

**Report to:** DEVELOPMENT & REGULATION (22 November 2019)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material

**Ref:** ESS/17/18/TEN

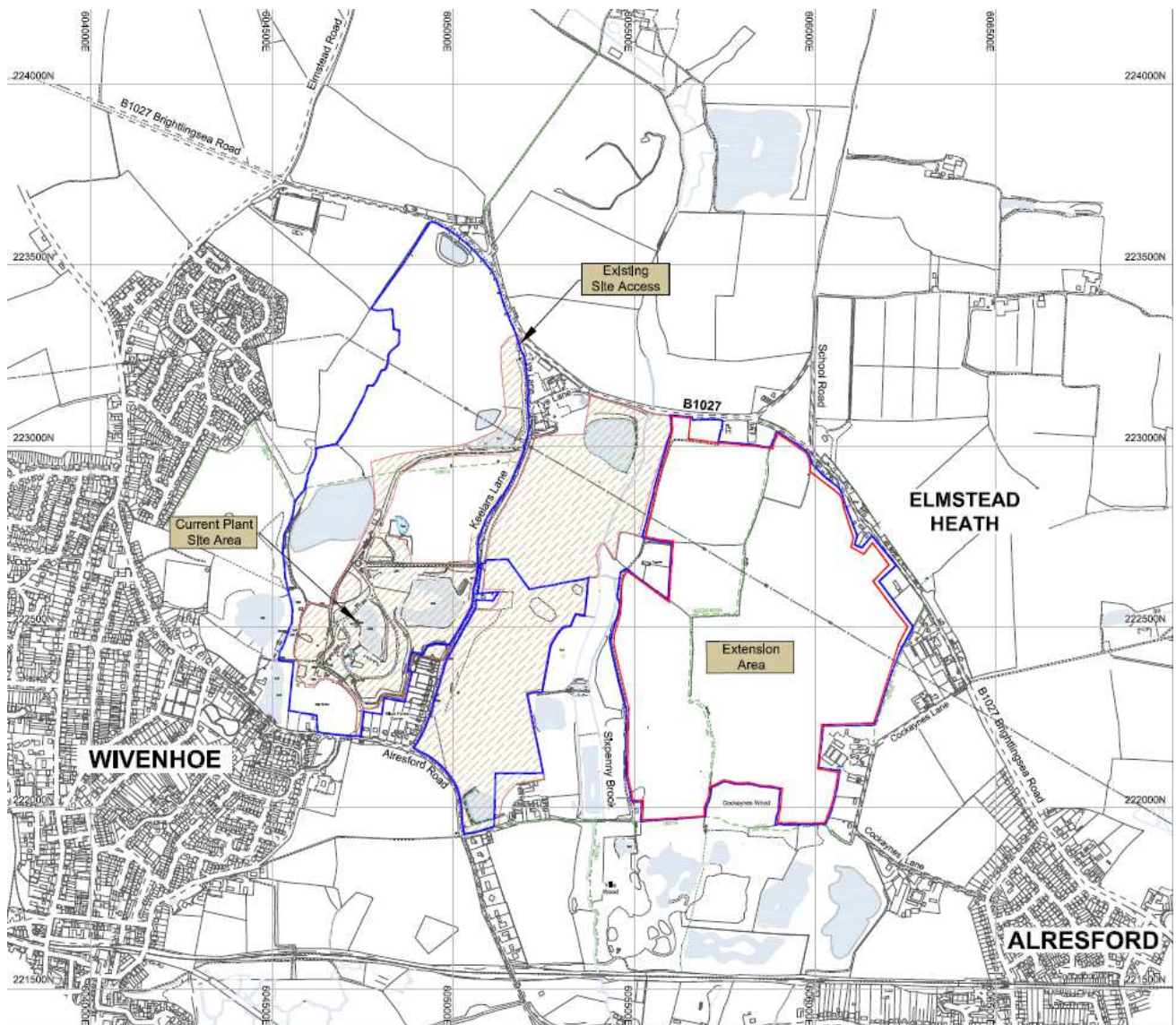
**Applicant:** Tarmac Aggregates Limited

**Location:** Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Shelley Bailey Tel: 03330 136824

The full application can be viewed at: <http://planning.essex.gov.uk/>



Site Plan



## Working Plan

## **1. BACKGROUND**

There is a long history of mineral extraction at Wivenhoe, which this application proposes to extend.

Wivenhoe Quarry, to the west of the application site, has a long history of mineral extraction dating back to the 1930's.

The quarry complex is effectively cut in two by Keelars Lane, which runs north-south between Brightlingsea Road and Alresford Road. Keelars Lane also forms the boundary between Colchester Borough (to the west) and Tendring District (to the east).

Heavy Goods Vehicle (HGV) access to this existing site is via a junction with Keelars Lane to the north of the site. Other vehicles may access the site at the south west corner from Alresford Road.

The eastern and western sides of the site are connected by an underpass under Keelars Lane.

Modern permissions on the existing site started in 1994 (permission ref TEN/1544/90), which allowed 'the extraction of sand and gravel, reinstatement with inert fill and restoration to agriculture, part to open water'.

Permission ref TEN/1544/90 has been varied several times, with the most recent variation granted on 29/10/19 (permission ref ESS/043/19/TEN) to allow for an extension of time for restoration of the land to the west of Keelars Lane by 30 June 2020. The land to the east of Keelars Lane is complete and the area is on aftercare.

Permission ref ESS/48/15/TEN permitted the recycling of glass, coated roadstone chippings and scalpings, concrete and brick waste to produce secondary aggregates until 31 December 2018. In practice, the recycling site did not operate until the permitted end date and the planning permission is no longer extant.

## **2. SITE**

The 61 ha application site is located wholly within Tendring District and to the adjacent east of the existing quarry at Wivenhoe.

The site is currently in agricultural use and has itself never been quarried, but is adjacent to historical extraction sites, as noted previously in the report.

It is located approximately 5 kilometres to the south east of Colchester, in a predominantly rural, agricultural area of Alresford. The village of Wivenhoe is located to the west of the site, with Alresford village located approximately 1.5 kilometres to the south east.

The B1027, Brightlingsea Road/Colchester Main Road, bounds the site along the northern and north eastern boundaries, with the Sixpenny Brook running north/south in the vicinity of the western boundary.

The land rises gently from around 25m AOD in the west to around 30m AOD in the east.

The nearest properties to the site are Englishes Farm (it is understood that this is a yard, also known as Charity Farm) and Rosedene, located to the adjacent north between the site boundary and the B1027. There are several properties located to the north east along the B1027. Heath Farm, Willow Lodge and White Lodge are located to the adjacent south east and Furzedown is located to the adjacent south west.

Cockaynes Wood is an ancient woodland located to the adjacent south.

The site is within the general vicinity of several Grade II Listed Buildings, including 'The Old Bottle and Glass', 'the Milestone on Western Verge', 'Grove Farm', 'Keelars Farmstead', 'Keelars Farmhouse', 'Tenpenny Farmhouse' and 'Fen Farmhouse'. 'The Remains of St Peter's Church' is a Scheduled Monument located over 1km to the south east. Finally, Wivenhoe Park and Garden, a Grade II Registered Park and Garden, is located on the western side of Wivenhoe.

Footpath 24 begins at the B1027 Brightlingsea Road and runs north-south through the application site to the southern edge of the site, where it meets Footpaths 2 and 19. Footpath 20 runs along the eastern edge of the site from Cockaynes Lane to Brightlingsea Road.

An area of flood risk (zone 3 – high probability) runs along Sixpenny Brook to the west, although no part of the site is located within it.

The land to the south, known as Villa Farm, has been previously quarried and restored. It, together with Cockaynes Wood, is designated as Villa Farm Quarry Local Wildlife Site, located approximately 150m to the south east of the site.

The Blackwater/Colne Estuary SSSI and Ramsar Sites are located further to the south of the site and the Upper Colne Marshes SSSI is located approximately 750m to the south of the site. To the north of the HGV entrance on the B1027 is also Wivenhoe Gravel Pit SSSI.

The site is largely (but not wholly) within the Minerals Local Plan as a preferred site for mineral extraction (Site A20). It is also largely (but not wholly) within the Waste Local Plan as a preferred site for inert landfill capacity and for inert waste recycling.

### **3. PROPOSAL**

The application has been revised since the original submission and is now for the extraction of 3.8 million tonnes of sand and gravel over a reduced extraction area of 43.4 ha.

Operations would take 19 years (plus another 1-2 years for restoration) with 1.2 million m<sup>3</sup> of restoration material required to complete restoration to lowland acid grassland, habitat and amenity use.

The proposed site would be accessed from an entirely separate access to the



existing quarry, via a new access off the B1027 Brightlingsea/Colchester Main Road to the north. Following consultation, the applicant has agreed to include a right-turn lane along the B1027 to accommodate the new access.

The application does not include the relocation of the previously permitted recycling operations.

A processing plant site is proposed in the north west corner of the site. The maximum height of the plant would be 32m AOD.

Proposed working hours are 7am-6pm Monday to Friday and 7am to 1pm on Saturdays. The applicant has confirmed that there is now no proposal to extract or process mineral during Saturday working hours, such that the only activities would be export of mineral from the site, restoration operations and pumping as required.

There are proposed to be a maximum of 72 vehicle movements per day for mineral-carrying vehicles and a maximum of 112 movements per day for imported materials.

The application is accompanied by an Environmental Impact Assessment. The Environmental Statement is summarised at **Appendix 1**.

#### **4. POLICIES**

The following policies of the [Essex Minerals Local Plan, \(MLP\), Adopted July 2014](#), [the Essex and Southend Waste Local Plan \(WLP\), Adopted July 2017](#), [Tendring District Local Plan, \(TDLP\), Adopted 2007](#), [the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft \(TLP\)](#), and [the Alresford Neighbourhood Plan \(ANP\), Designated 3<sup>rd</sup> November 2016](#), provide the development plan framework for this application. The following policies are of relevance to this application:

##### MINERALS LOCAL PLAN (MLP) 2014

- S1 - Presumption in favour of sustainable development
- S2 - Strategic priorities for minerals development
- S3 - Climate change
- S10 - Protecting and enhancing the environment and local amenity
- S11 - Access and Transportation
- S12 - Mineral Site Restoration and After-Use
- P1 - Preferred Sites for Sand and Gravel Extraction
- DM1 - Development Management Criteria
- DM3 - Primary Processing Plant

##### WASTE LOCAL PLAN (WLP) 2017

- Policy 3 - Strategic Site Allocations
- Policy 10 - Development Management Criteria
- Policy 11 - Mitigating and Adapting to Climate Change
- Policy 12 - Transport and Access

##### TENDRING DISTRICT PLAN (TDLP) 2007

- Policy QL3 – Minimising and Managing Flood Risk

Policy QL11 – Environmental Impacts and Compatibility of Uses  
Policy COM20 – Air Pollution/Air Quality  
Policy COM21 – Light Pollution  
Policy COM22 – Noise Pollution  
Policy COM23 – General Pollution  
Policy COM31a – Sewerage and Sewage Disposal  
Policy EN1 – Landscape Character  
Policy EN4 – Protection of the Best and Most Versatile Agricultural Land  
Policy EN6 – Biodiversity  
Policy EN6a – Protected Species  
Policy EN6b – Habitat Creation  
Policy EN29 – Archaeology  
Policy TR1a – Development Affecting Highways  
Policy TR1 – Transport Assessment  
Policy TR4 – Safeguarding and Improving Public Rights of Way  
Policy TR9 – Access of Freight to Transport Networks

ALRESFORD NEIGHBOURHOOD PLAN (ANP), Designated 3rd November 2016.

