ensure no mineral is imported to the site for processing, for compliance with MLP Policy MLP10 and RMLP Policies DM3 and DM4.

## D ECOLOGICAL IMPACT

The application proposes restoration to agriculture but also incorporates areas for biodiversity.

MLP Policy MLP8 (Restoration and afteruse), in summary, requires land to be capable of being restored within a reasonable time and to a beneficial afteruse. Where agricultural land is affected, it should be restored as nearly as possible to its former quality, but due regard will also be given to nature conservation (among other afteruses).

MLP Policy MLP12 (Programming) requires a programme for working within the site.

MLP Policy MLP9 (Working and reclamation) requires that the proposals must be satisfactory and feasible.

WLP Policy W10C (Working and reclamation), similarly requires the proposed measures for restoration to be feasible.

In order to comply with MLP Policies MLP8, MLP9 and MLP12 and WLP Policy W10C, it is considered that conditions could be imposed to ensure that restoration takes place in a phased manner and to require an agricultural aftercare period of 5 years.

It is further noted that local comments have been received asking that the proposed permission time span is revised downwards to 3 years to allow for a review of the situation at that time. This would not meet the requirements of MLP Policy MLP9 and WLP Policy W10C, or the tests for conditions set out in the NPPG, as the permission would not be long enough to fully restore the site.

The requirement for phased restoration and regular monitoring of the site by the Minerals Planning Authority is considered to be a more effective way of ensuring the development is properly carried out.

Additionally, paragraph 144 of the NPPF requires that Local Planning Authorities should: 'provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances'.

In the case of the current application, it is considered that a financial guarantee to

ensure the restoration of the site would be appropriate. The development is proposed on grade 2 agricultural land and it is important that the restoration is properly executed. It is also acknowledged that the proposed 15 year time extension is of local concern. Taking this into account, the applicant has agreed to enter into a legal agreement including a financial guarantee, the details of which will be defined through negotiation of the legal agreement.

Related to this point, it is noted here that a representation has been received, requesting that a local community fund is set up to recompense the local community.

In response, the Planning Practice Guidance states that 'planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.'

There is no provision in minerals planning to allow funds to be collected from a developer for the benefit of the local community, or for so-called 'planning gain'. It is considered that the requirement of a community fund would not meet the above tests.

However, the provision of a financial guarantee, as referred to earlier in the report, would go some way to provide comfort that the site is capable of being properly restored within the specified time period.

RMLP Policy S12 (Mineral site restoration and afteruse) requires, among other things, biodiversity gain following restoration.

RMLP Policy S10 (protecting and enhancing the environment and local amenity) requires, in summary, appropriate consideration of the natural, built and historic environment and demonstration that opportunities have been taken to improve/enhance the environment and amenity.

RMLP Policy S3 (Climate change), in summary, requires resilience to future climatic changes and consideration of the potential benefits from site restoration and after-use schemes for biodiversity and habitat creation, flood alleviation, and provision of living carbon sinks.

MDLP Policy N2 (Natural environment, geodiversity and biodiversity) requires, in summary, that all development should seek to deliver net biodiversity gains.

The proposal includes a larger lagoon than is included in the approved scheme, in order to provide ecological benefits (and to reduce the volume of fill material required). The final water level would be approximately 17m AOD, in accordance with the approved scheme. Groundwater levels rest generally between 5.5 and 7m below the surface.

The area would provide habitats suitable for invertebrates, reptiles, plants and birds. The area would be areas of dry acidic grassland, ponds and reedbeds,

areas of exposed sand and gravel, nesting areas for bird life, insect-friendly planting and flower-rich vegetation for invertebrates, reptile refuges and islands within the lagoon to attract waders.

Natural England has raised no objection.

The ECC Ecologist supports the principle of the development and comments that it has potential to deliver significant benefits to wildlife. The Ecologist also requires the provision of an Ecological Management Delivery Plan and greater clarity on the management objectives for grazing pasture and establishment techniques.

In order to achieve this, the applicant has offered to commit to a 25 year management plan to ensure the site is restored and managed appropriately for biodiversity. It is considered that this could be required via legal obligation, in the event that permission is granted.

Therefore, the development is considered to comply with MLP Policy MLP8, RMLP Policies S3, S10 and S12 and MDLP Policy N2.

## E AMENITY IMPACT

MLP Policy MLP13 and WLP Policy W10E (Development control criteria) require, in summary, there to be no unacceptable impact on the visual and aural environment, local amenity, landscape and the countryside, the highway network, water resources and nature conservation. RMLP Policy DM1 (Development Management criteria) has similar requirements and WLP Policy W10E further requires satisfactory provision to be made in respect of the loss of agricultural land, impact on historic and archaeological sites and the Green Belt.

RMLP Policy S2 (Strategic priorities for minerals development) requires, among other things, that there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities and the environment.

RMLP Policy S10 (protecting and enhancing the environment and local amenity) requires, in summary, appropriate consideration of the natural, built and historic environment and demonstration that opportunities have been taken to improve/enhance the environment and amenity.

### Noise

A representation has been received which asks if there is a limit for proximity of extraction areas to residential properties. The RMLP states in the supporting text that a minimum of a 100m 'buffer zone' from the extraction face to the wall of a residential property would normally be required to minimise the impact of working on local amenity.

