



Essex County Council

Development and Regulation Committee

10:30	Friday, 26 November 2021	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Essex County Council and Committees Information

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		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on 1 November 2021.	6 - 29

- 3 Identification of Items Involving Public Speaking**
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting.
- 4 Minerals and Waste**
- 4.1 Bradwell Quarry, Church Road, Bradwell 30 - 61**
To consider report DR/24/21 relating to the continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)"
Location: Bradwell Quarry, Church Road, Bradwell, CM77 8EP
Ref: ESS/35/20/BTE
- 5 Enforcement**
- 5.1 Enforcement Report 2021-22 Q2 62 - 64**
To update Members of enforcement matters for the period 1 April to 31 October 2021.
Report DR/25/21
- 6 Information Items**
- 6.1 Applications, Enforcement and Appeals Statistics 65 - 66**
To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by the Committee.
Report DR/26/21

7 Date of Next Meeting

To note that the next meeting will be held on Friday 17 December 2021, in the Chamber, County Hall.

8 Urgent Business

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

Exempt Items

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

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

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

9 Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

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

Membership

(Quorum: 3)

Councillor C Guglielmi

Councillor J Jowers

Councillor J Fleming

Councillor M Garnett

Councillor I Grundy

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

Chairman

Vice-Chairman

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Monday, 1 November 2021 at 10:30.

Present:

Cllr J Jowers (Chairman)	Cllr L Bowers - Flint
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr A Sheldon
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr S Kane	

1. Membership, Apologies, Substitutions and Declarations of Interest

Cllr Guglielmi sent apologies for whom Cllr L Bowers-Flint substituted. Cllr Dr R Moore sent apologies for whom Cllr A Sheldon substituted. Cllr B Aspinell sent apologies.

Councillor J Fleming declared a non-pecuniary code interest in item 5.1 of the agenda (Minute 4) concerning the land between the A120 and A133, to the east of Colchester and west of Elmstead Market. Cllr Fleming considered that as this was a code interest, she would be excluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on the 24th September 2021 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Greenacres, Packards Lane, Wormingford.
To consider report DR/21/21 relating to the continuation of use of waste recycling facility without compliance with condition 11 (HGV Movement Times) of planning permission ESS/09/18/COL that was for "Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00 – 16:30 hours on Good Fridays" to now allow for 6 HGV movements between 05:30 – 06:00 hours; 10 HGV movements between 06:00 – 07:00 hours and 10 HGV movements between 07:00 – 07:30 hours to allow more flexibility in early morning movements periods.
Location: Greenacres, Packards Lane, Wormingford, CO6 3AH
Ref: ESS/11/21/COL

Public speaker:

- Agent on behalf of the applicant: Mr Paul Calder – speaking for
- 2) Land between the A120 and A133, to the east of Colchester and west of Elmstead Market
To consider report DR/22/21 relating to a new link road between the existing A120 and A133 inclusive of a grade separated dumbbell junction at the A120, with new accesses to an existing petrol station (Ardleigh South Services) and Colchester waste Transfer station; a new roundabout at the junction with the A133; and two intermediate roundabouts along the link road. Together with associated works and landscaping.
Location: Land between the A120 and A133, to the east of Colchester and west of Elmstead Market
Ref: CC/TEN/31/21

Public speakers:

- On behalf of Wivenhoe Town Council: Cllr Andrea Vaughan – speaking against
- Landowner: Mr Charles Gooch – speaking against
- On behalf of Ardleigh South Services: Mr Kevin Happs – speaking against
- Local resident: Mr Phil Robinson – speaking against
- Local resident: Mr Bill Marshall – speaking against
- Applicant: Mr James Davidson – speaking for
- Local member: Cllr Mark Cory

4. **Greenacres, Packards Lane, Wormingford**

The Committee considered report DR/21/21 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriate location for future expansion of activities and policy guidance.
- Environmental aspects
- Noise
- Lighting/Ecology
- Traffic

In accordance with the protocol on public speaking the Committee was addressed by Mr Paul Calder, the agent speaking on behalf of the applicant. Mr Calder made several points:

- The applicant was requesting the continued lawful use of the existing site, together with allowing HGVs to leave the site at 05.30am, 30 minutes earlier than was currently permitted.
- Some of the noise complaints raised by local residents may not be attributed to the site as, for example, CCTV footage had previously shown that the site was not in use at the time of one particular complaint. In addition, it was possible that some complaints made by residents could be

attributed to the neighbouring industrial sites as opposed to the applicant themselves.

- Allowing earlier HGV movement times would allow for more efficient collection and treatment of waste, as well as contributing to sustaining a local employer.
- The agent reported that during an on-site meeting with the Case Officer on the 14th August, the Case Officer stated that subject to the relocation of the HGV parking area to the east and the applicant engaging in liaison meetings to ensure that any operational issues could be resolved, they would be minded to recommend approval.
- The publication of the report had made apparent harm to the amenity of local residents by virtue of noise and lighting that the applicant had been unaware of previously. The applicant believed that these issues were capable of resolution with further dialogue.
- In order to allow these technical matters to be addressed, the agent requested refusal or deferral of the item.

Following comments and concerns raised by members, it was noted:

- The concerns of residents living near the site and on the routes of the HGV movements were noted by the Committee.
- The Liaison Committee, which brought together the applicant, local residents, Parish Councillors, the Local Member and the Case Officer, had been quiet during the Covid-19 lockdowns. However, the officers were optimistic about reintroducing meetings in the future.
- Officers reported that lighting conditions were already in place, however, due to security and safety many of the lights used on the site were sensor triggered, thus, were often activated by wildlife during the night-time. This lighting was a visual disturbance that disrupted the natural dark countryside sky.
- A new building with an acoustic barrier on the site was already approved for construction, which could assist in reducing the noise disturbance created by the site.
- It was noted that it would be possible to defer the decision to allow the applicant more time to put forward updates to their application.

There being no further points raised, the resolution, was proposed by Councillor D Harris and seconded by Councillor J Fleming. Following a unanimous vote of 11 in favour,

Resolved

That planning permission be refused for the following reason:

The proposed early morning vehicle movements (between 05:30 – 06:00 hours) and associated activities (arriving site personnel and their preparatory activities in preparing the HGV's) would cause harm to the rural character of the locality and harm to local amenity from unacceptable noise emissions and artificial light pollution contrary to Policies 10 and 12 of the Essex Waste Local Plan (2017); Policy DP1 of

the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014); Policy SP1 of the North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021), emerging policies ENV5 and DM15 of Section Two Colchester Publication Draft Local Plan (Oct 2021) and the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW).

5. Land between the A120 and A133, to the east of Colchester and west of Elmstead Market

The Committee considered report DR/22/21 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development and Alternatives
- Highway Design
- Landscape and Ecology
- Geology and Soils
- Heritage
- Amenity (including noise and vibration, air quality and lighting)
- Human Health
- Flood Risk and Drainage
- Climate Change
- Public Sector Equality Duty and Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrea Luxford Vaughan, speaking on behalf of Wivenhoe Town Council. Cllr Luxford Vaughan made several points:

- The road would have a detrimental effect upon wildlife, ancient woodland, cultural heritage, noise, air quality and light pollution.
- There were no confirmed costs or timescales, which could lead to significant problems with the delivery. In addition, the land was not owned by the applicant and potential threat of judicial review or discovering archaeological remains on the site could add delays to construction.
- There was no provision for funding for A120 improvements within the scheme.
- The plans did not comply with Climate Emergency Declarations and environmental damage could be catastrophic.
- There was not an up-to-date Development Plan in place to support the application.
- The Green Cordon scheme could offer a cheaper, quicker, and more environmentally sound option and would ensure the Rapid Transit System would work and comply with national and local planning policy.