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

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

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

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted

or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Tendring District Local Plan, Adopted 2007, is considered at **Appendix 2**, whilst the level of consistency of the policies contained within the Essex Minerals Local Plan and the Essex and Southend Waste Local Plan, is available here

<https://www.essex.gov.uk/Environment%20Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/Compatibility%20FP-268-10-18%20App%201.pdf>

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

The emerging Tendring District Local Plan was submitted to the Planning Inspectorate on 9<sup>th</sup> October 2017, along with Braintree and Colchester Councils.

Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1 and as a result of this, Section 1 was considered through a joint Examination in Public (EiP).

Following EiP, Section 1 has been considered unsound by the Inspector in its current form. As such, the Examination has been paused. The evidence base needs to be reviewed by the 3 Councils before returning to Examination. This will inevitably lead to delays to the Examination of Section 2, which deals with Tendring specific site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application; however the weight which can be given to the policies contained within Section 2 is currently very limited in light of the delay to the EiP.

## **5. CONSULTATIONS**

### **TENDRING DISTRICT COUNCIL –**

- Comments that Tendring District Council objected to the Waste Plan at the time of examination (although not specifically to the application site).
- Raises no objection in principle, since the site is allocated in the Minerals and Waste Local Plans. Comments that the application should comply with relevant policies.
- In summary, concludes that there would be localised short term harm over a period of several years and a general adverse impact over the lifetime of the operations, but that mitigation and restoration measures are acceptable.
- Following re-consultation, comments that the retention of additional sections of existing hedgerows and the increase in the 'buffer zone' between the areas identified for mineral extraction and woodland are considered an



improvement to the original proposals.

- Trees, ecology and landscape impacts have been accurately outlined by ECC Place Services.
- Also comments that additional representations have been received in respect of the adverse effect of the operations in close proximity to existing dwellings including; loss of amenity, long working hours starting at 7.00am and disturbance along the new access to the quarry direct on to the main B1027.

TENDRING DISTRICT COUNCIL (Environmental Health) – No comments received.

COLCHESTER BOROUGH COUNCIL - No comments received.

ENVIRONMENT AGENCY – No objection, subject to a condition to ensure groundwater protection.

Also comments as follows:

- Otter and water vole surveys should be carried out prior to works around the Sixpenny Brook and mitigation implemented if any are found.
- A dust management plan and run-off strategy should be implemented prior to works in Phase 3 for the protection of the Sixpenny Brook. This water body is classed as Bad Ecological Potential and should be at good ecological potential by 2027 to meet the requirements of the Water Framework Directive. There should be at least 7m between the working area and the brook.
- Options should be considered for the proposed wetland habitat to link with the Sixpenny Brook.
- Provides advice to the applicant regarding consumptive water usage for wheel washing, dust suppression and mineral processing. There would be need for agreement between the applicant and existing waster abstractors prior to the issue of a licence.
- We would like the applicant to consider the potential impact of lagoon position, which at some sites has been known to act as a recharge dome and cause flooding to properties in close proximity to sites, we note there are several such properties along the site boundary.
- Requests details on the time frame from cessation of quarrying and dewatering to recovery of groundwater levels and the re-establishment of groundwater flow paths
- The applicant is advised to contact the Environment Agency to establish the need for an environmental permit for works near to the watercourse.

NATURAL ENGLAND –

- The application has triggered an Impact Risk Zone, indicating that impacts to European Sites or SSSIs may be likely.
- Refers to standing advice.
- Comments that all minerals and waste development should achieve net gain for biodiversity
- Requires that the Habitats Regulations Assessment process is followed.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – No comment to make. Suggests consultation with local specialist advisors.

THE GARDENS TRUST – Does not wish to provide comment.

NHS PROPERTY SERVICES – No comments received.

PUBLIC HEALTH ENGLAND – No significant concerns regarding risk to the health of the local population. Recommends the imposition of a condition relating to particulate matter/dust from the excavation of sand and gravel and site restoration activities.

CPRE – No comments received.

RAMBLERS ASSOCIATION – No comments received.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

UTILITIES – No objections received. Comments as follows:

- BT Openreach has confirmed that there is apparatus in the vicinity of the new access, and has advised the applicant to contact them for survey work to be undertaken.
- UK Power Networks has confirmed there are overhead lines crossing the site. The applicant has been advised.

HIGHWAY AUTHORITY – No objection, subject to conditions/legal obligations relating to the following:

- Prior construction of a right-turn lane in the B1027;
- Access gates to be inward opening and set back 18m;
- Surfacing of the access road for a minimum of 30m;
- Provision of a wheel wash;
- Reinstatement of the carriageway on completion of development;
- No HGV access via School Road;

HIGHWAY AUTHORITY (Public Rights of Way) – No objection, subject to conditions/legal obligations relating to the following:

- Footpath 24 to be retained on current alignment with minimum width of 3m;
- Maintenance of natural footpath surface clear of vegetation;

- Footpath 24 shall be crossed only in the one position proposed and shall be subject to a s278 Agreement;
- The design of the structure carrying pedestrians over the tunnel will include handrails with mid-rails to ensure pedestrian safety
- No landscaping to be added adjacent to the FP24;
- A Temporary Traffic Regulation Order to temporarily divert FP24 during construction of the tunnel.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection, subject to conditions covering the following matters:

- Normal operations noise limits;
- Temporary operations noise limits;
- Operating hours;
- Compliance noise monitoring should be at least quarterly unless agreed otherwise with the MPA, including temporary and normal operations, more frequent monitoring at 'Furzedown' and noise emission data for plant used on site;
- A Noise Management Plan;
- HGV movements in line with Noise Assessment assumptions; and
- Broadband reversing alarms and effective silencers should be required on all plant.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – Comments as follows:

- It is unlikely that there would be any significant odour impact;
- It is unlikely that traffic related air quality impacts would be significant;
- There are properties within 100m with potential to experience impact from dust. Recommends that proposed dust mitigation measures are incorporated into a Dust Management Plan, secured by condition.

PLACE SERVICES (Ecology) – No objection, subject to conditions including the following:

- Development to take place in accordance with the submitted Ecological Impact Assessment.
- Advance enhancement of the area in the vicinity of the E-W hedge from Cockaynes Wood to the Sixpenny Brook valley.
- Compensate for the loss of ancient and veteran trees through a veteran tree management plan for all existing veteran and mature trees, by planting new trees or retention of dead wood for invertebrates – explicitly within the Biodiversity Enhancement Plan.
- The Biodiversity Enhancement Plan to include updated tree species and to ensure the SPG grassland habitats remain of the same area even with the addition of the proposed natural regeneration trial areas.
- A scheme for bats including a long term continuous monitoring strategy and a phased approach and progressive restoration including the trial of a 'bat bridge' across the gap between phases 1 and 4, and mitigation measures for bats if the bridge is unsuccessful.
- A Construction Environment Management Plan including provision for a phased approach and surveys prior to commencement of each phase.

- Removal of trees/hedgerows only where necessary and as late as possible before the start of a phase. Inclusion of bat information as surveys progress.
- Scheme for noise, dust and lighting prior to commencement, as recommended by the CEMP.
- A Tree Protection Plan as part of the Arboricultural Report.
- Repetition of appropriate surveys including for bats and dormice.
- Minimum 10m stand off from the centre of a hedgerow and the toe of a bund for the adjacent extraction area in any phase.
- A Landscape and Ecological Management Plan to provide detail on the new habitats and their long term management, including grazing management and proposed required structures (troughs/fences etc).

Comments that a Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

PLACE SERVICES (Trees) – Supports the application, subject to conditions:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Management plan for all trees and hedgerows (in the BEP/LEMP if appropriate);
- Tree and hedgerow protection (in the CEMP if appropriate);
- Enhancement of the hedgeline south-west of the site;
- Inclusion of a hedge on the eastern boundary during phase 3 within the wider landscaping condition.

PLACE SERVICES (Landscape) – Supports the application subject to conditions relating to:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Landscaping detail including revised species plan, provision of a hedge along FP19 and provision of a hedge along the eastern side of the site prior to commencement of Phase 3;
- Potential for provision of a permissive path around the northern part of the site;
- Long-term management plan for retained trees (including retention of dead wood).

PLACE SERVICES (Historic Environment) – Supports the application, subject to conditions covering the following matters:

- A written scheme of investigation
- A mitigation strategy
- Completion of fieldwork prior to commencement of development

- Submission of a post-excavation assessment.

PLACE SERVICES (Historic Buildings) – No objection. Comments that the site falls close to several listed buildings, but the site does not form part of their immediate setting, and the works as proposed are not identified as resulting in harm to their significance.

ECC PUBLIC HEALTH – Comments as follows:

- Refers to Public Health England with regard to environmental hazards (dust and noise);
- Encourages continued engagement with the local community and parish council;
- Measures should be in place to support non-motorised and motorised road users safety during both the construction and operational phases of the scheme;  
Comment: No measures are proposed since all workforce and contractors would use motorised access.
- Opportunities for employment should be discussed with the local community;
- The restoration scheme could benefit the health and wellbeing of the local and wider community. The community should be engaged with to discuss this;
- There could be a loss of physical activity associated with the temporary diversion of FP24. The diversion should be communicated to the community to ensure no loss of activity;
- Consultation should take place with stakeholders and the local community to maximise potential for further walking and cycling opportunities.

ALRESFORD PARISH COUNCIL – Objects. Considers the proposed access/exit is hazardous due to slow moving vehicles manoeuvring on a fast road near to a bend.

ELMSTEAD PARISH COUNCIL – Comments as follows:

- The new access from the B1027 is at variance with the earlier plans issued by ECC and it is unclear to us why there is a need for a new access point.
- Lorries should approach from, and leave towards, the Wivenhoe/Colchester direction, as Birds Farm Lane is unsuitable for heavy traffic. Also, in view of the lack of a separate lane on the B1027 for lorries turning right onto the site, suggests that the 40mph speed limit in Alresford be extended to beyond the new access point, for reasons of safety.
- Hours of working should be restricted to 8am to 5pm on workdays, and 8am to 12 noon on Saturdays, to minimize disturbance to neighbouring properties.