The extent of extraction would be within this 100m distance for Broomfields and Mullingers Cottages. However, it is taken into account that the extent of mineral extraction has already been established through the grant of previous permissions

on the site.

Additionally, bunds are proposed to protect the aural amenity of Broomfields and Mullingers Cottages. The occupiers of Mullinger's Cottages have expressly requested that the bunds protecting their property are not constructed until phase 6 is commenced, in order to preserve the visual aspect for as long as possible. It is considered that a condition could be worded to require this, in the event that permission is granted.

It is noted here that the Environmental Health Officer (EHO) has requested that acoustic barrier calculations are submitted to ensure bund construction and heights are constructed and maintained to provide at least 10dBA noise reduction. This could be required by condition.

Temporary activities such as bund construction can in themselves cause noise issues. This is usually dealt with under a temporary noise allowance condition. In addition to this, the EHO has requested a prior notification of such temporary works. It is considered that this could be incorporated into such a condition.

Mitigation would be in the form of the use of a limited range of equipment and machinery; the proper maintenance of such machinery; the minimisation of the need to reverse and the use of broadband type reversing alarms; and periodic monitoring of noise emissions. All of this is proposed within a submitted noise management scheme. The EHO has requested that more detail is incorporated, and it is considered that this could be required by condition, should permission be granted.

The Noise Consultant has no objection, subject to conditions including quarterly noise monitoring for the first two years with a reduction to six monthly monitoring thereafter, provided that the noise limits have been complied with. This is considered to be a reasonable condition.

Therefore, even with the encroachment on the 100m standoff distance, there is not anticipated to be an undue adverse impact as a result of noise.

### Dust

Information about the potential for dust emissions and their mitigation has been submitted with the application. Such mitigation included the seeding of soil bunds, the use of a wheel wash, dampening of surfaces and sheeting of lorries. Dust is mostly not considered to be an issue, except for Broomfields and Mullingers Cottages when the operations move to within the vicinity of those buildings. Pitt Cottages would have a high risk and Asheldham Village would have a medium-low risk.

Although mitigation is proposed within the application, it is considered appropriate that a Dust Management Plan is required by condition in the event that permission is granted. This is recommended by the County Council's Air Quality Consultant and the Environmental Health Officer.

## Visual

Lighting is not proposed to change from that already on site, namely 6 lights on the plant which are sensor timed or switched off at 7pm. There is also a fuel tank security light and an office light which operate on sensors. It is considered that a condition could be imposed to ensure that no further lighting is installed without prior approval from the Mineral Planning Authority.

Therefore, subject to the imposition of conditions, the proposed development is not considered to have any significant detrimental impact on amenity, in compliance with MLP Policy MLP13, WLP Policy W10E and RMLP Policies DM1, S2 and S10.

Additionally, WLP Policy W10F (Hours of Operation) allows the Waste Planning Authority to impose a restriction on working hours for the protection of amenity. This will be considered further in section 7G of the report.

Finally, in order to ensure that the operation of the site does not unduly impact on surrounding amenity, it is considered that the applicant should be required to form a local liaison group with the Parish Council. This is a regular requirement for the larger quarries and landfill sites across Essex. It is considered that this could be required via legal obligation, in the event that permission is granted. This would be subject to the agreement of the Parish Council, which has not indicated whether this would be desirable.

## F ENVIRONMENTAL IMPACT

### Water Impact

The application site is located within Flood Zone 1 (the low probability zone).

WLP Policy W4A (Flood control) requires, in summary, that waste management development will only be permitted where there would not be an unacceptable risk of flooding on site or elsewhere.

WLP Policy W4B (Water pollution) requires, in summary, that waste management development will only be permitted where there would not be unacceptable risk to surface and groundwater quality or flow.

A Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that there would no increased off-site flood risk.

As stated previously in the report, groundwater is encountered at 5.5-7m below the surface. Groundwater could affect the development during operation; however this would be controlled as part of the development.

The Environment Agency does not object to the proposals.

Therefore, it is considered that the development would comply with WLP Policies W4A and W4B.

## Waste Type

There have been comments received relating to control of the type of waste proposed. The application proposes the importation of inert waste. This type of waste is considered to be acceptable and it is possible that a condition could be imposed on any permission granted to require adherence to the application details. However, the type of waste would not be specifically controlled via planning condition as this could lead to difficulties with the definition of waste allowed under an Environmental Permit. The Environment Agency has detailed definitions of waste types and it would seek to restrict any Permit to appropriate codes. The term 'inert' does not exist within these codes.

Furthermore, Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided'.

## G TRAFFIC AND HIGHWAYS

MLP Policy MLP3 (access) and WLP Policy W4C (Access) principally require, in summary, access to be via a short length of existing road to the main highway network. Both policies allow access onto a secondary road if the capacity of the road is adequate and there would be no undue impact on road safety or the environment.

RMLP Policy S11 (Access and transportation) states that minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

The applicant has clarified that the application contains discrepancies in the total number of vehicle movements currently utilised at the site.

The application states that the development would generate approximately 48 movements, but the applicant has interpreted this as 48 two-way movements, which is actually 96 vehicle trips per day. It is noted that this higher number corresponds with the number of vehicles permitted via permission ref ESS/14/00/MAL.