In accordance with the protocol on public speaking the Committee was addressed by Mr Charles Gooch, speaking as a landowner. Mr Gooch made several points:

- The proposed high-level lighting at the roundabout on the A133 would have significant landscape, wildlife, and environmental impacts, thus, initially at least, should be kept at a minimum and low level only. This would also reduce the effect on neighbouring properties in this rural location.
- Once the Link Road was operational, Elmstead Road could become congested. It was already heavily used and was not wide enough for traffic to pass safely, as could be seen by the damage to the highway verge. It would become a useful route for access to the Link Road, once operational. The report suggested that a Traffic Regulation Order could be placed on Elmstead Road in the future, however, this should be considered sooner.
- An amendment concerning Basin 3 and access from Tye Road to the retained land had been agreed in principle, however, had not been included within the planning application.

In accordance with the protocol on public speaking the Committee was addressed by Mr Kevin Happs, speaking on behalf of Ardleigh South Services. Mr Happs made several points:

- A comparison between 2019 and 2026 traffic projections showed a 78% reduction in potential customers for Ardleigh South Services. In addition, the proposed reconfiguring of the Services was not user friendly and denied a direct ingress and egress to the Services.
- If the Services were no longer viable then the access would no longer be needed and a more environmentally friendly option for the scheme could be considered, for example, by reducing the impact on the ancient woodland in Strawberry Grove.
- National Highways had expressed concerns that the roundabout and infrastructure at and around Ardleigh South Services would not be able to cope with the predicted traffic levels.
- The scheme did not accord with the Local Plan as it was to be approved and constructed ahead of the master-planning process that the Plan required. In addition, the scheme conflicted with environmental policies within the Plan.
- There was a lack of local stakeholder support for the scheme.

In accordance with the protocol on public speaking the Committee was addressed by Mr Phil Robinson, speaking as a local resident. Mr Robinson made several points:

- The scheme did not provide adequate mitigation measures to minimise the impact on Turnip Lodge Lane, a non-designated heritage asset.
- The lane would be an important feature within the garden community, and there were not adequate safeguarding measures in place for it.
- The hedgerow alongside the lane should be retained and any gaps within it should be infilled.

- The erection of hoarding alongside the area facing the lane during the construction period would shield the lane from noise and dust.
- The erection of a physical barrier or similar during the operational periods of the road would shield the road's adverse effects from the lane users.

In accordance with the protocol on public speaking the Committee was addressed by Mr Bill Marshall, speaking as a local resident. Mr Marshall made several points:

- The applicant, Essex Highways, was submitting the application to Essex County Council, which could raise concerns about a conflict of interest.
- The HIF conditions would not be met or kept, as the HIF would not cover the new access to the Colchester Waste Transfer Station, and National Highways would take 25% of the £65 million contribution of the HIF for the Link Road.
- It was not clear how any cost and time overruns would be paid for.
- Local residents had expressed concern over the scheme.
- The proposed lighting would affect local residents.
- Over 600 hectares of Grade 1 agricultural land was proposed for use for the development.
- Tendring District Council and Colchester Borough Council stated in 2019 that the delivery of housing for the Garden Community at 125 units per year until 2033 was not actually needed for their housing requirement.

In accordance with the protocol on public speaking the Committee was addressed by Mr James Davidson, speaking on behalf of the applicant. Mr Davidson made several points:

- It was not possible for Ardleigh South Services or the Waste Transfer Station to retain their existing accesses within the scheme. Whilst other options for access to the Services had been considered, these would have meant that the Link Road would either not achieve its objectives or not be accepted by National Highways.
- Whilst the turning circles for HGVs within the Services would be tight, these had been checked and the design was considered to be the most functional possible.
- Road users would be able to decide to exit the A120, both westbound and eastbound, to travel to the facility, and this would be aided by signage. Modifications had been made to the design based on representations and discussions with the Services.
- There was a need for street lighting at the roundabouts and their approaches and exits as these would be 'Conflict Areas'. However, there was no need for lighting in between the roundabouts.
- Landowners had been engaged with throughout the process in order to find the most appropriate solution for both parties, in some cases by changing the proposals in line with comments.
- Working group meetings had been held with Tendring District Council and Colchester Borough Council to align the design with the objectives of the Garden Community

- The scheme severance would be restricted to the eastern end of Turnip Lodge Lane, with no other physical disturbance to the rest of the lane.
- The indirect impact of the scheme upon Elmstead Road was acknowledged, and to deal with this, the closure of central reserve gap on A133 has been included to prevent collisions. In addition, further restrictions would be considered through a Traffic Regulation Order.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Mark Cory, speaking as the local member. Cllr Cory made several points:

- Deferring the proposal would enable more time to correct outstanding factors. These included: further work on greening modifications that had not yet been taken into consideration, existing delays to the project and the Development Plan Document for the Garden Community area still being in its early stages.
- The proposal failed to link to the existing infrastructure and settlements with active travel. It failed the Garden Community principles enshrined in Section 1 of the joint Essex Authorities Local Plan.
- The scheme would not include active travel links or crossings around the A133 as the new road met it, meaning there would be no active travel connections to the surrounding communities of Elmstead, Wivenhoe or beyond. This would prevent residents of the Garden Community from using active travel links to visit the nearby communities, particularly including the nearest train station in Wivenhoe.
- It was not possible to measure the impact of a new road built to enable the building of a Garden Community whilst excluding the impact of the Garden Community itself. The report stated that including the garden community, there would be an increase of approximately 256,000 tCO₂e relative to the scenario without the Garden Community.
- There was not sufficient ecological information available for the determination of this application.

Following comments and concerns raised by public speakers, it was noted:

- The representation from Place Services, as detailed in the report, suggested that there was not sufficient ecological information submitted to assess the proposal and its impact. This concern specifically related to bats; including the impact proposed lighting would have on bat flight paths and whether mitigation proposed would be appropriate. In view of the nature of the concern, Place Services nevertheless approved for this information to be secured by condition.
- This application only concerned the Link Road. Further plans concerning active travel principles would likely come forward with the residential led applications within the Garden Community area. A memorandum of understanding existed between Essex Highways, Colchester Borough Council and Tendring District Council, which sought to share information and knowledge about this project and enable such applications to effectively carry forward and expand on principles proposed.