LOCAL MEMBER – TENDRING – Tendring Rural West – Raises concerns over proximity of the site to Elmstead Heath and, in particular, properties on Colchester Main Road. The new proposed access off the B1027 was not proposed in the public exhibition or in the Waste Local Plan. It would hamper private amenity and



the suitability of the road to cope with the number/weight of vehicles is questioned. Birds Farm Lane is unsuitable for lorry traffic. The plant and 5m bund would hamper the amenity of properties on the B1027.

LOCAL MEMBER – TENDRING – Brightlingsea – Any comments received will be reported.

## 6. REPRESENTATIONS

73 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Disturbance and noise.	See appraisal.
Dust mitigation and monitoring must be imposed.	See appraisal.
Vibration.	See appraisal.
Congestion on B1027.	The public highway is considered to have capacity – see appraisal.
The new proposed vehicular access location, and vegetation removal, is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.	See appraisal.
The new access would be engineered and alien in the rural setting.	See appraisal.
A right-turn lane or reduction in speed limit (to 40mph) and installation of static speed cameras at site entrance and average speed cameras along the B1027 is necessary for traffic safety.	See appraisal.
Traffic lights or a mini roundabout are necessary at the School Lane and A133 junction. <u>Comment:</u> It is believed that this should read 'School Road'.	See appraisal.
Lorry routes should be defined so to avoid narrow lanes e.g. Birds Farm Lane.	See appraisal.

Lorries currently park in unofficial laybys on B1027 and this may increase if the existing access closes.	The unofficial layby in the vicinity of the proposed access would close.
Slow moving vehicles would be introduced closer to residential properties by utilising the proposed access.	See appraisal.
Impact in addition to housing developments in the area.	The applicant notes that the distance of the settlement limits of Alresford relative to the proposed application site are sufficient that the scope for amenity impacts are negligible.
Moving or closure of Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.	See appraisal.
Footpath 20 from Colchester Main Road to Heath Farm has been blocked for some time and should be reinstated as part of this application.	See appraisal.
Tree and shrub shelter along back of houses on Colchester Main Road have grown too large, encroach Footpath 20 and are a fire hazard. The area should be cleared and regularly maintained. The fencing along here should also be repaired and regularly maintained to prevent rabbits entering gardens.	This area is not within the applicant's control.
The proposed amenity bund along the B1027 should have regularly maintained vegetation and the areas between it and the houses along the B1027 should be maintained free of waste.	See appraisal.
The decision not to include the recycling operations is welcomed from an amenity point of view but is a departure from the Plan.	See appraisal.
The plant compound should be moved further inwards to the site to reduce impacts of noise, dust, health hazards, lighting, vibration.	See appraisal.
Working hours should be reduced to 8am-5pm Monday to Friday and 8am to	See appraisal.

12pm on Saturdays.

A regular meeting between operators and neighbours would be welcomed.

See appraisal.

No general objection and welcome the proposals instead of the alternative such as housing.

Noted.

Is there a proposed access route between Boarded Cottage and The Orchards on Colchester Main Road (B1027)?

No. This is just a gap in the proposed woodland.

What is the purpose of the additional woodland proposed to the rear of properties along the B1027 and what public/local access would there be to it?

The woodland is proposed as one of a variation of habitats. No public access is proposed as part of the application.

The location of plant within the proposal site is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.

See appraisal.

100m stand off from extraction and 250m stand off from plant is not sufficient to protect amenity.

These stand-offs have been provided as a minimum, as per the criteria in the Minerals Local Plan.

Amenity of occupiers of 'Rosedene' should be carefully considered given proximity of plant site. This would be the last area to be restored.

See appraisal.

'Rosedene' would be visually impacted by the proposed mitigation measures. Increased landscaping would be welcomed to the rear of the property.

See appraisal.

Noise emissions should be limited and monitored, particularly from the plant area.

See appraisal.

Potential for lagoon to present flood risk to surrounding properties should be investigated further.

See appraisal.

## **7. APPRAISAL**

The key issues for consideration are:

A. Need & Principle

- B. Policy considerations
- C. Traffic & Highway Impact
- D. Impact on Ecology and Trees
- E. Landscape and visual Impact
- F. Amenity and Health
- G. Flood Risk and Water Pollution
- H. Historic Environment

## A NEED & PRINCIPLE

### Principle

The application area has been assessed for its mineral resource through geological borehole data, submitted with the application. The area contains Wivenhoe Gravel, part of the wider Kesgrave Sands and Gravels geological deposit. The maximum depth of the working would be 14m.

MLP Policy P1 (Preferred and Reserve Sites for Sand and Gravel Extraction) includes site A20 Sunnymead, Alresford as a preferred sand and gravel site.

The site A20 listing in the Minerals Local Plan, in summary, allocates an area of 65ha for extraction of 4.6 mt over a period of 16 years. There are several specific issues to be addressed as follows:

*'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;*

- 1. The existing underpass under Keelars Lane would be utilised;*
- 2. A Transport Assessment would be required with any application/ EIA. There is an expectation that HGV movements would not exceed current levels;*
- 3. Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations, for example through an appropriate buffer of at least 15m;*
- 4. There is evidence of and potential for, protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/ EIA;*
- 5. There are 26 residential properties located within 100m of the proposed extraction area, most of them along the north-eastern boundary. A minimum of 100m stand- off should be provided for all residential properties and effective buffering/ screening provided to screen views of the site;*
- 6. The area has the potential for multi-period archaeological deposits within it. A historic environment assessment would be required with any application/ EIA;*

7. *PROW footpath Elmstead 24 crosses the site from north to south and though excluded from the extraction area, abuts it on both sides. Sufficient stand-off distance and protection of this route would be required during operations and satisfactory crossing point(s) provided for quarry vehicles. Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme;*
8. *Although the site promoter has promoted infilling using imported inert waste it is considered that this will need to be subject to policies in the Waste Local Plan and for this reason low level restoration is preferred except in relation to point 9 (below);*
9. *Careful consideration must be given to the final predominantly low-level restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site:*
10. *Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site.'*

The proposal does not absolutely follow the MLP allocation. Specifically, the proposed site access would be contrary to MLP Policy P1 as it would be outside of the allocated site area and would not utilise the existing vehicular access to the Wivenhoe Quarry site to the west.

In principle therefore, the site is largely compliant with MLP Policy P1; however, the environmental and amenity impacts of the proposed access require detailed consideration as an element contrary to the development principles of the allocation in the Plan. This will be considered further in the report, together with the impacts of mineral extraction within the wider site.

The Minerals Local Plan leaves consideration of the appropriateness of anything other than low-level restoration to the Waste Local Plan. As such, WLP Policy 3 (Strategic Site Allocations) allocates site L(i)5 for inert landfill and site W36 for inert waste recycling. The proposed site boundary for the proposed extraction and fill would correspond to the Waste Local Plan allocation except for the proposed new access. There is no inert waste recycling proposed, but instead the applicant proposes a sand and gravel processing plant within the corresponding area of land, which will be discussed later.

There are several specific issues to be addressed as part of Site L(i)5, as follows:

- *'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;*
- *Improvements required to visibility at the junction of the private access and Keelers Tye;*



- *Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site. In-filling and restoration should be in line with habitat creation and outcomes sought in the Minerals Local Plan and any associated documents;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operation;*
- *.An archaeological desk based assessment would be required to investigate the gravels to establish their potential for archaeological remains and trial trench evaluation will be required, along with a mitigation strategy, to form part of the Environmental Statement;*
- *Those areas of archaeological deposits preserved in-situ from the extraction phase shall be included as part of any restoration scheme;*
- *PRoW footpath Elmstead 24 crosses site 1 and is adjacent to site 2, and requires sufficient stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles).stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles);*
- *Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity;*
- *Careful consideration must be given to the final restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site.*

*Specifically for the landfill site:*

- *A minimum of 100m standoff should be provided for all residential properties and effective screening provided to screen views of the site;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations;*
- *Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme.'*

The processing plant has to be considered as a new site under MLP Policy DM3 (Primary Processing Plant). The first part of MLP Policy DM3 states:

*'Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site's boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.*

*Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application...*

In principle, the processing plant would therefore be located in such a way that it is policy compliant with regard to MLP Policy DM3. However, the amenity impacts associated with that plant require further careful consideration. It is considered that the criteria identified as needing to be addressed for the inert waste recycling plant through WLP Policy 3 are relevant when considering the appropriateness of the proposed processing plant:

*'Bunding will be required around those parts of the site which are not adequately screened by natural vegetation.'*

Consideration of this is set out later in the report

### Need

In terms of waste, there is no requirement for the applicant to demonstrate a quantitative or market need for a proposal on a site allocated in WLP Policy 3, since it has been allocated to meet identified shortfalls in waste management capacity in order to deliver the objective of net self-sufficiency.

Sand and gravel extraction has also been deemed appropriate via MLP Policy P1.

Justification for the location of the proposed primary processing plant and for the new vehicular access (as opposed to utilising the existing quarry site) has been set out by the applicant as follows:

- 'a) it will allow for Tarmac to move their operations away from the village of Wivenhoe to a location that has much less overall sensitivity;*
- b) it will allow for a new access to be established and the removal/downgrading of the current access onto Tye Lane;*
- c) it will reduce the scope for impact on Sixpenny Brook and adjacent habitats by removing the need to establish a haul road/crossing point over this feature;*
- d) it will result in significant energy savings when compared against hauling the minerals across the site;*
- e) the operational footprint for the new scheme will be much less through not requiring access routes to a remote processing plant site;*
- f) it will result in significant reductions in mineral haulage as compared to the allocated scheme and thereby carbon dioxide and other greenhouse gas savings when compared against hauling the mineral to the current plant site;*
- and*
- g) it will allow for the early restoration of the current plant site area and the remainder of land west of Keelars Lane to be achieved, offering community benefits through public access in addition to nature conservation enhancements.'*

The environmental and amenity impacts will be fully considered further in the report.

## B POLICY CONSIDERATIONS

As stated previously in the report, The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development, for which there is a presumption in favour. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental.

MLP Policy S1 (Presumption in Favour of Sustainable Development) reflects the aims of the NPPF, stating *inter alia*:

*'Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise'*

Paragraph 205 of the NPPF states:

*'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.'*

The application includes an economic statement, which sets out the general need for minerals within the wider economy and the benefits of the particular application site. It includes providing 200,000 tonnes per annum of a range of products based on the geology of the underlying deposit. It is anticipated that there would be 10 direct jobs generated, as well as indirect local employment.

In terms of social impacts, one of the key impacts considered is health. The restored area would provide long term and sustainable contributions to the well being and health of the local community. The extraction operations themselves would be, mostly, a minimum distance of 100m from any residential property (explained further in the report). Overall, the operational development has been assessed as negligible impact on health, with a benefit from the long term restoration including an additional permissive right of way – this is detailed further in the report.