The current vehicle movements are not proposed to change, as the application states that the same vehicles would be used for importation of inert waste and removal of minerals. This is based on 8-wheeler lorries carrying 15m<sup>3</sup> of material (8m<sup>3</sup> 'in the ground'). Based on 305 working days per year, there would be approximately 32 vehicles (64 movements) per day.

The proposed use of the currently permitted 48 vehicles (96 movements) per day would allow flexibility for smaller vehicles to be used.

A Transport Statement has been submitted with the application. It notes that there

have been no accidents involving HGVs in the local area in the last 3 years. The report concludes that the proposals would not lead to the propensity for accidents to increase and that the development could be accommodated without detriment to highway users.

The Highway Authority has raised no objection.

Several representations and comments have been received relating to the perceived need for a restriction of the number of vehicular movements; a restriction of vehicular entering and exiting times and site opening hours; the maintenance of the highway free from debris; installation of a wheel wash; sheeting of vehicles; lorry routes; and restriction of lorries to those in the applicant's own fleet.

The opening hours suggested by the people who have made representations differ from each other. The applicant is not applying to change the existing opening hours, which are:

0700 – 1800 hours Monday to Friday

0700 – 1230 hours Saturdays

No working on Sundays or Bank/Public Holidays.

These hours are less than the standard working hours, which normally allow until 1830 hours weekdays and 1300 hours on Saturdays. It is considered that, in the event that permission is granted, a condition could be worded to ensure that no vehicles enter the site prior to 7am. However, suggestions relating to restrictions on the type of vehicle entering or the presence of vehicles on local roads are not considered to meet the tests for conditions set out in NPPG.

Similarly, it is noted that some comments have been received stating a preferred vehicular route. A condition requiring a particular route would also not be considered to meet the tests for conditions. Furthermore, the Highway Authority has stated that the proposal would not be detrimental to highway safety, efficiency or capacity at this location or on the wider highway network.

However, there is an existing Section 52 Agreement which requires a certain route to be followed to and from the application site. Since this is still lawful, it is considered that this requirement could be carried forward to be incorporated into a legal agreement to accompany the current application. The route requires the use of Green Lane when entering or leaving the site to or from the west, unless requiring access to sites in Southminster. It also requires general avoidance of Southminster, unless for access. This would address the routeing concerns raised by the District and Parish Councils.

A condition requiring the installation of a wheel cleaning facility is considered to be appropriate to ensure the highway is kept clean. This is also suggested as a mitigation method in the submitted dust management measures contained in the EIA.

Concerns have also been raised about the current operations, relating to mud on

the roads, damage to local roads and drivers going too fast. These points are not relevant to the consideration of this application, which should solely take into account the acceptability of the proposed development.

It is not considered to be reasonable to require the vehicles entering the site to be restricted to the applicant's own fleet. As long as the type of waste entering the site is appropriate and the daily vehicle limit is kept to, there is no planning reason why vehicles could not come from elsewhere. It is considered that a condition could be imposed to require recording of the amount of imported and exported material and the number of vehicles entering the site.

WLP Policy W10G (Public Rights of Way), in summary, requires that applications for waste management development should include measures to safeguard and, where applicable, improve the rights of way network.

With regard to public access, the proposed development is not considered to impact unacceptably on the surrounding public rights of way. The applicant has also offered to formally set out proposals for the provision of permissive rights of way within a legal obligation.

It is therefore considered that, subject to conditions restricting the number of vehicles entering the site to 48 the proposals, opening hours, maintenance of the highway free from dirt and debris and sheeting of vehicles, the proposals would be acceptable in terms of traffic generation and highway impact, in compliance with MLP Policy MLP3, RMLP Policy S11 and WLP Policies W4C and W10G.

## H IMPACT ON THE HISTORIC ENVIRONMENT

RMLP Policy S10 (protecting and enhancing the environment and local amenity) requires, in summary, appropriate consideration of the natural, built and historic environment.

MDLP Policy D3 (Conservation and heritage assets), in summary, requires an archaeological assessment and recording.

The ECC Archaeologist has noted that there are extensive remains of predominantly Roman date surviving across the southern section of the site and that further deposits are likely to be found in the northern section. No objection is raised to the development, subject to conditions relating to trial trenching, preservation and recording of finds. It is considered that such conditions could be imposed on any permission granted.

The site lies in proximity to listed buildings, as stated previously in the report. English Heritage has commented that the application should be determined in accordance with national and local policy, and on the basis of specialist local advice. The ECC Historic Buildings Advisor has considered that neither Asheldham Hall nor the Church of St Lawrence would be impacted upon as a result of the proposed development.



It is further considered that there would not be any significant impact on the Scheduled Ancient Monument at Asheldham Camp .

Therefore, the development would be considered to comply with RMLP Policy S10 and MDLP Policy D3.

## **8. CONCLUSION**

In conclusion, it is considered that the need for the proposed mineral extraction has been established and the developer would simply be extracting reserves within the lateral extent of an area which already has the benefit of planning permission. Therefore, MLP Policy MLP2 does not need to be considered.

The proposed extension of time to extract such mineral is considered to be appropriate and realistic, taking into account the proposed vehicle movements. However, there would be impacts associated with this further time.

The extraction of all remaining mineral would require an alternative restoration scheme, involving the importation of 0.857million m<sup>3</sup> of material. The question of need for this amount of material is considered to be central the overall decision on this planning application. On balance, it is considered that the scale of landfill proposed would be essential for restoration of the site, as required by WLP Policy W9B.