- Statutory comments were available to view on Essex County Council's website and the contents of the letters of public representation received were summarised within the report.
- Regulation 3 of the Town and Country Planning General Regulations 1992 allowed this application to be determined by Essex County Council as County Planning Authority.
- The construction and environmental management plan proposed to be secured by condition would allow officers to secure details of hoarding and barriers, if considered necessary.
- In their capacity as the Minerals and Waste Planning Authority, Essex County Council officers had not raised an objection to the development from a mineral safeguarding perspective.
- The access around Basin 3 had not been altered based on feedback from the landowner. However, the condition relating to drainage would allow this amendment to be secured, should this be put forward by the applicant in due course.
- Traffic management measures could be used on Elmstead Road to help control the traffic. It was, however, not possible to include the requirement for a Traffic Regulation Order to be placed upon Elmstead Road as a planning condition as this would not meet the tests.
- The description of the development included '...with new accesses to an existing petrol station (Ardleigh South Services) and Colchester Waste Transfer station.'
- The road would enable infrastructure that would support the Garden Community.
- The wording of the conditions sought to allow flexibility with the permission, so that as the Development Plan Document was produced, the potential for modification to the landscaping design and borrow pit restoration, for example, would be achievable.
- Officers noted that they were comfortable to give the recommendation to approve the application based on the information which had been submitted in support of the proposals.

Following comments and concerns raised by members, it was noted:

- The HIF funding had to be spent by 2024. It would be possible for this to be renegotiated by the applicant; however, this was not a material planning consideration.
- The Local Plans of Tendring and Colchester had outlined the requirement for the Link Road.
- It was suggested that the Link Road could encourage greater car use and harm the rapid transit system and the ability for this to be quicker than private transport. There was a potential alternative proposal of a Green Cordon, however, this was not progressed at the meeting.
- According to modelling, it was clear that the Garden Community could not come forward without a scheme to alleviate traffic in Colchester first.

- The Link Road was one part of the transport package proposed to support the emerging Garden Community. It was possible that the scheme could facilitate a change in the mode of travel currently used, for example, by using a Park and Ride service. The benefits of this change in travel habits would be felt by the whole community, rather than just the Garden Community.
- Further improvements to connectivity could be secured through the Development Plan Document process and negotiated in the future as part of the applications within the Garden Community area.
- It was noted that there had to be a material planning consideration in order to defer the application.
- Place Services had agreed to the ecology conditions within the report.
- A Traffic Regulation Order on Elmstead Road would need to be progressed separately. It would not be possible to require a Traffic Regulation Order, by way of planning condition as the outcome of the process was unknown. The applicant was a Highway Authority with public responsibility, hence, if Traffic Regulation Orders were required these would be introduced in the future.
- The loss of 0.05 hectares of ancient woodland from Strawberry Grove was due to exceptional reasons, and the proposal was considered to be the most environmentally sensitive option possible. As required by footnote 63 of the National Planning Policy Framework, the public benefit of the Link Road would outweigh the loss of Strawberry Grove due to the social and economic benefits associated with the wider Garden Community allocation.

There being no further points raised, following a vote of 9 in favour, 1 against, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

That planning permission be granted subject to the following conditions:

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 County 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 06/04/2021, together with drawings titled 'Site Location Plan' drawing no. B355363A-LNK-PLA-LNK-DR-C-0002 (Rev A), dated 02/08/2021; 'General Arrangement Sheet 1 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0013 (Rev B), dated 07/21; 'General Arrangement Sheet 2 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0014 (Rev B), dated 07/21;

'Proposed A120 Overbridge ST01 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0001 (Rev A), dated 30/03/21; 'Proposed Strawberry Grove Retaining Wall ST08 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0008 (Rev A), dated 30/03/21; 'Proposed PROW Underpass ST02 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0003 (Rev A), dated 30/03/21; 'Proposed Culvert ST03 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0004 (Rev A), dated 30/03/21; 'Proposed Culvert ST04 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0005 (Rev A), dated 30/03/21; 'Proposed Culvert ST06 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0007 (Rev A), dated 30/03/21; 'Plan & Profile Sheet 1 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0004 (Rev A), dated 03/08/21; 'Plan & Profile Sheet 2 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0005 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 3 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0006 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 4 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0007 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 5 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0008 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 6 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0009 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 7 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0010 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 8 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0011 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 9 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0012 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 10 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0013 (Rev A), dated 02/08/21; and 'Plan & Profile Sheet 11 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0014 (Rev A), dated 02/08/21 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County 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 policies SP1 – Presumption in favour of sustainable development, SP3 – Spatial strategy for North Essex, SP6 – Infrastructure and connectivity, SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL2 – Promoting transport choice, QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, COM19 – Contaminated land, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local

Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 – Sustainable Drainage Systems, EN23 – Development within the Proximity of a Listed Building, EN29 – Archaeology, TR1a – Development affecting highways, TR1 – Transport assessment, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity, S11 – Access and transportation and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

3. No development (including demolition, ground works, vegetation clearance) shall take place until a project/construction schedule has been submitted to and approved in writing by the County Planning Authority. The schedule shall include details on the proposed phasing and timetabling of the development, including reference to any specific stages in the construction period (e.g. advance works and main works contract) which in turn will provide clarity and allow for partial or phased discharge of details submitted pursuant to other conditions. The development shall be implemented in accordance with the approved scheme.

Reason: For the avoidance of doubt as to the proposed construction timetable and to enable the County Planning Authority to effectively consider whether information required pursuant to other conditions is required before any development takes place or if some works may be permissible.

4. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall specifically seek to confirm the location and layout of construction compounds, provide details on proposed hours of working, access/haul roads and routes, proposed traffic management for deliveries and contractors, measures proposed to reduce the potential for increased flood risk or pollution/contamination from surface water run-off during construction, any temporary mitigation measures proposed during the construction phase to reduce the potential for amenity impacts, the management of excavated soils/materials, a material audit and schedule of material movements (both import and export), in addition to the other topics and information indicatively covered within the 'Outline Construction Management Plan', document reference: B355363A-LNK-GEN-LNK-RP-Z-0005, dated 31/03/2021 and 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021 submitted in support of this application. In terms of environmental management, and specifically biodiversity, the plan shall also seek to cover 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 or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and the
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of the environment, highways, amenity and biodiversity, to ensure suitable accountability for mitigation and measures proposed during the construction period and to comply with QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S11 – Access and transportation of the Essex Minerals Local Plan (2014).

5. In accordance with the project schedule approved pursuant to condition 3, no development of the borrow pits shall take place until full details of the proposed location, size, design and management of the borrow pits during construction have been submitted to the County Planning Authority for review and approval in writing. Without prejudice to the foregoing, the details provided shall include full technical drawings both during construction/use and as a restoration feature including appropriate engineering reports covering slope stability. Details of the landscaping proposed, as part of the restoration of any such features, shall be submitted setting out how the restored borrow pits would support the wider garden community aspirations and the landscape proposals for the link road

(required pursuant to condition 12 of this permission). The development shall be implemented in accordance with the approved details.

Reason: Only indicative details of the proposed borrow pits have been provided with this application on the basis that currently there is no guarantee and/or planning requirement to utilise. That said, in the event that borrow pits are utilised, which as a concept is supported in planning terms, the submission of sufficient details as to the construction, design and long term management of such features is to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, EN1 – Landscape character, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 – Sustainable Drainage Systems, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007) of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

6. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a dust management scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods proposed to monitor emissions of dust arising from the development during the construction phase. The development shall be implemented in accordance with the approved scheme.¹

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in policies QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the

¹ For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 4 if preferable to the applicant.

Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

7. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an intrusive Phase 2 ground investigation report has been submitted to and approved in writing by the County Planning Authority. The report shall seek to:
- Confirm the ground and groundwater conditions underlying the site;
 - Undertake soil sampling and chemical analysis of soils for potential contaminants to facilitate an assessment of any potential risks to identified receptors. Therefore, determining the requirement for relevant health, safety and environmental practices during construction works and any other remediation requirements;
 - Undertake groundwater sampling and laboratory analysis to establish current groundwater quality beneath the scheme and to assess the potential risk to controlled waters where proposed works on the scheme will intercept groundwater table; and
 - Assess site-won materials to determine their suitability for reuse (under the CL:AIRE Definition of Waste: Code of Practice) and disposal routes for unsuitable materials (as necessary)

The development shall be implemented in accordance with findings and recommendations of the approved ground investigation report.

Reason: To ensure that contamination (and contaminated land) is duly considered and does not pose a risk during the development, to safeguard the environment and public and to comply with policies QL11 – Environmental impacts and compatibility of uses, COM19 – Contaminated land, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

8. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a written scheme and programme of archaeological and geoarchaeological investigation has been submitted to the County Planning Authority for review and approval in writing. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including that within associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

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9. In accordance with the project schedule approved pursuant to condition 3, prior to commencement of development but following completion of the archaeological work required by condition 8, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval in writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified undertaken in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

10. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 8, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This 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 ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

11. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a tree survey, arboricultural impact assessment and arboricultural method statement has been submitted to the County Planning Authority for review and approval in writing. These details shall be supported by a tree protection scheme which shall include indications of existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, proposed to be retained, together with measures identified for their protection in accordance with BS:5837 “Trees in Relation to Construction”. The development shall be implemented and managed in accordance with the details approved.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity, landscape and ecology and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

12. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a detailed hard and soft landscaping scheme (inclusive of all boundary treatments, fencing and gates) has been submitted to the County Planning Authority for review and approval in writing. The scheme shall be based on the landscape, environmental design and related sustainability objectives and principles detailed within Table 1 of the document titled 'Response to Essex Quality Review Panel Report', document reference: B355363A-LNK-PLA-LNK-RP-LE-0001 (Rev A), dated 3 August 2021 and shall include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented as approved.

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

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 mitigate impacts of the development on the natural environment in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

13. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Landscape and Ecological Mitigation and Management Plan (LEMMP) has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:
- a) Aims and objectives of management;
 - b) Appropriate management options for achieving aims and objectives;
 - c) Prescriptions for management actions;
 - d) Preparation of an annual work schedule/plan; and
 - e) Details of the body or organisation responsible for management
- and for ecology:
- a) Description and evaluation of features to be managed;

- 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 and annual work schedule;
- f) Full detailed designs (written specification and technical drawings) of all proposed ecological mitigation measures, which for the avoidance of doubt are, at least, expected to comprise measures similar to that outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application.
- g) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan, which shall as a minimum cover 25 years post first public use of the link road, shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

14. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an Ecological Design Strategy addressing the compensation of bats has been submitted to the County Planning Authority for review and approval in writing². The Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed bat hop overs;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used where appropriate;

² For the avoidance of doubt, the requirements of this condition may be incorporated within the LEMMP produced to satisfy condition 13 if preferable to the applicant.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

15. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Farmland Bird Mitigation Strategy has been submitted to the County Planning Authority for review and approval in writing³. The strategy shall seek to outline measures/mitigation proposed to compensate the loss or displacement of Farmland Bird territories which have been identified as being lost or displaced. The Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
 - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
 - c) locations of the compensation measures by appropriate maps and/or plans; and
 - d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the LEMMP period.

Reason: To allow the Essex County Council to discharge its duties under the

³ For the avoidance of doubt, the requirements of this condition may be incorporated within the LEMMP produced to satisfy condition 13 if preferable to the applicant.

NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policies EN6 – Biodiversity, EN6a – Protected species and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

16. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Biodiversity Monitoring Strategy has been submitted to the County Planning Authority for review and approval in writing. The purpose of the strategy shall be to:
- Determine the effectiveness of the biodiversity mitigation measures during the construction period;
 - Determine the effectiveness of the underpass and hop-overs in directing the movement of bats across the new road;
 - Provide monitoring to ensure the successful establishment and development of habitat creation measures; and
 - Monitor the impacts upon the Dormouse population

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; and
- i) Publication of the results of the monitoring of bat hop-overs and underpass in a format that can help to provide evidence to inform future mitigation design on road schemes.

A report describing the results of monitoring shall be submitted to the County 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 County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Biodiversity Monitoring Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate monitoring of biodiversity mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

17. If the development is not commenced within 2 years from the date of this permission, the ecological mitigation measures outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the ‘Environmental Management Plan’, document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application, shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of bats, reptiles, wintering and nesting bird developments; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred and different ecological impacts, not previously addressed, are identified, revised and new or amended measures shall be submitted pursuant to Plans and Strategies secured by conditions 4, 13, 14, 15 and 16. In such an event, the development shall be undertaken in accordance with the updated/revised ecological measures and timetables.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate biodiversity mitigation in the event of a time delay in commencement, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 –

Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

18. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability 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 lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies COM21 – Light pollution, EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

19. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDS Manual C753.
 - If infiltration is proven to be unviable then discharge rates should be limited to 83l/s for all storm events up to and including the 1 in 100 year plus 40%

allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to first public use of the link road.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

20. Prior to first public use of the link road hereby permitted, a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to the County Planning Authority for review and approval in writing. The development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

21. The entire length of the dual carriageway link road hereby permitted shall be provided with a Low Noise Road Surface as part of its design. For the avoidance of doubt, noting there are many Low Noise Road Surfacing products, as a minimum the product to be used for the link road shall have a Road Surface Influence of -3.5 dB or less.

Reason: In the interests of amenity, to reduce the impacts of road noise and to comply with policy COM22 – Noise pollution of the Tendring District Local Plan (2007).

22. Prior to any temporary or permanent diversion or stopping up of any existing Public Right Way, pursuant to the development hereby permitted, details of the proposed temporary and permanent Public Right of Way creations, diversions and stopping up orders shall be submitted to the County Planning Authority for review and approval in writing. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not result in reduced Public Right of Way connectivity temporarily or permanently and that appropriate enhancements are secured to the network to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007).

23. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until detailed designs of the footway/cycleway and walker, cyclist and horse rider (WCH) path and the two at grade crossings proposed across the link road, hereby permitted as part of this development, have been submitted to the County Planning Authority for review and approval in writing. The details shall seek to confirm the proposed legal use of the path and crossings; the proposed construction finish of the path, crossings and associated underpass; any lining and signage proposed; and any lighting and/or barriers/fencing proposed. The footway/cycleway/WCH and crossings shall be constructed as approved prior to first beneficial use of the link road hereby permitted.

Reason: To ensure that the footway/cycleway/WCH is fit for purpose, is delivered in a timely manner and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007).

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/23/21; applications, enforcement and appeals statistics, as at the end of September 2021.

The Committee NOTED the report.