The environmental objectives will be considered throughout the report.

MLP Policy S2 (Strategic priorities for minerals development) states, *inter alia*, that the strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development. It seeks to achieve that by:

1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
2. Ensuring 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,
3. Reducing the quantity of minerals used and waste generated through

appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals,

4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to:
  - a) significantly reduce reliance upon the use of landfill materials and,
  - b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
  - c) protect the best and most versatile agricultural land.
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.'

These aims will be considered throughout the report where relevant.

## C TRAFFIC AND HIGHWAY IMPACT

The application proposes 72 vehicle movements (36 in and 36 out) per day over a period of 19 years. This would facilitate the extraction of approximately 200,000 tonnes per year of aggregates. There would also be a need for 40 movements per day (20 in and 20 out) associated with the importation of inert material. Staff and LGV movements would amount to 20 movements per day (10 in and 10 out).

There is also the possibility that a proportion of the fill material would be brought in vehicles which leave containing aggregates. This would reduce the level of movements by up to around 65%. To allow for a worst case scenario, no allowance has been made for such backhauling in the submitted assessments, resulting in a proposed 56 HGV loads (112 movements) per day, or 15 movements per hour.

The application concludes that the proposed development would have no material impact on the safety or operation of the adjacent highway network.

MLP Policy S11 (Access and Transportation) states:

*'Proposals for 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.'*

*Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.*

*Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:*

- (i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, without causing a detrimental impact upon the safety and efficiency of the network.*
- (ii) Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.*
- (iii) Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety.'*

WLP Policy 12 (Transport and Access) has similar objectives, including, in summary, a preference for transportation of waste via rail or water.

TDLP Policy TR1a (Development Affecting Highways) states:

*'Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.'*

TDLP Policy TR9 (Access of Freight to Transport Networks) states:

*'Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.'*

It is acknowledged here that the proposed new access onto the B1027 would not meet the first preferences in the hierarchy – access to an existing junction or transport by water/rail. The applicant has put forward justification for not utilising the existing access point to the existing quarry, which includes the desire to restore the existing quarry (and access) as quickly as possible. Transportation by rail and water would not be possible directly to the site due to its location.



The proposal would meet the second preference in the hierarchy – direct access to the main road network. (The B1027 is a Priority 1 road), thereby complying with MLP Policy S11 and WLP Policy 12.

TDLP Policy TR1 (Transport Assessment) states:

*‘Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications.*

*Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.’*

A Transport Assessment has been submitted with the application, which concludes that there would be no material impact on the safety or operation of the adjacent highway network, as stated previously in the report. This is compliant with TDLP Policy TR1.

The Highway Authority has not objected, subject to the imposition of conditions and legal obligations, including prior provision of a right-turn lane in the B1027.

The applicant has agreed to create a right-turn lane within the B1027, in response to concerns raised by representees and the Highway Authority. This would ensure the efficient, effective and safe operation of the road network, and in this respect the proposals would comply with MLP Policy S11, WLP Policy 12, TDLP Policy TR1a, TDLP Policy TR9 and TDLP Policy TR1

The impact on local amenity and the environment will now be considered, as also required by MLP Policy DM1 (Development Management Criteria) and WLP Policy 10 (Development Management Criteria).

Several representations have been received relating to traffic and highway impact. Representations have been received relating to congestion on the B1027 and that the proposed access would be engineered and appear alien in the locality.

The access would be a change to the local area and it can't be considered to be a natural looking feature. However, the engineered nature of the access would be necessary for safety. Views of the access itself would be fleeting within an approx. 20m section, with the remainder of the area being screened by vegetation.

Residents have commented that it would be necessary for a reduction in speed limit (to 40mph) and installation of static speed cameras at the site entrance and average speed cameras along the B1027. The applicant has now included a right-turn lane within the design and, as such, speed reduction and/or cameras would not be necessary for safety.

The applicant has agreed to commit to a vehicle routeing plan, which could be required via legal agreement in the event of approval. It has been committed to that School Road would not be utilised as an access/egress route. As such, a

roundabout at the School Road/A133 junction would be unrelated to the scheme under consideration and not required.

The proposals would therefore be considered to comply with MLP Policy DM1 and WLP Policy 10.

### Public Rights of Way

The NPPF recognises that access to a network of high quality open spaces is important for the health and wellbeing of communities. Paragraph 98 states:

*'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'*

MLP Policy DM1 (Development Management Criteria) requires, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact, upon the definitive Public Rights of Way network, among other requirements.

WLP Policy 10 (Development Management Criteria) has a similar aim.

TDLP Policy TR4 (Safeguarding and Improving Public Rights of Way) states:

*'Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.'*

*'Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.'*

Representations have been received objecting to any alteration to Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.

The only footpath to be impacted on in any significant way would be Footpath 24. The application proposes a haul road underneath the footpath to allow vehicles associated with mineral extraction to pass underneath. The cutting would be approximately 20m wide and 5m deep and has been proposed between phase 1 and 4 in an area which would have the least impact on existing vegetation. There would be a need to temporarily divert the footpath while the cutting is being constructed, likely for a period of no more than 6 months. This would allow retention of the footpath on its current alignment for the duration of mineral extraction. The exact design and reinstatement of the cutting could be required by condition in the event of approval.

It is known that there is an existing issue with Footpath 20 from Colchester Main Road to Heath Farm being blocked or partially blocked. The footpath is outside of

the application site and not within the applicant's control.

The application also proposes a new permissive route between Footpath 24 and Footpath 20, which would assist in opening up the proposed amenity space for use by the public, in compliance with the aims of the NPPF.

The Landscape Officer asked about the potential for the provision of a permissive path around the northern part of the site. The applicant has clarified that their own public engagement exercise revealed that the public didn't show any particular interest for such a route. The applicant would also prefer to limit access to the water body, but would be happy to keep this under review via a Management Plan condition, which is proposed below.

The Highway Authority (PROW team) has raised no objection, subject to appropriate provision for and maintenance of Footpath 24, including the design of the proposed cutting under the footpath and the temporary diversion of the route during construction. These measures could be controlled via conditions and legal obligations in the event of approval.

The proposed development would therefore be considered to comply with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

## D IMPACT ON ECOLOGY AND TREES

MLP Policy S12 (Mineral Site Restoration and After-Use) states:

*'Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities.'*

*Mineral extraction sites shall:*

1. *Be restored using phased, progressive working and restoration techniques,*
2. *Provide biodiversity gain following restoration, demonstrating their contribution to priority habitat creation and integration with local ecological networks,*
3. *Be restored in the following order of preference,*
  - (i) *At low level with no landfill (including restoration to water bodies),*
  - (ii) *If (i) above is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,*
  - (iii) *If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.*
4. *Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,*
5. *Where appropriate, proposals shall demonstrate the best available techniques to ensure that:*
  - a) *Soil resources are retained, conserved and handled appropriately during operations and restoration,*
  - b) *In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most*

*versatile land,*

*c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,*

*d) Flood risk is not increased,*

*e) Important geological features are maintained and preserved,*

*f) Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided.*

*Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface Water or Shoreline Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate and the implementation and completion of restoration is feasible.'*

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage of areas of ecological value, and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN4 (Protection of the Best and Most Versatile Agricultural Land) states:

*'Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.'*

TDLP Policy EN6 (Biodiversity) states:

*'Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.*

*In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.*

*Where appropriate, conditions or planning obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.'*

TDLP Policy EN6a (Protected Species) states:

*'Planning permission will not normally be granted for development which would have an adverse impact on badgers, seals or species protected by Schedules 1, 5*

*and 8 of the Wildlife and Countryside Act 1981, as amended.'*

TDLP Policy EN6b (Habitat Creation) states:

*'Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.'*

Natural England has provided a standard response and stated that the development has triggered an Impact Risk Zone and comments that there should be net gain for biodiversity.

The application proposes extraction of mineral over 7 phases. The existing layout of field boundaries are such that there would need to be 6 vehicular crossing points, necessitating the removal of some hedgerows and trees.

The applicant has given careful consideration to the location and size of each crossing point. In consultation with ECC Place Services, the locations have been revised since the original submission and located to avoid the highest category tree specimens and to remove only the minimum length of hedgerow. In particular, the length of retained hedgerow between phases 2 and 3 and between phases 6 and 7, has been increased. The extraction of phase 6 and 7 would require the removal of one veteran tree.

As stated, Cockaynes Wood is an ancient woodland. The original stand off distance between the extraction area and Cockaynes Wood has been doubled to 30m, with the additional benefit of increasing the stand off distance to Heath Farm. To the east of Cockaynes Wood, the extraction area has been entirely removed from the application. Overall, this would have the effect of reducing the total proposed mineral output to 3.8 million tonnes (from an originally proposed 4 million tonnes).

The supporting text to MLP Policy S12 requires, in summary, that all mineral site restoration should provide a net-gain in biodiversity and create 'priority habitat'. The MLP proposes to create a minimum of 200ha of priority habitat through its Preferred and Reserve Site allocations. The application site is noted to provide particular opportunities for new habitat creation.

Accordingly, the application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow among others.

The site would not be returned to arable cultivation; however grassland meadows can be used for grazing/pasture, and as such the agricultural link would be maintained.

In this respect, it is considered that a 25 year aftercare scheme (the initial standard 5 years plus a further 20 years) could be required via legal agreement in the event of approval, to ensure the appropriate implementation, delivery and maintenance of biodiversity within the site. This is consistent with the Essex Mineral Site Restoration for Biodiversity SPG.

In terms of soil resource, a detailed soil resource and agricultural quality survey was carried out in January 2011. The agricultural land quality across the site has been assessed as Grade 3a and 3b with some Grade 4 in the west. Grade 3a is included within the definition of Best and Most Versatile agricultural land.

An Annual Soils Management Audit is proposed, as well as controls over soils handling such as only moving when dry and friable and using appropriate machinery and storage. These proposals could be controlled via condition in the event of approval.

The County Council's Ecologist and Tree Officer have raised no objection to the proposals, subject to the imposition of several conditions.

The site has been assessed as being of County importance due to the quality of the habitat, the species using it - including Barbastelle and Nathusius Pipistrelle Bat – and the type of activity. In order to retain connectivity of hedgerows, the applicant is proposing to trial a 'bat bridge' across one of the sections where hedgerow would be removed to allow access for machinery.

The development's impact on the Essex Estuaries SAC, Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site and Abberton Reservoir SPA and Ramsar site has been assessed. A Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

It is therefore considered that the proposals would comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

## E LANDSCAPE AND VISUAL IMPACT

MLP Policy S10 states:

*'Applications for minerals development shall demonstrate that:*

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,*
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and*
- c) No unacceptable adverse impacts would arise and;*
- d) Opportunities have been taken to improve/ enhance the environment and amenity.'*

WLP Policy 10 (Development Management Criteria) has similar wording.