It is further considered that the land would be capable of being restored to a beneficial afteruse within a reasonable time, at the earliest opportunity and the implementation of the reclamation scheme would be feasible and to an acceptable environmental condition, as required by MLP Policies MLP8, MLP9 and MLP12, RMLP Policy S12 and WLP Policy W10C. Further security of restoration could be provided for via a financial bond.

In terms of impacts, the development would not significantly impact on flooding elsewhere, or increase risk of water pollution, in compliance with WLP Policies W4A and W4B.

Subject to the imposition of conditions, the proposed development would not be considered to have any significant detrimental impact on amenity, in compliance with MLP Policy MLP13, WLP Policies W10E and W10F and RMLP Policies DM1, S2 and S10.

Subject to conditions restricting the number of vehicles entering the site to 48 the proposals, opening hours, maintenance of the highway free from dirt and debris and sheeting of vehicles, the proposals would be acceptable in terms of traffic generation and highway impact, in compliance with MLP Policy MLP3, RMLP Policy S11 and WLP Policies W4C and W10G.

It is considered that neither Asheldham Hall, the Church of St Lawrence or Asheldham Camp would be impacted upon and, subject to conditions relating to the archaeological resource it is considered that the development would comply with RMLP Policy S10 and MDLP Policy D3.

Therefore, it is considered that the impacts of the proposed development can be appropriately mitigated so that they are considered to be acceptable for the purposes of MLP Policy MLP4, RMLP Policy S6 and WLP Policy W3A.

Although there would be temporary impacts as a result of the operational phase of the development, these impacts could be mitigated through the imposition of conditions. The afteruse would be considered to present benefits to the area so that the intrinsic character and beauty of the countryside would not be adversely impacted upon, as required by MDRLP Policies S2 and CC6, MDLP Policy S8, MLP Policies MLP13 and MLP10, RMLP Policies DM1, DM3 and DM4 and WLP Policy W10E.

Furthermore, providing that the proposal is adequately controlled, it would incorporate significant benefits for wildlife, in compliance with RMLP Policies S3, S10 and S12 and MDLP Policy N2. The proposed control mechanism would be a the requirement for a 25 year management plan to ensure the site is restored and managed appropriately for biodiversity. It is considered that this could be required via legal obligation, as advocated by WLP Policy W10A and RMLP Policy DM2.

Therefore, overall, it is considered that the environmental strand of 'sustainable development' has been proven equally alongside the economic and social strands, resulting in a sustainable development proposal for which there is a presumption in favour, in compliance with the NPPF, RMLP Policy S1 and MDLP Policy S1.

## **9. RECOMMENDED**

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

The completion, within 6 months, of a legal agreement covering the following matters:

- The setting up and holding of a Liaison Group meeting twice annually, subject to the agreement of the Parish Council;
- A Biodiversity Management Plan covering a period of 25 years;
- A lorry routeing plan as per the existing Section 52 Agreement;
- The provision of a financial guarantee for restoration of the site,
- Formal provision of permissive rights of way;

and conditions covering the following matters:

1. COM1 – Commencement within 5 years.
2. COM2 – Commencement (waste specific).
3. COM3 – Compliance with submitted details.
4. CESS5 – Cessation of mineral/landfill development by 31 December 2029.
5. CESS6 – Early restoration in event of suspension of operations.
6. HOUR1 – Hours of working including vehicles above 3.5t gvw entering or exiting the site 7am-6pm Monday to Friday, 7am-12:30pm Saturdays and at no other times or on Sundays or Bank or Public Holidays.

7. PROD1 – Export restriction to 1,165,000m<sup>3</sup> of sand and gravel.
8. PROD2 – records of output.
9. PROD3 – Vehicle records of output (minerals)
10. PROD4 - Monitoring waste data.
11. HIGH2 – Vehicular access.
12. HIGH3 – Surfacing/maintenance of access road.
13. HIGH4 – Prevention of mud and debris on highway (wheel cleaning facility).
14. HIGH5 – Vehicle movement limits restricted to 48 in and 48 out. Records of imported waste material to be kept.
15. HIGH6 – Lorry sheeting.
16. NSE1 – Noise limits.
17. Acoustic barrier calculations submitted to ensure bunds provide at least 10dBA noise reduction.
18. NSE2 – Temporary operations – Prior notification and - During bund construction and removal and other temporary noisy operations the equivalent continuous noise level due to operation of the quarry shall not exceed 70 dB  $L_{Aeq,T}$  at any noise sensitive receptor for periods up to 8 weeks in a year.
19. NSE3 – Monitoring noise levels. Quarterly noise monitoring for the first two years, and six monthly thereafter provided there has been compliance with the noise limits.
20. NSE5 – White noise alarms.
21. NSE6 – Silencing of plant and machinery.
22. Submission of a Noise Management Scheme prior to commencement.
23. LGHT1 – Fixed lighting restriction.
24. DUST1 – Dust suppression scheme. Dust Management Plan including measures in the application and a seed mix for soil bunds.
25. DUST3 – Spraying of haul road.
26. No waste within root protection areas of retained trees.
27. Within 3 months of the date of decision, details of processing plant, concrete plant, workshop, concrete roadway, weighbridge and office/messroom to be submitted.
28. MIN1 - No importation of mineral.
29. GPDO2 – Removal of PD rights
30. LAND1 – Landscape Scheme
31. LAND2 – Replacement Landscaping
32. Phased restoration and 5-year agricultural aftercare.
33. ARC1 – Advanced Archaeological Investigation.
34. MIN7 - Extraction depth limit.
35. LS2 - Soil movement scheme.
36. LS3 – Machine movement scheme.
37. LS4 – Stripping of top and subsoil.
38. LS5 – Maintenance of bunds.
39. LS6 – Retention of soils.
40. LS8 – Soil handled in a dry and friable condition.
41. LS9 - Soil stripping depths and replacement.
42. LS10 - Notification of commencement of soil stripping.
43. LS14 – Final soil coverage.
44. POLL4 – Fuel/Chemical storage.
45. POLL3 – Trade effluent and sewage disposal.
46. Balancing hole water level to be maintained.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to or within the screening distance to a European site.