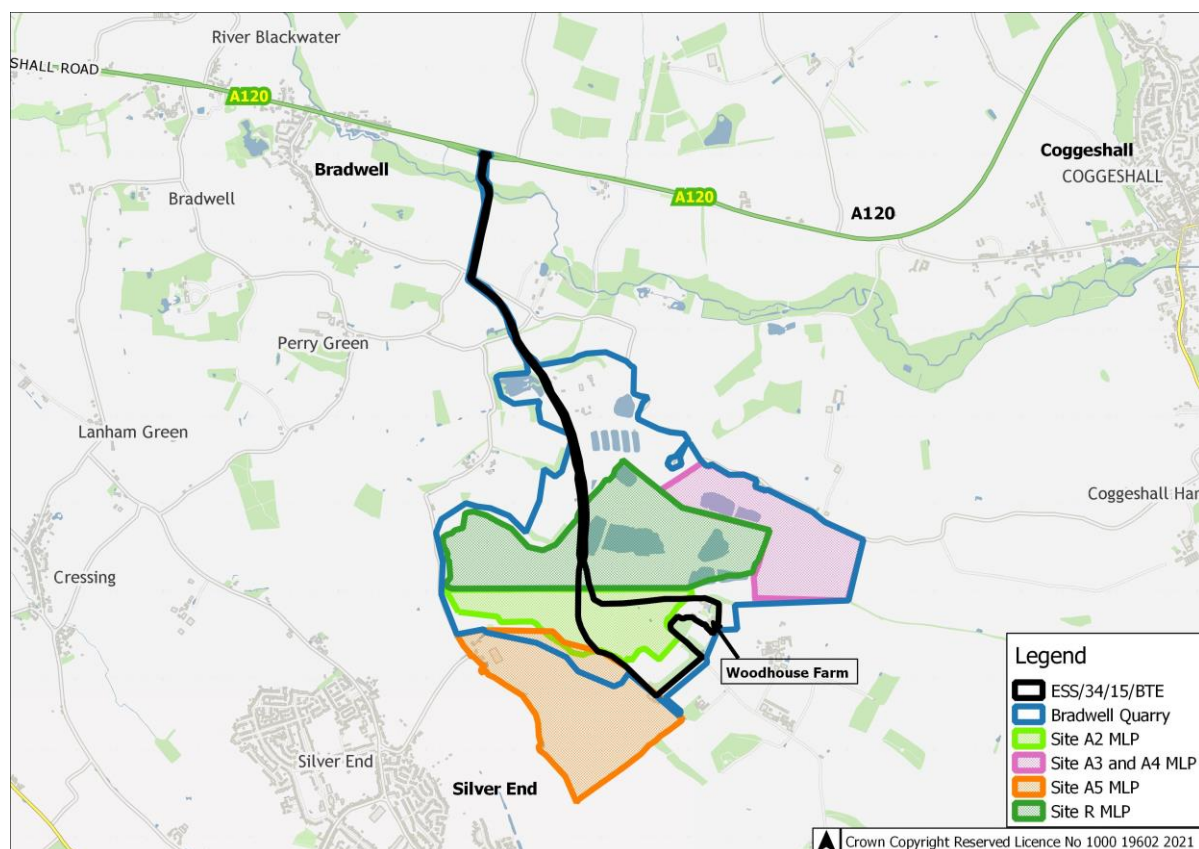
7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 November 2021, to be held in the Council Chamber, County Hall, Chelmsford. Training was to take place on Monday 22 November.

There being no further business, the meeting closed at 12:47am.

DR/24/21**Report to:** DEVELOPMENT & REGULATION (26 November 2021)

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)"

Ref: ESS/35/20/BTE**Applicant:** Blackwater Aggregates**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

1. BACKGROUND

This planning application was considered by the [Development & Regulation Committee in May 2020](#), where it was resolved to be granted subject to conditions and a legal agreement. The resolution required completion of the legal agreement by November 2020.

Unfortunately the legal agreement wasn't completed by November 2020 and a further report was considered by the [Development & Regulation Committee in November 2020](#), where it was resolved to give a further 12 months for completion of the legal agreement.

A second variation application (ESS/79/20/BTE) to ESS/03/18/BTE was made in June 2020 seeking changes to restoration timescales and has been dealt with under delegated powers. It was resolved to be granted subject to conditions and a legal agreement. The two legal agreements for ESS/35/20/BTE and ESS/79/20/BTE are to be combined and the agreement is progressing.

In November 2020, Braintree District Council adopted part 1 of its Local Plan and thus certain policies referred to in the report in November 2020 and within the draft reasons for conditions had been superseded. These changes were addressed through a delegated report, as it was agreed with Chairman of Development & Regulation, the changes were too minor to warrant the matter to be referred back to the Committee.

However, the resolution remained that the legal agreement should be completed by November 2021, which unfortunately has not been possible. This report is seeking additional time to complete the legal agreement.

2. SITE

The application site is at Bradwell Quarry, which lies 6km east of Braintree. The application site is located between the villages of Bradwell (approx. 1km northwest), Silver End (approx. 0.5km to the southeast), Kelvedon (3.5km to the southeast) and Coggeshall (2.5 km to the north east).

The mineral processing area is approximately 1km south of the A120. The processing area is accessed from the A120 via a private haul road. The mineral processing area is surrounded by screening bunds. The dry silo mortar plant the subject of the planning application is located in north west of the mineral processing area.

The nearest residential properties to the dry silo mortar plant are on Church Road, Cuthedge Lane and Sheepcotes Lane. Bradwell Hall (Listed Building) lies to the north of the DSM lying north of Bradwell Church (Listed Building) and lies the east of the private access road. On Cuthedge Lane Herons Farm and Deeks Cottage are located approximately 480m and 890m respectively. On Sheepcotes Lane the nearest properties are Goslings Barn, Goslings Cottages and Goslings Farm (Listed Building) approximately 740m from the DSM.

3. PROPOSAL

The application seeks to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday. This application would make the change of hours permanent for the life of the mineral extraction in Site A5 of the MLP. There would be no HGV movements during the extended hours.

4. POLICIES

Policies of the Minerals Local Plan, (MLP) adopted July 2014, Essex and Southend Waste Local Plan (WLP) adopted 2017 were taken account of in the determination of the application.

In February 2021 Braintree District Council adopted Section 1 of Braintree Local Plan (BLP S1), replacing some of policies of the Braintree District Council Local Development Framework Core Strategy (BCS) Adopted 2011. However, some policies of the Braintree District Local Plan Review (BDLPR) 2005 remain relevant. The following policies are those of the Braintree development plan documents considered relevant to this application and the conditions proposed to be imposed:

BRAINTREE DISTRICT LOCAL PLAN (BLP S1) 2013-2033 Section 1
SP 7 – Place Shaping Principles

BRAINTREE DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY (BCS) adopted 2011

CS5 - Countryside

CS8 – Natural Environment and Biodiversity

BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) 2005

RLP 36 – Industrial and Environmental Standards

RLP 62 - Development Likely to Give Rise to Pollution, or the Risk of Pollution

RLP 63 - Air quality

RLP 65 - External Lighting

RLP 69 – Sustainable drainage

RLP 72 – Water quality

RLP 80 - Landscape Features and Habitats

RLP 81 – Trees, Woodlands, Grasslands and Hedgerows

RLP 84 - Protected species

RLP 87 – Protected Lanes

RLP 106 - Archaeological Excavation and Monitoring

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 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.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. It is not considered that the Braintree Local Plan 2013 – 2033 Section 2 has progressed sufficiently to be given any weight.

NEIGHBOURHOOD PLANS

Bradwell With Pattiswick Neighbourhood Plan 2019 (BWPNP)

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

Kelvedon PC & Coggeshall PC (adjacent) Neighbourhood Plans - both parishes have emerging plans, but at too earlier stage to have weight.