MLP Policy S12, as set out earlier in the report, requires appropriate restoration and aftercare, among other requirements.

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it being demonstrated that the development would not have unacceptable impact, including cumulative impact, on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness. It also requires no unacceptable impact on local amenity, including light pollution.

MLP Policy DM3 (Primary Processing Plant), in summary, requires primary processing plant to be located within the site boundary and to not have any unacceptable impact on local amenity and/or the surrounding environment, among other requirements.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should be of a scale and nature that is appropriate to the locality and should not lead to material loss or damage of areas of landscape value. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN1 (Landscape Character) requires:

*'The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted...'*

The policy goes on to state that development control will seek in particular to conserve ancient woodlands, and other important woodland, hedgerows and trees, among other requirements.

The Tendring District Council Landscape Character Assessment defines the application area as mainly within the Bromley Heaths Landscape Character Area and partly within the Alresford Valley System Landscape Character Area.

The applicant has submitted a Landscape and Visual Impact Assessment in order to assess the impact on local landscape character. The application concludes that the land is capable of being restored to a mixture of subgrade 3b and subgrade 3a agricultural land and proposes a 5 year aftercare scheme, which could be required by condition.

The proposed restoration plan is considered acceptable and in keeping with the area. It would provide a beneficial resource for local people through inclusion of a permissive route which would link the existing Public Footpath 20 and Public Footpath 24. It would also have a long-term positive impact on views from surrounding properties into the site.

The proposed lagoon would ensure that only the minimum necessary amount of infill material would be imported. The remaining levels across the site would be broadly as pre-existing, with the site gently sloping up from west to east.

Throughout the 7 operational phases, soil bunds are proposed to visually screen the operations from the surrounding area. In this respect, the property at Rosedene would be approximately 100m from the proposed extraction area, and 250m from any static plant in the plant site, but closer to the proposed bund. The bund has been proposed for amenity reasons, including visual screening. It is recognised that representations have raised concerns that the bund itself would visually impact the properties, and that increased landscaping would be welcomed to the rear.

The proposed bund would be a maximum of 5m in height. This, and the proposed treatment (i.e. seeding mix) could be controlled via condition in the event of approval.

Planting to the rear of the bunds for the duration of the operations has not been proposed as part of the application, and is not considered necessary for amenity; however, it is understood that the applicant has been in discussion with the occupier to agree a suitable scheme outside of the planning application. It would be possible to impose a condition requiring a scheme for litter control and general maintenance of this bund and land to the rear of it.

Properties along the eastern boundary on the B1027 Colchester Main Road would be a similar distance from the extraction area and bund. A similar condition could also be imposed here.

Advance woodland planting is proposed to the north of Heath Farm. Broadview Cottages, Willow Lodge and White Lodge (in the south east) would be located increasing distances from the extraction area due to the proposal to retain more land to the east of Cockyanes Wood. Furzedown (in the south west) would be slightly closer than 100m.

ECC Place Services has recommended that the connectivity of hedgerows to the south of phase 2 and west of Cockyanes Wood is enhanced, as well as a new hedge along the eastern boundary of the site, for the protection of amenity and ecological connectivity. This is proposed to be required via condition.

A low level modular processing system is proposed in the base of the quarry, at approximately 25m AOD. The application suggests that the top of the plant would reach 7m above the quarry base. This should mean that the entire plant would be screened from view from Rosedene by the proposed 5m high bund. The plant site would include a weighbridge, site offices, parking, freshwater lagoons, material storage, wheel wash and the plant itself, the exact layout and details of which is proposed to be controlled via planning condition in the event of approval.

The application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval.

There are existing power lines crossing the site. The applicant proposes to divert and/or remove the lines as part of statutory provisions.



The access itself, as stated, would be a new feature not anticipated within the Minerals or Waste Local Plans. In order to mitigate visual impact, a 30m length of new planting is proposed in advance of the removal of existing roadside hedgerow removal in the vicinity of the access point. The occupiers of Rosedene would be unlikely to experience significant adverse visual effects resulting from the use of the access due to the intervening buildings and topography of the land.

The County Council's Landscape Officer has raised no objection, subject to the imposition of conditions.

Overall, it is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access.

The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

## F Amenity and Health

MLP Policy S10 (Protecting and enhancing the environment and local amenity) states:

Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise and;
- d) Opportunities have been taken to improve/ enhance the environment and amenity.

WLP Policy 10 (Development Management Criteria) states, in summary, that:

‘Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on:

Local amenity...’ among other things.

The NPPF states:

‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

...ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...'

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. The development, including any additional road traffic arising, should not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance. The health, safety or amenity of any occupants or users of the proposed development should not be materially harmed by any pollution. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy COM20 (Air Pollution/Air Quality) requires, in summary, that planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.

TDLP Policy COM21 (Light Pollution) states:

*'Planning permission will not be granted for external lighting for any development if any of the following apply:*

- a. its use would cause unacceptable visual intrusion;*
- b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife;*
- c. its use would cause a danger to highway or pedestrian safety.*

*Where permission is granted, lighting schemes will be required to minimise pollution from glare and light spillage. This will be achieved through the use of good design, screening and deflection measures, and the nature, intensity and hours of operation of the lighting will be carefully controlled.'*

TDLP Policy COM22 (Noise Pollution) includes the following:

*'Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.'*

TDLP Policy COM23 (General Pollution) states:

*'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.*

## Noise

The application includes baseline monitoring and noise modelling to show that appropriate noise limits would be adhered to throughout operations. The noise assessment includes assessment of the operation of the plant site.

An increased stand-off between mineral extraction limits and properties on Cockaynes Lane has been incorporated (now 160m).

Noise limits at surrounding properties are proposed as follows:

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

It is noted that the proposed noise limits have been reduced throughout consideration of the application.

It is recognised that Rosedene would be affected for the longest period of time by the processing plant. The application seeks to address this by ensuring that an amenity bund would be erected as one of the first operations on site. Noise limits would be kept to appropriate levels, as above.

In addition to the above properties, the County Council's Noise Consultant has recommended that a noise limit of 45 dB LAeq 1hr is imposed for Furzedown unless a commitment can be secured that the property is to remain unoccupied for the duration of the proposed works.

No such commitment has been made, and as such, the County Council's Noise Consultant has no objection, subject to the imposition of several conditions, including specific requirements for the protection of amenity of occupiers of Furzedown.

The applicant proposes the use of a smaller excavator in the vicinity of Furzedown, the construction of a 5m barrier, the use of a dozer for a maximum of 45 minutes per hour. With these mitigation measures, it is considered that the limit of 45 dB LAeq 1hr could be met at Furzedown. It is proposed that the noise emissions for all plant on site is established via on-site measurements prior to commencement of phase 2. During phase 2, it is proposed that noise monitoring should be completed on a monthly basis, and this could be secured via condition, in the event of approval.

The applicant has confirmed that all temporary operations could be undertaken within 8 weeks, and as such, a temporary operations noise limit could be imposed to control such works.

It is also proposed that the operator is required to notify the MPA prior to commencement of any 'temporary' operations, to ensure they stay within the limit of 8 weeks per year.

A Noise Management Plan is proposed to be required via condition to confirm the noise monitoring and management measures.

A representation has been received relating to the introduction of slow moving vehicles closer to residential properties by utilising the proposed access. The submitted noise assessment modelling takes account of HGVs on the site access road, and it is considered that this would be within proposed noise limits at residential properties. With regard to noise on the public highway itself, the ES states that the net impact on traffic movements would be nil, and traffic would continue to use the B1027 (albeit from a new access rather than from the existing Keelar's Lane). It is not envisaged that there would be any significant traffic noise impacts associated with the proposals. The County Council's Noise Consultant has commented that, since quarry HGVs would make up only a small component of the traffic using the B1027, it wouldn't be expected that the change in their speed associated with the different access location would be sufficient to result in a significant change in traffic noise (when compared to using the existing access).

Working hours are proposed as follows:

- 0700 hours to 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday.
- On Saturday hours, there would be no extraction or processing, but continued mineral distribution and restoration operations (Saturday working has been scaled back as a result of negotiation through the application);
- no working on Sundays or public bank holidays.
- Operations outside these hours would be restricted to pumping of water (to keep workings dry) and routine maintenance of plant/equipment.

The applicant has acknowledged that representations have requested that working hours are reduced. Accordingly, it is proposed by the applicant that there would be no extraction or processing on Saturdays. It is noted that there is no objection from the County Council's Noise Consultant to Saturday morning working; however, the proposed hours are considered to be appropriate for the protection of amenity.

Subject to the imposition of conditions, the proposals, including mineral extraction, waste importation, and operation of the plant site, are considered to be in compliance with MLP Policy S10, WLP Policy 10 and the NPPF.

### Odour

The operations proposed are of a nature such that odour would not be considered to be an issue. The County Council's Air Quality Consultant is satisfied that odour is unlikely to be significant.

The development would therefore be considered to be in compliance with MLP Policy S10, WLP Policy 10 and TDLP Policy COM23.

### Air Quality

An Air Quality Assessment has been submitted with the application. Dust would not normally be a major issue associated with mineral extraction sites, providing

that appropriate mitigation is put in place.

As such, the application proposes measures such as extra vigilance when working within 250m of a sensitive property, and when the wind is blowing in the that direction. Other measures include the seeding of bunds, dampening of site access and vehicle speed controls.

The County Council's Air Quality Consultant has commented that it is unlikely that traffic related air quality impacts would be significant. It has been noted, however, that there would be properties within 100m with potential to experience impact from dust. It is therefore recommended that the proposed dust mitigation and monitoring measures are incorporated into a Dust Management Plan. This could be secured by condition in the event of approval.

It is therefore considered that, subject to the imposition of conditions, the proposals would comply with MLP Policy S10, WLP Policy 10, TDLP Policy QL11.

### Litter

Litter would not normally be associated with the type of operation proposed. However, given that the scheme proposes landscaped areas to the north and east of soil bunds and adjacent to residential properties, it is proposed that a bund maintenance condition could include litter picking to ensure that the area is kept clear.

### Light

As stated previously in the report, the application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval, and this would ensure compliance with MLP Policy S10, WLP Policy 10, TDLP Policy QL11 and TDLP Policy COM21.

### Vibration

The NPPF states that vibration from blasting should be controlled. Sand and gravel extraction does not involve blasting. As such, vibration has not been specifically assessed as part of this application.

However, the County Council's consultant has commented that all rotating plant should be mounted with anti-vibration mounts where necessary to ensure that no receptors experience significant ground-borne vibration, which is not expected to be an issue in any case due to the distance proposed. The applicant has confirmed that there wouldn't be rotating components, but rather a log washer which would sit on rubber mats to reduce scope for ground-borne vibration.

Any ground-borne vibration associated with heavy plant movements would be very transient in nature. It is expected that the proposed minimum 100m stand-off would be more than sufficient mitigation for this.