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and given the opportunity to respond.

### **LOCAL MEMBER NOTIFICATION**

MALDON – Southminster

Consideration of Consistency of Policies

**Essex and Southend Waste Local Plan**

W3A	<p>The WPAs will:</p> <ol style="list-style-type: none"> <li>1. In determining planning applications and in all consideration of waste management, proposals have regard to the following principles: <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> </li> <li>2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</li> </ol> <p>Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</p>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p> <p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS10.</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result</li> </ul>	<p>Paragraph 99 of the NPPF states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid</p>

	<p>of surface water run-off;</p> <ul style="list-style-type: none"> <li>Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS10 highlights at section <i>a. protection of water resources</i> that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS10 and the NPPF.</p>
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>Exceptionally, proposals for new access direct to the main highway network may</li> </ol>	Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

	<p>be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</p> <p>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	<p>Furthermore, Paragraph 34 of the NPPF states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the NPPF and PPS10.</p>
W9B	<p>Landfill, or landraising, for its own sake, without being necessary for restoration, will not be permitted. Landfill outside the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.</p>	<p>PPS10 sets out the key objectives to achieve sustainable waste management including Paragraph 3 "...driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be catered for:..."</p> <p>Policy W9B seeks to minimise landfill and landraising to that essential to achieve restoration, thereby minimising the amount of waste going to landfilling pushing waste management up the waste hierarchy.</p>
W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation</p>

		<p>where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction’.</p> <p>Furthermore, paragraph 203 of the Framework states that ‘Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the Framework and PPS10.</p>
W10C	In considering planning applications for landfill proposals the WPA will require the proposed measures for restoring the land to an acceptable and sustainable after-use to be feasible.	See explanation notes for Policy W9B as these are relevant and demonstrate conformity with the Framework and PPS10.
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the</li> </ol>	Policy W10E is in conformity with the NPPF in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the NPPF.



	<p>landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</p> <ol style="list-style-type: none"> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> </ol> <p>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</p>	
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>

W10G	<p>Applications for waste management facilities should include measures to safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing.</p>	<p>Paragraph 75 of the Framework states that 'Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.</p> <p>Policy W10G seeks the protection and enhancement of public rights of way and therefore, is in conformity with the Framework.</p>

### **Essex Minerals Local Plan (1997)**

MLP2	<p>Mineral working will be permitted only where there is an identified national, regional or local need for the mineral concerned.</p> <p>In the case of preferred sites the principle of extraction has been accepted and the need for the release of the mineral proven. Applications would be allowed unless the proposal fails to meet a pre-condition or requirement in schedule 1 or there are unforeseen unacceptable environmental or other problems.</p>	<p>Paragraph 145 of the Framework places an obligation on MPAs to take account of National and Sub National guidelines when planning for the future demand for and supply of aggregates.</p> <p>Landbanks are stated as being "principally an indicator of the security of supply" in paragraph 145 of the Framework, whereas policy MLP2 treats it as the only indicator.</p> <p>At paragraph 11 &amp; 12 the Framework states that "the development plan as the starting point for decision making...unless other material considerations indicate otherwise.</p> <p>The Framework leaves the MPA to identify sites.</p> <p>Furthermore, in recent Costs Decision (ref: Costs application in relation to Appeal Ref: APP/Z1585/A/12/2169596) The Inspector for that appeal noted at paragraph 7 that 'The applicants' view is that the MLP is out-of-date and policy MLP2 is not consistent with the Framework. Landbanks are</p>
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		<p>stated as being “principally an indicator of the security of supply” in paragraph 145 of the Framework, whereas policy MLP2 treats it as the only indicator. In addition, the criterion of overriding need is not set out in the Framework. However, the Framework is the overarching national guidance and it is for development plans to put forward detailed policies having regard to local issues. Policy MLP2 has a minor difference in wording from, but is not in conflict with, the Framework.</p>
MLP3	<p>1. Access from a mineral working will preferably be by a short length of existing road to the main highway network, defined in structure plan policy T2, via a suitable existing junction, improved if required, in accordance with structure plan policies T4 and T14.</p> <p>2. Proposals for new access direct to the main highway network may exceptionally be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council’s highway standards. There is a presumption against new access onto motorways or strategic trunk roads.</p> <p>Where access to the main highway network is not feasible, access onto a secondary road before gaining access onto the highway network may exceptionally be accepted if in the opinion of MPA the capacity of the road is adequate and there will be no undue impact on road safety or the environment.</p>	<p>Paragraph 32 of the Framework requires LPAs decisions to take account inter alia that “...safe and suitable access to the site can be achieved for all people...” and in Paragraph 35 developments should be located and designed where practical to...” inter alia “...create safe and secure layouts”</p> <p>It is therefore considered that MLP3 is in conformity with Framework has it seeks to provide safe and suitable accesses.</p>
MLP4	<p>Proposals for sand and gravel working on sites other than those listed in Schedule 1 will be permitted only where:-</p> <p>(i) The reserves comprising the landbank are insufficient and/or there is some other over-riding</p>	<p>On the 12 July 2012 the Planning Inspectorate issued a Decision (ref: APP/Z1585/A/12/2169596 and Costs Decision) for an appeal. The Inspector of that appeal highlighted that at paragraph 9 that ‘The</p>