5. APPRAISAL

LATEST POSITION REGARDING THE LEGAL AGREEMENT

The legal agreement has been drafted in accordance with the heads of terms set out in the May 2020 Committee Report. Due to the number of land interests within the application site, there a number of parties involved in the agreement, which has resulted in delays in the drafting process. The agreement will not be completed this month, i.e. within the 12 months of the Committee Resolution of November 2020.

It is therefore requested that a further 6 months be given to complete the legal

agreement and that should the agreement not have been completed by that time further time be given in consultation with the Chairman of the Development & Regulation Committee.

The planning permission cannot be issued until the legal agreement has been completed.

If there should be a significant change in planning policy or a material change in circumstances prior to the agreement being completed, then the matter will be referred back to the Committee for reconsideration prior to the issue of the decision notice.

6. RECOMMENDED

That planning permission be granted subject to

- i. The prior completion, within 6 months (unless otherwise agreed with the Chairman of Development and Regulation), of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the [May 2020 Committee Report](#)
- ii) And conditions as set out below, incorporating any subsequently approved details required by conditions.

-
1. The development hereby permitted shall be deemed to have commenced on the date of issue of this planning permission

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

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

- Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
- Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
- Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
- Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
- Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
- Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
- Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Ste A5 Contractor's

Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles

- Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
- Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
- Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
- Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
- Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS_03_18_BTE Additional Info Noise Response_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

Drawing No.	Title	Date
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-1
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-1
A5-3 Rev A	Site Setting	29-09-1
A5-4 Rev E	Public Right of Way	12-02-1
A5-5 Rev A	Geological Map and Excavation Profile	05-10-1
A5-6 Rev C	Temporary Site A5 Works	12-02-1
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-1

A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

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

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority and 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 the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 81, RLP 84, RLP 86, RLP 87 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

3. The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,25
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,25
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150
As amended by		

702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5 and CS8 and BLP S1 policy SP 7.

- The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Title	Date
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5 and CS8 and BLP S1 policy SP 7.

- The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Dated
Figure 1 561071 R1	01/12 05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with

MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BDCS policies CS6 and CS8 and BLP S1 policy SP 7.

6. The development hereby permitted shall cease by the 31 December 2022 by which time extraction shall have ceased in Site A5 and the application site shall have been restored in accordance with the details/schemes for the Lower Level Restoration Scheme approved under conditions 35, 36, 51 and 71 and shall be the subject of aftercare for a period of 5 years in accordance with schemes agreed under conditions 42, 43, 62 and 63 of this planning permission. Or if the application site is restored to the Higher Level Restoration Scheme, restoration shall be in accordance with the details/schemes approved under conditions 35, 36, 51 and 72 and shall be subject of aftercare for a period of 5 years in accordance with schemes agreed under conditions 42, 43, 62 and 63 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 and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS6 and BLP S1 policy SP 7.

7. Any building, plant, machinery, foundation, hardstanding, 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 or by the 31 December 2022 and land shall be restored in accordance with the restoration scheme approved under conditions 35, 36, 51 and 71 or 35, 36, 51 and 72 if the Higher Level Restoration Scheme is undertaken of this permission.

Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5 and CS8 and BLP S1 policy SP 7.

8. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in conditions 35, 36, 51, 71 and 72 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to the Mineral Planning Authority for its approval in writing, within 2 years and 2 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies

CS5 and CS8.

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

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

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

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

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

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

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

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

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

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

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

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

and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

10. The bagging plant shall not operate between 06:00 and 07:00 and between 18:30 and 22:00 unless the roller shutter doors of the bagging plant are closed.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36

11. From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

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

12. All vehicular access and egress to and from the site shall be from A120 Trunk road (Coggeshall Road) as indicated on Drawing 1 Rev A, dated 30/03/14. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound in accordance with a specific planning permission.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

13. The development hereby permitted shall be implemented in accordance with the details for signage and routing for drivers approved on 29 May 2013 under condition 14 of planning permission ESS/32/11/BTE. To keep and maintain the approved signage to deter public use of the haul road and routing for drivers visiting the site shall be as set out in the application form dated 9 March 2012 (reference ESS/32/11/BTE/14/1), emails from Blackwater Aggregates dated 29 February 2012 (13:21) with attachment "leaflet re access and egress" and 2 March 2012 (14:34) with photographs of signage. The "leaflet re access and egress" shall be issued to all new drivers to the site and shall be issued annually on or near the 1st April of each year to all drivers to the site.

Reason: In the interest of highway safety and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with MLP policies S11 and DM1.

15. The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday
294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

16. No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

17. The signs stating: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' erected on both sides of the access road at the points where Footpaths Bradwell 19, Bradwell 58, Bradwell 57 cross and on the haul road where Footpath Kelvedon 35 crosses, 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 Rights of Way and the haul road and to comply with MLP policy DM1.

18. The location of the earth moving contractor's compound shall be in accordance with Planning Permission ESS/14/15/BTE, except as amended by any subsequent planning permission. The approved application details are: application form dated 15 March 2015, together with letter from Honace dated 19 March 2015, e-mails from Honace dated 17 June 2015 and 25 June 2015 and Drawing No. 20/01/02 Rev D dated 31 March 2015. The earth moving contractors' compound shall be removed and the land reinstated to its original condition no later than the 31 December 2022.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

19. The development hereby permitted shall be implemented in accordance with the details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the haul road for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

20. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the LAeq 1hr levels as set out in the following table:

Location	Criterion dB LAeq 1hr
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1*	47
Silver End 2*	51

* Monitoring locations indicated on Drawing 12-2 within Chapter 12:
Assessment of Environmental Noise, Report Reference: B3910 20171124
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Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The above limits are for noise arising from all combined activities at Bradwell Quarry and the Rivenhall IWMF (if progressed).

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

21. During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed below, shall not exceed, the LAeq 1hr levels as set out in the following table:

Location	Night Criterion (06:00 to 07:00)	Evening Criterion (19:00 to 22:00)
Bradwell Hall	42 dB LAeq,1hr	47 dB LAeq,1hr
Heron's Farm	42 dB LAeq,1hr	44 dB LAeq,1hr

Measurements shall be made no closer than 3.5m to the façade of

properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

22. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as listed in condition 20 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 that give rise to noise levels greater than those noise limits defined within condition 20 shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

23. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken, except frequency of monitoring shall be increased in the following circumstances:

- a) During periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring,
- b) During periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring,
- c) During periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring, and
- d) During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 noise levels shall be monitored 3 monthly intervals at noise sensitive properties as listed in Condition 21 and the results shall be submitted to the Mineral Planning Authority within 1

month of the monitoring being carried out.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring for conditions 23 (a) and 23 (b) may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 20, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 20 and 21, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 24 shall be implemented.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

24. The development hereby permitted shall be implemented in accordance with the Noise Management Plan approved on 12 August 2019 under condition 24 of planning permission ESS/03/18/BTE. The approved Noise Management Plan are set out in the application for approval of details reserved by condition (ESS/03/18/BTE/24/1) dated 3 September 2018 and the Noise Management Plan Report Reference B4979 2018-10-09 Site A5 NMP by Acoustical Control – Engineers & Consultants.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

26. 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 MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

27. No plant other than the primary and secondary processing plant, a single excavator and bulldozer or the primary and secondary processing plant, single excavator and dump truck shall be operated when operations are within 100m to 150m of Herons Farm, and when operating within 100m to 300m of Deeks Cottage and Haywards unless unoccupied.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

28. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A5-2 Rev A.