As such, the proposals would be considered to comply with WLP Policy 10 and TDLP Policy QL11.

### Health

The social objective of the NPPF is defined as: 'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.'

The NPPF goes on to state that 'planning...should aim to achieve health, inclusive and safe places...'. It is recognised that access to a network of high quality open spaces is important for health wellbeing.

A Health Impact Assessment screening report has been submitted with the application. It concludes that further assessment is not required, since the impacts primarily relate to the construction phase of the proposed scheme, to include soil stripping and replacement operations, which is relatively short term in nature. Soil handling operations are transitory and only likely to occur for a matter of weeks in any one year.

Public Health England has stated that it has no significant concerns with regard to risk to health from the proposed development. It recommends that conditions are imposed relating to particulate matter /dust from the excavation of sand and gravel and site restoration activities. It is considered that such a condition would be necessary and could be imposed, in the event of approval, as discussed previously in the report with regard to dust mitigation.

The proposed afteruse includes the proposed permissive right of way, which would create increased public access to an amenity space, would be beneficial for health and compliant with the aims of the NPPF.

Essex County Council Public Health has not raised objection and has commented mainly that liaison with the local community will be important going forward.

As is usual for the larger minerals and waste sites across Essex, it is suggested that the developer is required to commit to a regular liaison meeting via a legal agreement. This assists in ensuring that residents are included in the progress of the site and that amenity can continue to be protected through close liaison.

It is therefore considered that the proposed development would comply with MLP Policy S10, TDLP Policy QL11 and TDLP Policy COM23. The development also ensures no significant effects on amenity and health, as required by MLP Policy S2.

## **G Flood Risk and Water Pollution**

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it not having unacceptable impact on the quality and quantity of water within water courses, groundwater and surface water, and on

drainage systems, among other criteria.

WLP Policy 10 (Development Management Criteria), in summary, permits mineral development, subject to it not having unacceptable impact on water resources with particular regard to:

- the quality of water within water bodies:
- Preventing the deterioration of their existing status; or
- Failure to achieve the objective of 'good status' and
- the quantity of water for resource purposes within water bodies,

as well as the capacity of existing drainage systems.

TDLP Policy QL3 (Minimising and Managing Flood Risk), in summary, requires that flood risk is taken into account at all stages of the planning process. It is also relevant that the policy requires that a Flood Risk Assessment is submitted for sites of 1 hectare or more in Flood Zone 1.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to water courses, the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

As stated previously in the report, TDLP Policy COM23 (General Pollution) states:

*'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.*

TDLP Policy COM31a (Sewerage and Sewage Disposal), in summary, requires satisfactory provision to be made for the proper disposal of sewage waste. It has an order of preference for the provision of sewerage facilities, from the use of existing foul sewerage systems first, through modern private sewerage treatment facilities, down to (private) septic tanks and cesspools as the least favoured option. This approach is similar to that advocated by the NPPG, which states that *'Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible... Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.'*

The application is silent on the proposed method of sewage disposal for site offices. As such, a condition is proposed requiring full details, in the event of approval.

MLP Policy S3 requires that applications for minerals development shall demonstrate how they have incorporated effective measures to minimise

greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic changes. In summary, developments should have regard to several factors, including siting, location, design and transport arrangements and the potential benefits from site restoration and after-use schemes for biodiversity and habitat creation.

WLP Policy 11 (Mitigating and Adapting to Climate Change), in summary, has similar aims for waste development.

The site is located within the River Colne catchment and approximately 20m to the east of the Six Penny Brook at its closest point. There are no major watercourses or waterbodies within the site. The site is located with Flood Zone 1. This zone is very low risk of flooding and suitable for water-compatible development, including sand and gravel workings.

The application proposes to dewater the site to keep the workings dry. Dewatered water would be discharged to the Six Penny Brook during active operations. It also proposes the construction of a lake and attenuation pond to control surface water runoff and flood risk.

The application includes a hydrological and hydrogeological impact assessment, as well as a flood risk assessment and drainage strategy. The reports note that a drawdown would be likely due to the proximity of the closest groundwater abstractions to the site. They also note that, without mitigation, there is potential for water quality impacts. As such, the application proposes that the applicant would agree appropriate mitigation with the abstracters prior to commencement of development. Additionally, monitoring is proposed in the Sunnymead Farm and Cockaynes boreholes, again to be agreed with the abstractor.

The Environment Agency has raised no objection, subject to a condition for groundwater protection, as outlined above.

A water monitoring and action plan is proposed to be secured via condition to monitor and act on any changes to water bodies at Cockaynes wildlife site and Alresford Angling Club.

It is proposed that fuel and chemical storage would be within a bunded compound and controlled by condition.

An environmental permit and discharge licence would be required.

A representation has been received which comments that the potential for the proposed lagoon to present flood risk to surrounding properties should be investigated further.

The Environment Agency has also provided advice to the applicant that there have been sites where lakes have acted as a recharge dome and caused flooding to properties in close proximity to sites. The applicant has therefore been advised of the need to investigate this further prior to obtaining the appropriate licence for any water abstraction and dewatering activities. The Environment Agency is satisfied that this information is not required prior to determination of the planning



application.

It is therefore considered that, subject to the imposition of conditions, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11.

## H Historic Environment

MLP Policy S10 (Protecting and enhancing the environment and local amenity) requires, in summary, that minerals development shall demonstrate that appropriate consideration has been given to the historic environment, among other criteria.

MLP Policy DM1 and WLP Policy 10 (Development Management Criteria), in summary, permit mineral development, subject to it not having an unacceptable impact on the historic environment including heritage and archaeological assets.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to the historic environment or important archaeological sites. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN29 (Archaeology), in summary, requires that permission is refused where development does not protect archaeological remains.

With regard to surrounding heritage, Wivenhoe Park, which is on the Register of Parks and Gardens of Special Historic Interest at Grade II, is located to the north west of Wivenhoe. Furthermore, the remains of St Peters Church is a Scheduled Monument, located over 1km to the south east, beyond Wivenhoe Road. Additionally, there are several Grade II Listed Buildings in the vicinity, the closest being 'Milestone on Western Verge', located approximately 500m to the east of the site boundary. All other listed buildings are further distance away.

The ECC Historic Buildings Advisor has commented that the site does not form part of the setting of any listed buildings, and the proposals would not result in harm to their significance.

With regard to archaeology, the submitted assessment is not up to date and does not fully take account of available information. There is evidence of prehistoric and Roman activity and the potential for nearby settlement is considered to be high, although not likely to be of national significance. The Historic Environment Advisor is therefore able to support the application, subject to conditions relating to a Written Scheme of Investigation, a Mitigation Strategy, the prior completion of fieldwork and submission of a post-excavation assessment.

Therefore, subject to the imposition of conditions, the proposals would be considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

## 7. CONCLUSION

It is therefore acknowledged that the proposal site does not completely comply with the development principles of the site allocation at MLP Policy P1 as the existing vehicular access at Wivenhoe Quarry would not be used.

The proposal site is considered to be compliant with the WLP Policy 3 site L(i)5 allocation for inert landfill, aside from the proposed access.

However, the use of the proposed access off the B1027 Brightlingsea Road is considered to be a minor departure from the development principles. The traffic and highway impact of the use of the access by vehicles associated with the development has been assessed as having no material impact on safety or operation of the network. The applicant has agreed to incorporate a right-turn lane into the site, which is proposed to be secured through the use of planning conditions and legal obligations. Amenity and environmental impacts are not considered to be significant, providing that conditions are imposed as set out in the report, and including a legal obligation for a lorry routeing scheme. The Highway Authority has raised no objection and the development is considered to comply with MLP Policies S11 and DM1, WLP Policies 12 and 10, and TDLP Policies TR1, TR1a and TR9.

In addition to this, the impact on the Public Rights of Way network is considered to be minimal providing that it is controlled. Footpath 24 would be impacted through the construction of a tunnel to allow access for vehicles and would require a temporary diversion. This is proposed to be controlled through conditions and legal obligations, together with provision of an additional permissive route once the site is restored, in compliance with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

In terms of ecology impact, the development has been fully screened for Habitats Regulations Assessment and it has been concluded that an Appropriate Assessment is not required.

There have been several changes to the scheme since the original submission of the application, in order to clarify and accommodate ecological factors. The application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow. It is considered that the scheme would have minimal impact with the imposition of conditions. The development would therefore comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

It is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access. The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

There have also been amendments to the scheme in relation to amenity impact, particularly in relation to noise limits, which have been lowered, and a significant reduction in the original extraction area in order to avoid significant impact on surrounding properties and existing hedgerows. The impact on amenity and health has been very carefully considered, and it is concluded that, with the imposition of conditions, the impacts would not be significant. The development is considered to comply with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

It is considered that, subject to the imposition of conditions and a legal obligation for groundwater monitoring, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11. A condition is proposed to control sewage disposal, for compliance with TDLP Policies COM23 and COM31a.

There is considered to be no harm to historic buildings. In terms of historic remains, the Historic Environment Advisor has raised no objection, subject to conditions, and the development is therefore considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

The provision of the primary processing plant has been considered under MLP Policy DM3, as well as the relevant criteria for inert waste recycling plants under WLP Policy 3. The plant has been carefully considered as a new site and the amenity and environmental impacts have required particular attention. It is considered that, with the imposition of conditions, it would be appropriate to locate the processing plant in the vicinity of the mineral extraction area itself, and that the proposals would not have any significant amenity or environmental impacts, compliant with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

Finally, it is considered that the proposed development would meet the environmental aims of the NPPF in its requirement to achieve sustainable development. This would therefore comply with MLP Policies S1 and S2 and, on balance, there is a presumption in favour of granting planning permission for the proposals.

## **8. RECOMMENDED**

That planning permission be granted subject to:

Within 3 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;

- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters.

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

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

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

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

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

2019,

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

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4<sup>th</sup> December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
  - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
  - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
  - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
  - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

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

- 2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
- 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
- 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
- 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
- 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
- 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
- 8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
- 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018

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

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

except as varied by the following conditions:

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

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

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

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

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

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66,

which in the opinion of the Minerals Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

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

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

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

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

or on Sundays or Bank or Public Holidays.

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

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

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

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

or on Sundays or Bank or Public Holidays.

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

0800 hours to 1600 hours Monday to Friday,

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

(d) No operations other than environmental monitoring and water pumping

at the site shall take place on Sundays, Bank or Public Holidays.

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

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

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

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

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

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

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

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

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

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

*Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan*



*Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.*

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

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

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

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

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

contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;

- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

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

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

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

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

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

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

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of*

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

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

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

The CEMP shall include the following:

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

The CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time.

Additional surveys will be required prior to each phase;

- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available.

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

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

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

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

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

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

*Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

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

The content of the LEMP shall include the following:

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

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

plan will be implemented in accordance with the approved details.