	<p>justification or benefit for the release of the site; and</p> <p>The proposal would be environmentally acceptable.</p>	<p>Framework requires provision to be made on specific sites and preferred areas and/or areas of search and locational criteria. This site is not a preferred site and therefore it is covered by policy MLP4 of the MLP for non-preferred sites. The Framework does not contain policies for non-preferred sites, such as the appeal proposal. However, the lack of any such policy does not mean that it is contrary to the Framework, since it is still open to Councils to provide locally- developed policies in their development plans'. In the Costs Decision (ref: Costs application in relation to Appeal Ref: APP/Z1585/A/12/2169596) to that appeal the Inspector highlighted that The Framework does not specifically deal with non-preferred sites and this is a matter left to local policies. The criteria selected by the Council are not in conflict with the Framework but MLP4 also takes into account environmental factors, which are covered by the Framework as part of sustainable development. Prior extraction of minerals continues to be part of the Framework, within the context of Minerals Safeguarding Areas, in paragraph 143. Therefore the advice in the Framework is not ignored nor is it in conflict with the development plan policies for the area.</p>
MLP8	<p>Planning permission will not normally be given for the working of minerals unless the land concerned is capable of being restored within a reasonable time to a condition such as to make possible an appropriate and beneficial after-use. Where planning permission for mineral working is given on Grade 1, 2 or 3a of the Ministry of agriculture's land classification, the land will be required to be restored within a</p>	<p>Paragraph 144 of the Framework requires LPAs when determining planning application inter alia "provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.</p> <p>Paragraph 109 of the Framework requires protection of soils.</p>

	<p>reasonable time and as nearly as possible to its former agricultural quality. Where filling material is necessary, permission will not be given until it is shown that suitable material will be available and that the compatibility of the landfill gas and leachate monitoring and control structures and processes with the afteruse is demonstrated. Wherever possible land permitted for mineral working will be restored to agricultural use, but due regard will also be had to the need for areas for nature conservation, water-based recreation, afforestation and Leisure activities. Where permission is given, conditions will be imposed to secure:</p> <ul style="list-style-type: none"> <li>(i) progressive working and restoration; and</li> <li>(ii) aftercare and maintenance of the restored land for not less than 5 years, and</li> </ul> <p>a beneficial after use of the restored land including the use of areas that remain waterfilled.</p>	<p>The Framework does not place such weight as the MLP on the need for restoration to agriculture for land that is best and most versatile, however it is recognised in paragraph 112 that the economic and other benefits of the best and most versatile land should be taken account of. In addition at Paragraph 109 it does require protection of soils. MLP8 recognises and does not preclude restoration to alternative afteruses.</p> <p>It is therefore considered that MLP8 is largely in conformity with the Framework</p>
MLP9	<p>In considering planning applications for mineral working or related development, the mineral planning authority will permit only those proposals where the provisions for working and reclamation contained in the application are satisfactory and the implementation of the proposals is feasible.</p>	<p>The Framework at Paragraph 144 requires when LPAs are determining planning applications to "...provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards...". To ensure such restoration can be achieved applications need to demonstrate any restoration scheme is feasible.</p> <p>It is therefore considered that MLP9 is conformity with the Framework</p>
MLP10	<p>The primary processing plant will normally be expected to be located within the limits of any mineral working at either a low level or with the step being taken to mitigate its visual and aural impact. Sites with their own processing plant will be preferred to minimise movement of material on public roads and, by conditions imposed on permission, plant will not normally be</p>	<p>The Framework at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." In addition Paragraph 4 requires "...decisions should ensure</p>

	<p>available for material imported on to the site.</p>	<p>developments that generate significant movement are located where the need to travel will be minimised...".</p> <p>MLP10 seeks to reduce the environmental impact of mineral processing plant, by locating it at low level.</p> <p>MLP10 also seeks to co-locate mineral extraction with the primary processing plant, reducing unnecessary traffic movements.</p> <p>It is therefore considered that MLP10 is in conformity with the Framework</p>
MLP12	<p>Planning applications for mineral working must include a programme for working within the site. A total programme of extraction and supply of minerals may be sought, covering all sites within the applicants' control throughout the county. Voluntary obligations may be entered into where appropriate.</p>	<p>The Framework at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>Policy MLP12 is in accordance with the Frameworks paragraph 144 as it requires restoration at its earliest and ensures that no adverse impacts come from the extraction of mineral during its operational phases.</p>
MLP13	<p>Planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on any of the following:</p> <p>The visual and aural environment; Local residents' (or others') amenity; Landscape and the countryside; The highway network; Water resources;</p>	<p>The Framework at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and</p>