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

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

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

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

*Reason: To comply with section 197 of the Town and Country Planning Act*

*1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

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

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

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

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

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

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

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

*Reason: To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan*

*Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.*

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

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

25. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

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

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

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

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

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

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

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



*Policies QL11, EN1 and TR1a.*

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

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

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

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

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

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

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

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

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

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

33. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

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

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

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

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

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

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

Reason: *In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10*

*and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

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

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

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

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

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

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

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

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

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

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

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

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

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

40. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:

- a) Attended measurements by a competent person of  $L_{Aeq}$  5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
- b) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
- c) Details of equipment and calibration proposed to be used for monitoring;
- d) Details of noise monitoring staff qualifications and experience;
- e) Monitoring during typical working hours with the main items of plant and machinery in operation;
- f) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;
- g) Complaints procedures;
- h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
- i) Procedures for characterising extraneous versus site attributable noise if required;
- j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

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

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

*Reason: In the interests of local amenity and to comply with Minerals Local*

*Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

42. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

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

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

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

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

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

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

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

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

the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

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

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

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

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

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

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

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

*Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan*

*Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

49. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

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

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

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

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

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

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

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

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

*Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

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

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

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

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

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

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

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



- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

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

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

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

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

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

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

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

proposed restored soil profiles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

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

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

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

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

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

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

*Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.*

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations

---

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

---

The proposed development would be located 'adjacent' to a European site, namely:

- Essex Estuaries SAC
- Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site
- Abberton Reservoir SPA and Ramsar site

The proposed development would not be directly connected with or necessary for the management of those sites for nature conservation.

Essex County Council, as the competent authority, has carried out a full Habitats Regulations Assessment screening report (Dated 1<sup>st</sup> May 2019) and, following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

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

---

## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

TENDRING - Tendring Rural West  
TENDRING – Brightlingsea

### ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR: LAND TO THE SOUTH OF COLCHESTER MAIN ROAD (APPLICATION REF ESS/17/18/TEN)

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Statement (ES) has been submitted to describe the existing situation, explain the proposals, assess the potential impact (and any significant affects) and propose mitigation where necessary. The ES also considers alternatives.

The ES refers to the Scoping Opinion (ref ESS/28/17/TEN/SPO) issued by the Minerals Planning Authority in June 2017.

Additionally, the applicant has submitted a Supplementary Statement which updates each of the headings below to take account of amendments made to the scheme throughout consideration of the planning application.

The ES has been split into the following sections:

- 1) Landscape and visual;
- 2) Soils and agricultural land quality;
- 3) Air quality;
- 4) Hydrology/hydrogeology/flooding/water pollution;
- 5) Traffic/transport and public access;
- 6) Archaeology and cultural heritage;
- 7) Ecology;
- 8) Noise;
- 9) Alternatives; and
- 10) Cumulative Effects.

#### Landscape and Visual

A Landscape and Visual Impact Assessment has been submitted. The development would take place within the Bromley Heaths Local Character Area. Landscape characteristics would be temporarily lost as agricultural fields would be removed and replaced with mineral extraction activities. This would be limited by the phased nature of the operations; however the effect on landscape characteristics during operations would be of moderate-slight significance and adverse, although highly localised.

There would be a loss of two agricultural fields to the east of the site and replacement with acid grassland and open water and new hedgerow and tree planting.

The application proposes the removal of one veteran tree.

The effects on the local landscape character would be of slight significance in the long term after restoration. The long-term landscape and visual effect would be beneficial due to the creation of nature conservation and new landscape elements. Further afield, the effects would be negligible.

The significance of visual effects on occupiers of White Lodge and Willow Lodge, and users

of the permissive path in Cockaynes Wood, would be reduced by the updated proposals to increase the buffer to the woodland.

### Soils and Agricultural Land Quality

A soils assessment has identified the existing soil resource available across the site.

A third of the land has been assessed as 'Best and Most Versatile', being largely Grade 3a, and this resource is concentrated to the east of Footpath 24. The proposal is to re-establish this soil in the north of the site and west of Footpath 24, increasing the land quality of those areas.

A handling strategy is proposed to ensure the integrity and quality of the soil resource would not be compromised.

The lesser quality resource is proposed to be utilised for nature conservation habitats.

Soils can therefore be safely stripped and handled without damage, and are proposed to be put into beneficial use in the restoration scheme.

### Air Quality

Guidance indicates that dust impacts from sand and gravel quarries are not common at distances greater than 100m from the source.

Dust (particulate matter in the size range 1-75 micrometers ( $\mu\text{m}$ ) in diameter) may be generated at mineral sites from a range of activities including preparation, excavation, transportation and processing. The greatest risk is likely during soil stripping and replacement.

The potential for wind to lift and carry dust is reduced through surface wetting.

Five receptors have been assessed for their potential to be affected by dust with and without mitigation.

Fine particulate emissions (PM<sub>10</sub>) have been assessed, given that they have the largest travel distance. There is scope for slight adverse impact at the closest receptors without mitigation, but with the proposed mitigation there would be negligible increase.

HGV impacts and health impacts have been assessed as negligible significance which would not present a health risk.

Potential interaction effects with any ecological assets in the vicinity of the site are unlikely owing to the context of the site and the nature of the proposals.

A Dust Action Plan would ensure extra vigilance when working within 250m of an occupied residential property. If the wind is blowing in the direction of the sensitive property, operations would be modified or ceased.

Overall, with the maintained application of standard good practice, the residual risk of adverse effects outside the site due to dust will be slight at all receptors. Daily observations

and inspections by site management will be implemented in order to minimise these risks. Similar risks are considered to be present in any case as a result of the intensive arable farming taking place in the area, and potentially dry dusty conditions that are likely to exist in the area during warm dry weather.

#### Hydrology/hydrogeology/flooding/water pollution

The site lies within Flood Zone 1 and is a water compatible development according to the NPPF.

Mean groundwater levels across the site vary from 21.3 m AOD (1.3 m bgl) to 28.6 m AOD (2.6m bgl).

It is proposed to work each phase dry – meaning that the site would need to be dewatered. Groundwater and surface water would be pumped from a sump in each phase to the silt lagoons under the provision of a Transfer Licence. Water is proposed to be discharged to the Sixpenny Brook at a rate not exceeding the greenfield runoff rate, under the terms of a discharge consent.

There will be a requirement for consumptive water usage for the purposes of wheel washing, dust suppression and mineral processing. This water would be abstracted from the clean water lagoon and would be governed by an abstraction licence.

At restoration stage, an outlet is proposed to the restored lake, and this will drain through a small watercourse to two ponds in the Phase 7 area. An outlet is proposed from these ponds to a further watercourse conveying flow south of the site.

A Water Management Plan is proposed under a planning condition.

The effects on known neighbouring private and licensed abstractions within 600m of the proposed extraction area have been assessed.

The ponds at Cockaynes Wood and the fishing lakes further south are likely to be in hydraulic continuity with the sand and gravel aquifer. This means that the water levels could be affected, and mitigation is proposed through monitoring of gauge boards and direction of dewatered water to the water bodies if necessary.

The Sixpenny Brook is also in hydraulic continuity, however depletion in flow is proposed to be compensated by discharge of dewatered water to the Brook.

Accidental spillages are unlikely, but could occur and are proposed to be mitigated through the use of oil absorbent materials and cessation of discharge during mitigation. A bunded compound for fuel storage is a usual planning condition.

Overall, the impacts on neighbouring abstractions and water quality have the potential to be major during operation, but are reduced to negligible with mitigation. This is to be agreed between the developer and the abstracter prior to operations. The impacts from quarry discharge and on ground settlement are negligible during operations.

The long term impacts have been assessed as negligible. A groundwater monitoring and action plan is proposed.



The impact on Cockaynes Wood and other designated sites is assessed as negligible.

### Traffic/Transport and Public Access

The application proposes a new access/egress to/from the site, directly onto the B1027 Colchester Main Road.

Vehicle movements associated with mineral extraction (now 3.8 million tonnes over 19 years) and waste importation (1.2 million m<sup>3</sup>) have been assessed for around 200,000 tonnes per annum, as follows:

- sand and gravel extraction based at 200,000 tpa – 72 movements (36 in and 36 out); and
- inert materials importation based at 100,000 tpa – 640 movements (20 in and 20 out).

Staff and LGV movements will amount to 20 movements per day (10 in and 10 out).

There would be no material impact on the safety or operation of the adjacent highway network.

Footpath 24 is proposed to be retained on its current alignment. Mineral would be located on both sides of the footpath, hence a cutting is proposed to allow vehicular access under the footpath. During construction of the cutting, the footpath would need to be temporarily diverted on a circular route around the site.

There would therefore be a short term negative impact, mitigated by its temporary nature.

In the long term, there would be a beneficial effect of slight significance due to the proposed permissive route across the site.

### Archaeology and Cultural Heritage

It is recognised that the site is located within an area of medium archaeological sensitivity. However, the reports and investigations, prepared and undertaken in support of this application, suggest that there are limited archaeological remains which would justify preservation the extension area.

Accordingly, it is proposed to implement a mitigation strategy in order that any archaeological deposits (conventional or Palaeolithic) that could possibly be affected by the mineral extraction are preserved by record in accordance with local and central government guidance.

There are listed buildings in the wider locality, none of which have any scope to be affected by the proposals, to any high level or significance.

### Ecology

There are no designated sites within the application site, but there are designated ecological assets in proximity, including the Colne Estuary RAMSAR, SPA and SSSI. The faunal surveys identified suitable habitat for a range of protected species and confirmed Reptiles, Breeding and Wintering Birds, foraging Bats and Great Crested Newt and identified Bats are using the site.

No other protected species were identified at the site and, overall the protected species recorded and the suitability of the habitat present indicates that the proposed extension is of Local Level of ecological Importance.

The primary aim of the proposed scheme is to provide valuable contributions to local biodiversity objectives with low level water based nature conservation habitats, including open water; wetland and lowland meadow/grassland establishment; woodland planting; and hedgerow enhancement

The scheme will make a significant contribution of over 50 ha of "Priority Habitat", and has been identified as a flagship site by the County of Essex, meaning that it is key in achieving biodiversity objectives within the County.

Wherever possible the scheme has been designed to retain important hedgerow and mature/veteran tree specimens. One single tree may possibly be of veteran status and is proposed to be removed.

The scheme has been altered to retain some elements of hedgerow between phases 2 and 3, 6 and 7. Additionally, the stand off from the extraction area to Cockaynes Wood has been increased to 30m. East of the woodland, the scheme has been significantly reduced so that no extraction is proposed to the east.

During operations, a Construction Environment Management Plan is proposed to carefully control the scheme over 19 years. The establishment and long term maintenance of the scheme of restoration will be secured by a Biodiversity Enhancement Plan (BEP) and an Ecological Monitoring Framework (EMF)

In terms of impacts, habitat change is considered to be the largest direct impact of the proposed development. This impact was considered to be Negative (Significant) for arable and single veteran tree and Negative (Not Significant) for other habitats prior to any mitigation, but after completion of restoration will result in a Positive (Significant) effect.

### Noise

A noise assessment has been undertaken to establish background noise levels in respect of the closest dwellings to the site. Calculated noise levels have been set against calculated noise limits.

Following an updated baseline noise survey, the south-east corner of the proposed extension was revised and the extraction boundary was moved further from the properties on Cockaynes Lane.

Appropriate noise limits can be achieved at all properties, including Furzedown if operations are managed as proposed.

Night time noise would be generated from a pump only, and would be less than the suggested site noise limit for night time.

Temporary operations are proposed as per relevant guidance.

Mitigation measures would be in the form of stand-off distances and screening bunds, as well as use of modern and silenced machinery, which is proposed to be controlled by conditions.

The impact on ecology and public rights of way has been assessed as within required limits.

Overall, it is concluded that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

CONSISTENCY EXERCISE  
TENDRING DISTRICT LOCAL PLAN ADOPTED 2007

It is noted that Tendring District Council already acknowledges on its website that aspects of this Plan are considered to be out of date and not in accordance with national planning policy

Tendring District Local Plan 2007	NPPF	Comments
<p><b>Policy QL3 (Minimising and Managing Flood Risk)</b></p> <p>The Council will ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.</p> <p>Therefore for all proposed sites within Flood Zones 2 and 3, the sequential test (as outlined in Annex D of PPS25) must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area. The flood vulnerability of the proposed use must match the flood risk probability of the site. Higher vulnerability uses (defined in Table D2 of PPS25), must be located on the part of the site of the lowest probability of flooding. Following the application of the sequential test, where development is shown to be required in Flood Zone 2 or 3, compliance with the exception test (as outlined in Annex D of PPS25) should</p>	<p>Paragraph 163 states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</li> <li>b) the development is appropriately flood resistant and resilient;</li> <li>c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</li> <li>d) any residual risk can be safely managed; and</li> <li>e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.</li> </ul> <p>Paragraph 165 requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.</p>	<p>PPS25 has been superseded by the NPPG; however the principles are the same.</p>

<p>be demonstrated for the required development types. PPS25 Table D3 specifies when the exception test will be required. Only where the exception test is passed will planning permission be exceptionally granted. A Flood Risk Assessment is required to be submitted with all planning applications for new development on land within Flood Zones 2 and 3 as shown on the proposals map. Within Flood Zone 1 proposals on sites of 1 hectare or more will be required to submit a Flood Risk Assessment to consider drainage and flooding from other sources.</p>		
<p><b>QL11 (Environmental Impacts and Compatibility of Uses)</b> All new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if the following criteria are met:</p> <ul style="list-style-type: none"> <li>i. the scale and nature of the development is appropriate to the locality;</li> <li>ii. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;</li> <li>iii. the development will not lead to material loss or damage to important environmental assets such as buildings of architectural interest, the historic environment, water courses, important</li> </ul>	<p>Paragraph 127 states: Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> <li>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</li> <li>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</li> <li>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</li> <li>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</li> <li>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of</li> </ul>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>archaeological sites and monuments and areas of conservation, recreation, ecological or landscape value;</p> <p>iv. the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and</p> <p>v. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use.</p> <p>Where appropriate, compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.</p>	<p>development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	
<p><b>COM20 (Air Pollution/Air Quality)</b></p> <p>i. Planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>ii. Planning permission will not be granted for sensitive development in areas identified as suffering from high levels of existing air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>iii. Planning permission will not be granted for</p>	<p>The NPPG refers to the 2008 Ambient Air Quality Directives for setting legally binding limits for particulate matter and nitrogen dioxide.</p> <p>It requires Air Quality Management Areas to be taken into account in plan making and states there may be a need to consider cumulative impacts.</p> <p>Air quality is a consideration in Environmental Impact Assessment and Habitats Regulations Assessment.</p>	<p>The NPPG goes further than Policy COM20.</p>

development which leads to the making of an Air Quality Management Area.		
<p><b>COM21 (Light Pollution)</b></p> <p>Planning permission will not be granted for external lighting for any development if any of the following apply:</p> <ul style="list-style-type: none"> <li>a. its use would cause unacceptable visual intrusion;</li> <li>b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife;</li> <li>c. its use would cause a danger to highway or pedestrian safety.</li> </ul> <p>Where permission is granted, lighting schemes will be required to minimise pollution from glare and light spillage. This will be achieved through the use of good design, screening and deflection measures, and the nature, intensity and hours of operation of the lighting will be carefully controlled.</p>	<p>The NPPG states that light is beneficial but not always necessary. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.</p> <p>The NPPG suggests that local planning authorities and applicants should think about:</p> <ul style="list-style-type: none"> <li>• where the light shines;</li> <li>• when the light shines;</li> <li>• how much light shines; and</li> <li>• possible ecological impact.</li> </ul>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p><b>Policy COM22 (Noise Pollution)</b></p> <p>Planning permission will not be granted for noise sensitive developments such as hospitals, schools and housing unless one of the following conditions is met:</p> <ul style="list-style-type: none"> <li>i. the development is located away from existing sources of noise; or</li> <li>ii. mitigation measures are proposed which will adequately mitigate the adverse effects of noise at all times and in all circumstances.</li> </ul>	<p>The NPPF states, at paragraph 170 that:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>They should also mitigate and reduce to a minimum potential adverse impacts resulting from</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.</p>	<p>noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.</p>	
<p><b>Policy COM23 (General Pollution)</b></p> <p>Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust.</p>	<p>The NPPF has a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. There is an environmental objective including minimising waste and pollution. Planning policies and decisions should aim to achieve healthy places Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; Paragraph 183 states that the</p>	<p>The NPPF supports the Policy stance, but makes it clear that policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>



	<p>focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p>	
<p><b>Policy COM31a (Sewerage and Sewage Disposal)</b></p> <p>Satisfactory provision must be made for the proper disposal of sewage waste and effluent from new development to avoid the risk of environmental, amenity or public health problems. Occupation of development will not be permitted until such adequate facilities are operational.</p> <p>b. Private sewage treatment facilities, in particular septic tanks and cesspools, will not be permitted if there is an existing public foul sewerage system. Wherever possible the provision or adoption of a new or extended foul sewer by the local sewerage undertaker will be sought. Where private sewage disposal facilities are proposed they will only be permitted where:</p> <p>i. ground conditions are satisfactory;</p> <p>ii. the plot is of sufficient size to provide an adequate</p>	<p>The NPPG states:</p> <p>Applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment.</p> <p>When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.</p> <p>The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until</p>	<p>DETR Circular 3/99 was replaced by the NPPG in March 2014.</p>

<p>subsoil drainage system; and</p> <p>iii. all of the requirements of DETR Circular 3/99 (or subsequently amended) on their installation can be met.</p>	<p>any necessary improvements to the public sewage system have been carried out. Read <a href="#">further information on conditions</a>.</p> <p>Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated by a sewerage undertaker appointed under a <a href="#">new appointment or variation</a>. The package sewage treatment plant must comply with <a href="#">the general binding rules</a>, or a permit will be required. A package sewage treatment plant must be used if the treated effluent is being discharged to surface water.</p> <p>A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant. There may also be effects on amenity and traffic to be considered because of the need for sludge to be removed by tankers. Where a system will rely on the use of a drainage field consideration may be given to the need to periodically replace that drainage field in a new area of land in order for the sewerage system to continue to function properly.</p> <p>Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved</p>	
---	---	--

	Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.	
<p><b>Policy EN1 (Landscape Character)</b></p> <p>The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following natural and manmade features which contribute to local distinctiveness:</p> <ul style="list-style-type: none"> <li>a. estuaries and rivers, and the undeveloped coast;</li> <li>b. skylines and prominent views, including those of ridge tops and plateau edges;</li> <li>c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape;</li> <li>d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees;</li> <li>e. native species of landscape planting and local building materials; and</li> <li>f. the traditional character of protected lanes, other rural lanes, bridleways and footpaths.</li> </ul> <p>Where a local landscape is capable of accommodating</p>	<p>One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. Where appropriate, landscape character assessments should be prepared to complement Natural England's National Character Area profiles.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>development, any proposals shall include suitable measures for landscape conservation and enhancement.</p>		
<p><b>Policy EN4 (Protection of the Best and Most Versatile Agricultural Land)</b></p> <p>Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.</p>	<p>The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p><b>Policy EN6 (Biodiversity)</b></p> <p>Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.</p> <p>In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.</p> <p>Where appropriate, conditions or planning</p>	<p>Paragraph 170 requires: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.</p>	<p>wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p>	
--	---	--

	<p>and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the</p>	
--	--	--

	<p>features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	
<p><b>Policy EN6a (Protected Species)</b></p> <p>Planning permission will not normally be granted for development which would have an adverse impact</p>	<p>The NPPG states that Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.</p>	<p>applications. Natural England has issued standing advice on protected species.</p>	
<p><b>Policy EN6b (Habitat Creation)</b></p> <p>Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.</p>	<p>Paragraph 175 of the NPPF cites the following hierarchy:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons <a href="#">58</a> and a suitable compensation strategy exists; and</p> <p>(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>



	incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.	
<p><b>EN29 (Archaeology)</b></p> <p>i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.</p> <p>ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.</p> <p>Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define:</p> <p>a. the nature and condition of any archaeological remains within the application site;</p> <p>b. the likely impact of the proposed development on such features; and</p> <p>c. the means of mitigating the impact of the proposed development in order to achieve preservation “in situ” or, where this is not merited, the method of recording such remains prior to development.</p> <p>Where development is permitted on sites containing archaeological remains, any planning permission will</p>	<p>Para 189 states:</p> <p>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.		
<b>Policy TR1a (Development Affecting Highways)</b>  Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.	Paragraph 110 states:  Applications for development should:  (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;  (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;  (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;  (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and  (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	The policy is considered to be consistent with the aims of the NPPF.
<b>Policy TR1 (Transport Assessment)</b>	<a href="#">Paragraph 111</a> of the National Planning Policy Framework sets	The policy is considered to be consistent with

<p>Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications. Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.</p>	<p>out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.</p> <p>Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).</p> <p>Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>	<p>the aims of the NPPF.</p>
<p><b>Policy TR4 (Safeguarding and Improving Public Rights of Way)</b></p> <p>Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.</p> <p>Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.</p>	<p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	<p>high quality public space, which encourage the active and continual use of public areas; and</p> <p>(c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p>	
<p><b>Policy TR9 (Access of Freight to Transport Networks)</b></p> <p>Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.</p>	<p>Paragraph 110 states:</p> <p>Applications for development should:</p> <p>(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</p> <p>(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;</p> <p>(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;</p> <p>(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	
--	---	--