	Nature conservation.	<p>particle emissions and blasting vibrations are controlled...and establish appropriate noise limits...”</p> <p>The Framework supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to “...accommodate the efficient delivery of good and supplies...” (Paragraph 35).</p>
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### **Maldon District Replacement Local Plan**

S2	Outside development boundaries defined in the local plan, the coast and countryside will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value.	<p>Paragraph 112 of the NPPF states that ‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land’.</p> <p>Paragraph 114 of the NPPF states that ‘Local Planning Authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...’</p>
CC6	<p>The natural beauty, tranquillity, amenity and traditional quality of the District’s landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that:</p> <ul style="list-style-type: none"> <li>- No harm is caused to the landscape character in the locality, and</li> <li>- The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and</li> <li>- The development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.</li> </ul>	See above.

## **APPENDIX 2**

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR: ASHELDHAM QUARRY (Application ref: ESS/16/14/MAL)**

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

The key subject areas identified are:

- Landscape and visual impact;
- Noise;
- Dust;
- Flora and fauna;
- Archaeology;
- Traffic impact and public rights of way;
- Ground and surface waters, land drainage and flooding;
- Economic and social factors.

The significance of each subject area has been identified as ranging from negligible to extreme and a negative or positive impact has been recorded.

#### Landscape and Visual Impact

An assessment has been made of the effect of the change resulting from the development on the landscape as an environmental resource and on local views and visual amenity.

The assessment considers the short to medium term effects of mineral operations and importation of waste, including impacts during construction of the restoration scheme. It also considers the long term effects/benefits once the quarrying operations have been completed and the land restored.

#### **During operations**

Extraction of sand and gravel would have a negative change of major to moderate significance over the short term on landscape character. Temporary water bodies as a result of extraction would have a negative effect of minor adverse significance. Vegetation on the site boundaries would be retained, resulting in a negligible effect.

The change in the landscape character would have a negative effect of negligible to moderate adverse significance.

In terms of visual effects, the assessment considers various receptors, including the surrounding public footpaths and local roads (Hall Road, B1021 Tillingham Road, B1021 Southminster Road, Manor Road, the lane to North Wyke Farm and Marsh Road).



Overall the visual effect would be temporary major adverse with extreme adverse effects on the public rights of way. However, this would be only when the works occur immediately adjacent to the route.

The visual effect on the wider landscape would be negligible due to screening of the site.

The visual effect on transport routes would generally be moderate to minor adverse effect, with the vegetation within the site making a positive contribution to the wooded character.

### **Post-restoration**

Post-restoration permanent adverse effects (moderate to minor) would be limited to the geology, soils and landform of the site. This is due to the mineral use and would be moderated via the retention of soils, design of final levels and creation of features. Otherwise, the development results in minor to major beneficial effects.

Effects on the overall surrounding landscape would be negligible to minor beneficial.

Visually, there would be a mainly moderate to major beneficial visual effect on the main footpath users.

For surrounding highways, the effect would be moderate to minor beneficial where the proposed ecological enhancements are in view. The views from the north would remain as a negligible effect due to the reversion to agriculture.

Private properties adjacent to the site would experience a positive effect from moderate to minor beneficial significance.

In summary, there would be short to medium term adverse effects during the operation of the quarry, with long-term landscape, biodiversity and recreation benefits arising from restoration.

### **Noise**

Earth moving, including overburden stripping and bund formation, is considered to be the noisiest phase of the extraction programme.

Bunds are proposed to protect Broomfields and Mullingers Cottages once in place. The occupiers of Mullinger's Cottages have expressly requested that the bunds protecting their property are not constructed until phase 6 is commenced, in order to preserve the visual aspect for as long as possible.

Mitigation would be in the form of the use of a limited range of equipment and machinery; the proper maintenance of such machinery; the minimisation of the need to reverse; periodic monitoring of noise emissions.

### **Dust**

Due to the position of the water table, it is likely that a significant portion of the site would be worked 'wet'.

Principle sources of dust would be:

- Soil stripping, storage and reinstatement;
- Mineral extraction and materials handling;
- Mineral processing;
- Inert waste handling and deposition;
- Wind scouring of exposed surfaces and stockpiles; and
- Mobile plant.

### **Effects during operation**

A negligible significance from dust would be experienced at most of the local receptors identified. Broomfield and Mullingers Cottage would experience minor negative significance without mitigation. This is a worst case scenario when operations phases are closest to the properties.

Mitigation measures are proposed to include the following:

- Minimising operations dry, windy conditions, reducing drop heights and vehicle speeds;
- Seeding of soil storage mounds;
- The use of additional measures, such as water sprays or water bowser;
- Dampening of tipped material;
- Minimisation of stockpile heights;
- The use of a wheel wash;
- Sheeting of vehicles;
- Daily inspections for visible dust emissions by the site manager;
- Installation of a wind sock to establish wind direction.

### **Effects post-restoration**

The proposal is for the site to be restored to low-lying agriculture and aquatic biodiversity. As the site is largely used for agricultural purposes presently, the assessment concludes that significant dust impacts are unlikely.

### **Flora and Fauna**

During operation and without mitigation, minor adverse impacts would be experienced for dry acid grassland, birds, reptiles, badgers, invertebrates and local wildlife sites. This is due to loss of species-poor dry acid grassland, disturbance to breeding birds and wintering birds, harm/disturbance to reptiles and loss of invertebrate habitat.

Post-restoration, moderate to major significant positive impacts on priority habitats, birds, reptiles and invertebrates are predicted.

Additionally, post-restoration, major significant positive impacts would be experienced on the overall biodiversity and ecological integrity of the site.

Note: A post-completion management plan is proposed for biodiversity via a legal agreement.

### Archaeology

In February and March 2014, an archaeological trial trench investigation was carried out.

The site has been found to contain significant archaeological remains of early Roman date, possibly in relation to a well-appointed rural site and 'red hill' deposits in relation to the local salt-making industry.

The operation of the mineral extraction without mitigation would result in a major adverse effect, due to the destruction of the remains and the loss of the opportunity to record and study them.

To mitigate this impact, archaeological recording is proposed. The opportunity to study the archaeological remains within the application site may be seen as a minor beneficial impact.

### Traffic Impact and Public Rights of Way

The proposal would result in traffic movements similar to the existing level. It is not proposed to increase the approved traffic numbers, as mineral-carrying vehicles would largely be used to back-haul importations of waste from the applicant's site at Great Leigh's. This would take place over a period of 15 years to allow extraction and restoration.

The impact from traffic during operations has been assessed as negligible. Although no significant impacts have been identified, the HGV route to the A130 is proposed to be used and drivers will be required by the operator to keep to a maximum speed limit of 25mph through the village of Asheldham.

Public Rights of Way (PROW) exist on the periphery of the site, namely footpaths 8, 10 and 11. These footpaths have been previously diverted to enable quarrying activity and therefore the routes would not be affected as a result of the current proposals.

The transportation impact on PROW during operations has been assessed as negligible. Bunding has been proposed as mitigation during operations.

The restoration proposals indicate that the site would be available for public access for amenity use. It is anticipated that there would be a reduction in transport movements post-restoration and the impact has been assessed as moderate, beneficial and permanent.

The restoration plan proposes a new permissive footpath link from footpath 10 to footpath 11 and from footpath 10 to the proposed new car parking area. This would

provide recreational access for the public and the impact has been assessed as moderate, beneficial and permanent.

### Ground and Surface Waters, Land Drainage and Flooding

The proposals would result in a change to the existing topography of the site. A Flood Risk Assessment has been undertaken.

Surrounding ground level is at approximately 20 to 22m AOD and water is encountered at approximately 15.5m AOD.

Surface and groundwater are currently managed as part of the quarrying process by pumping from the excavated areas to manmade lagoons. No water is discharged off site.

The site is at a local high point.

### **During operations**

During operations, it is likely that the surface water infiltration would happen more slowly due to the removal of permeable sand and gravel and replacement with inert material. The rate of flow of surface water to groundwater would be affected, but the groundwater level would remain the same as the volume would not change.

The impact on groundwater during operations has been assessed as negligible.

Surface water flows would most likely increase during and following extraction. The worked site would be lower than the surrounding area, thereby dictating that flows would not leave the site but infiltrate local low points according to the underlying fill material.

The impact on surface water during operations has been assessed as negligible.

The impact on land drainage during operations has also been assessed as negligible.

The impact on flooding within the site during operations has been assessed as minor, adverse and infrequent. The impact on offsite flooding has been assessed as minor, beneficial and infrequent.

### **Post-restoration**

Post-restoration, the northern section of the site would be restored to close to its current topography and the remainder of the site would be lower than the adjacent land.

As the proposed fill material would be inert, no effect on groundwater quality is anticipated. The impact on groundwater post-restoration has been assessed as negligible.

For surface water, there is potential for there to be an increase in offsite flows and short duration flooding at low points in the southern area. As the site is proposed for amenity

after use, this would not impact on people or property. The rate of flow to the existing watercourses would increase, but the volume would not. It would also be counterbalanced by a slower rate of infiltration.

The impact on surface water after restoration has been assessed as minor, adverse, infrequent and permanent.

The impact on land drainage after restoration has been assessed as negligible.

Flooding is more likely to occur within the site than currently but offsite flows would be unlikely to change significantly. The impact on flooding after restoration has therefore been assessed as minor, adverse, infrequent and permanent within the site and negligible offsite.

In order to reduce the impact of any additional surface water flows, a cut off ditch could be provided close to the site boundary to intercept flows. The need for the ditch would depend on the permeability of the restored site but it would reduce the impact to negligible.

### Economic and Social Factors

The site employs 8 full time staff members and 7 haulage drivers. Extracted minerals supply a range of local businesses.

During operation, the staff numbers would not alter from the current amount; however they would be employed for a further 15 years.

The proposed importation of material would increase economic connections with developments in the area.

Overall, the effect on employment has been assessed as temporary minor positive.

The site is largely grade 2 agricultural land. The loss of agricultural land would be a small area in comparison to the local and regional agricultural area. The effects during operation have been assessed as moderately adverse.

On completion of restoration, there would be a long-term moderately beneficial social impact due to the proposed public amenity use. The loss of a section of agricultural land would be moderately adverse.

The economic effect of the restoration has been assessed as moderately beneficial.