Reason: To minimise the visual impact of the development in the interests of rural amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

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

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

30. Floodlights/fixed lighting shall not be illuminated outside the operational permitted hours set out within condition 9 and at no time on Sundays, Bank or Public Holidays except for security lighting.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

31. All fixed exterior lighting shall have a tilt/uplift no greater than 25 degrees.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

32. The development hereby permitted shall be implemented in accordance with the dust prevention management techniques set out in Table 6.1 of the Air Quality Assessment dated September 2017 forming part of the Environmental Statement dated January 2018 and letter from Honace dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

33. The internal haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the

local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

34. Advanced hedgerow and woodland planting shall be in accordance with Drawing A5 -22 Rev B and in accordance with planting details set out in letter from Honace dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting. The advanced planting shall be carried out in the first available planting season following the date of this planning permission.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 8.

35. The development hereby permitted shall be implemented in accordance with the planting scheme for Sites A3 and A4 approved on 30 November 2020 under condition 31 of planning permission ESS/07/16/BTE. The approved planting scheme details for Site A3 and Site A4 are set out in the application (ref: ESS/07/16/BTE/31/1) for approval of details reserved by condition dated 2 February 2018 the following documents and drawings:

- Document entitled "25 Year Biodiversity Management Plan: 5 year Outline Aftercare Scheme & Biodiversity Proposals" dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.
- Document entitled "Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals" by Honace, DRaW And Green Environmental Consultants
- Document entitled "Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled "Aftercare areas without IWMF" dated 24.11.20 by Honace & DRaW
- Drawing No. 3J-Bio&AC Rev C entitled "Aftercare Areas with IWMF" dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

36. Within 3 months of the date of this permission a planting scheme for the "Proposed native woodland planting" for areas associated with Site A5 as identified on Drawing A5-11 Rev E Lower Level Restoration Profile and Drawing A5-9 Rev H Higher Level Restoration Scheme shall be submitted

to the Mineral Planning Authority for its written approval. The planting scheme shall include:

- Areas to be planted;
- Plant and tree species;
- Sizes;
- Spacing;
- Protection;
- Seed mixes for ground within the "Proposed native woodland planting";
- Programme of implementation.

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

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

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

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

38. The tree protection measures to protect trees numbered 23 and 26 on Drawing 31-1 Rev 1 (as submitted with planning application ESS/24/14/BTE) shall be retained until completion of restoration in sites A3 and A4.

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

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

39. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) for Site A5 approved on 12 August 2019 under condition 38 of planning permission ESS/03/18/BTE. The approved Construction Environmental Management Plan (CEMP) for Site A5 is set out in the application for approval of details

reserved by condition (ESS/03/18/BTE/38/1) dated 3 September 2018 and the following documents and drawings:

- Construction Environmental Management Plan (CEMP) (Ref: C1 Site A5 CEMP 2018 - 10 A.1)
- Appendix C2 to CEMP Part A Biodiversity Management Plan and 5 year Outline
- Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C3 to CEMP Part B Appendix 1 to Biodiversity Management Plan and 5 year Outline Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C4 to CEMP Essex Biodiversity Checklist dated Jan 2018
- Appendix C6 Drawing No. 1075/1/1 Rev A – Ecology Habitat Map dated 12-02-18
- Appendix C7 Drawing No. 1075/1/2 Rev A – Ecology dated 12-02-18
- Appendix C8 Drawing 1075/1/3 Rev A – Ecology Constraints Map dated 12-02-18.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

40. Within Sites A3 and A4 operations shall continue in accordance with the Construction Environmental Management Plan approved on 6 May 2015 under condition 35 of planning permission ESS/24/14/BTE. The approved Construction Environmental Management Plan is set out in the application (ESS/24/14/BTE/35/1) for approval of details reserved by condition dated 8 April 2015 and the document "Construction Environmental Management Plan Site A3 & A4" Report Number 14514150353.503/A.1 dated April 2015.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

41. No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

42. The development hereby permitted shall be implemented in accordance with the Biodiversity Management Delivery Plan for Sites A3 and A4 approved on 30 November 2020 under condition 36 of planning permission ESS/07/16/BTE. The approved Biodiversity Management Delivery Plan is

set out in the application (ref ESS/07/16/BTE/36/1) for approval of details reserved by condition dated 2 February 2018 and the following documents and drawings:

- Document entitled “25 Year Biodiversity Management Plan: 5 year Outline Aftercare Scheme & Biodiversity Proposals” dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.
- Document entitled “Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals” by Honace, DRaW And Green Environmental Consultants
- Document entitled “Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled “Aftercare areas without IWMF” dated 24.11.20 by Honace & DRaW
- Drawing No. 3J-Bio&AC Rev C entitled “Aftercare Areas with IWMF” dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

43.. Within 3 months of the date of this planning permission a Landscape and Ecological Management Plan (LEMP also referred to as a Habitat or Biodiversity Management Plan) for Bradwell Quarry, for the area of Site A5 shall be submitted to for approval in writing of the Mineral Planning Authority. The Plan shall include:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- d) Appropriate management options for achieving the 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) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The LEMP 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 development hereby permitted shall be implemented in accordance with the approved LEMP.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

44. No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

45. 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 Drawings 7 Rev B dated 20 March 2014 for Sites A3 and A4 as submitted with Planning Application ESS/24/14/BTE and in accordance with Drawing A5-7 Rev D for Site A5, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S12 and DM1 and BCS policy CS8.

46. The seeding and maintenance of soil bunds established around Sites A3 and A4 shall continue to be maintained in accordance with the details approved on 19 February 2018 under condition 40 of planning permission ESS/07/16/BTE. The approved seeding and maintenance of soil bund details are set out in the application for approval of details reserved by condition dated 2 February 2018 and statement entitled "Condition 40: Bund Seeding and Maintenance". Following the establishment of new bunds around the perimeter of Site A5, bund seeding and maintenance shall be carried out in accordance with the details within the Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with MLP policy DM1 and BDCS policy CS8.

47. All topsoil, subsoil and soil making material shall be retained on the site and

used in the restoration of Bradwell Quarry.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

48. Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition* and no movement of soils shall take place:
- (a) During the months November to March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
 - (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
 - (c) There are pools of water on the soil surface.

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policy CS8.

49. The applicant shall notify the Mineral 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 Mineral 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 MLP policies S12 and DM1 and BCS policy CS8.

50. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
 - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;

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- c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
 - d) have a minimum 3.0 metre standoff, undisturbed around each storage mound;
 - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
 - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

51. The development hereby permitted shall be implemented in accordance with the restoration levels for New Field Lagoon approved on 30 November 2020 under condition 46 of planning permission ESS/07/16/BTE. The approved Restoration levels are set out in the application (Ref: ESS/07/16/BE/46/1) for approval of details reserved by condition dated 2 February 2018 and drawing No. 020-01-d25 Rev D entitled "5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections" dated 19.06.20.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

52. a) Recording and publication of the archaeological investigation within site A2 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated August 2011.
- b) Recording and publication of archaeological investigation for Phase 1 of Site A4 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated July 2014 (Ref. 8237).
- c) The development hereby permitted shall be in accordance with the scheme and programme of archaeological investigation and recording for Site A4 Phases 2 to 4 and Site A3 Phases 1 and 2 approved on 10 August 2015 under condition 49c of planning permission ESS/24/14/BTE. The approved scheme and programme of archaeological investigation and recording is set out in the application for approval of details reserved by condition dated 3 August 2015 (reference ESS/24/14/BTE/49c/1) and the document "Project Design for Archaeological Strip, Map & Sample" prepared by Archaeology South East dated July 2015 Ref. ASE Project no. 8437 – Site Code: BDAF12.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

53. No development or preliminary groundworks can commence within the areas proposed for archaeological excavation within Site A5 until the satisfactory completion of fieldwork in accordance with the written scheme of investigation set out in document "Bradwell Quarry – Proposed Extension Area `A5` Archaeology – Programme of archaeological mitigation" received by the Minerals Planning Authority on 14 May 2018. No excavation of overburden/minerals shall commence on the remainder of Site A5 until the archaeological monitoring investigation has been completed and the Mineral Planning Authority have given written approval that the investigation has been completed for each phase. Archaeological investigation in accordance with this scheme shall commence by the 14 May 2020 or a revised written scheme of investigation shall be submitted to the Mineral Planning Authority for approval and shall be implemented in accordance with the revised scheme.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

54. Within 12 months of the completion of the archaeological investigation fieldwork as required by condition 51 a post-excavation assessment shall be submitted for approval by the Mineral Planning Authority. The post excavation assessment will result in the completion of the post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report.

Reason: To ensure that any archaeological interest has been adequately recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

55. Surface water drainage shall be in accordance with the details set out in Section 5 of Chapter 15 – Flood Risk Assessment of the Environmental Statement dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

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

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

57. Groundwater monitoring shall be carried out in accordance with Section 6.5.6 of the ES and Honace letter dated 11 June 2018 Ref: 14-12-1411-

505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme and records submitted to the Mineral Planning Authority with 14 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

58. Where contamination of the ground is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 5.12.2 of Chapter 5: Land Use, Geology and Ground Conditions of the ES dated January 2018. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.5.6 of Chapter 6: Groundwater of the ES dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

59. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

60. In the event that contamination material is discovered on site details of mitigation and remediation and a timetable for implementation shall be submitted to the Mineral Planning Authority for its written approval. The mitigation and remediation shall be implemented in accordance with the approved details.

Reason: To minimise the risk of pollution of watercourses, aquifers and to comply with MLP policy DM1 and BDLPR policies RLP 64 and RLP 72.

61. 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.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policy S12 and BCS policy CS8.

62. The development hereby permitted shall be implemented in accordance with the Outline Aftercare Scheme for Agriculture and woodland for Sites A3 and A4 approved on 30 November 2020 under condition 55 of planning permission ESS/07/16/BTE. The approved Outline Aftercare Scheme for Agriculture and woodland for Sites A3 and A4 are set out in the application (ref ESS/07/16/BTE/55/1) for approval of details reserved by condition dated 2 February 2020 and in the following documents and drawings:

- Document entitled "25 Year Biodiversity Management Plan: 5 year

Outline Aftercare Scheme & Biodiversity Proposals” dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.

- Document entitled “Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals” by Honace, DRaW And Green Environmental Consultants
- Document entitled “Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled “Aftercare areas without IWMF” dated 24.11.20 by Honace & DRaW
- Drawing No. 3J-Bio&AC Rev C entitled “Aftercare Areas with IWMF dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

Reason: To ensure the satisfactory restoration of the site for agriculture, woodland and nature conservation and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

63. An aftercare scheme detailing the steps that are necessary to bring the land to be restored to agriculture and woodland as part of Site A5 to a required standard for agricultural and woodland shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and 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 Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral 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 aftercare scheme may be incorporated within the LEMP required under condition 41. The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture,

woodland and nature conservation and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

64. The agricultural access routes for Sites R and A2 shall be implemented in accordance with the drawing approved on 16 May 2017 under condition 56 of planning permission ESS/07/16/BTE. The approved agricultural access route details are set out in the application for approval of details reserved by condition (ESS/07/16/BTE/56/1) dated 21 December 2016 and Drawing Number 020-01-08" Maintaining Agricultural Access Routes" dated 29 November 2016 and shall be used for agricultural purposes only.

Reason: To ensure the route of the agricultural track minimises its impact upon on agricultural use of the adjacent land, rights of way and adverse impact on the landscape and complies with MLP policies DM1 and S12 and BCS policies CS5 and CS8.

65. No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility reference ESS/34/15/BTE or any subsequent amending planning permission.

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

66. Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies S11 and DM1.

67. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.

68. All sand used in the dry silo mortar plant shall be from indigenous sources at Bradwell Quarry.

Reason: In the interests of local and residential amenity and in accordance

with MLP policies S11 and DM1.

69. Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policy DM1 and BDLPR policy RLP 62.

70. All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.

71. Unless notification has been provided to the Mineral Planning Authority by the 31 July 2018 that restoration of Bradwell Quarry is to be in accordance with Drawing A5-9 Rev H "Higher Level Restoration Proposals" then Bradwell Quarry shall immediately commence to be restored in accordance Drawing A5-11 Rev E "Lower Level Restoration Profile" and sub and topsoils shall be replaced to ensure phasing in accordance with Drawing A5-10 Rev E (Phasing of combined Lower Level Restoration). Restoration of Sites A3 and A4 shall be completed by 31 July 2020.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse and not delayed due to delays associated with the development of the Integrated Waste Management Facility permitted by planning permission ESS/34/15/BTE, or any subsequent superseding planning permission. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

72. In the event that restoration of sites A3 and A4 is to be restored to the Higher Level Restoration scheme, the Higher Level Restoration Scheme shall be implemented in accordance with the details approved on 3 September 2020 under condition 69 of planning permission ESS/18/03/BTE. The approved Higher Level Restoration scheme details are set out in the application for approval of details reserved by condition (ESS/03/18/BTE/69/01) dated 15 June 2020 and the following documents

- HL-0 Letter to Essex County Council dated 19 June 2020 - c69 Higher Level - Statement 2020-06 A.1
- HL-0 c69 Application Form
- HL-1 Ecological Impact Statement
- HL-2 Ecology - Biodiversity Statement A.0
- HL-3 c69 Site A5 Essex Biodiversity Validation Checklist
- HL-4 Dust - Air Quality Assessment
- HL-5A Dust Management Plan – dated 5 August 2020

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- HL-6 Noise Assessment Bradwell Quarry High Level Restoration A, as amended by Ardent report dated 31 July 2020 Report Ref 2000070-2 (Final 28 August 2020) entitled “Bradwell Quarry High Level Restoration – Response to ECC”

And drawings

- A5-8-1 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-2 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-3 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-4 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-5 Rev K Phasing of Combined Higher Level Restoration Scheme

And in accordance with restoration afteruses set out in drawing A5-9 Rev H Higher Level Restoration Proposals

Noise monitoring in relation to the Higher Level Restoration Scheme shall be in accordance with the details set out in the response to point 7 within the Ardent report dated 31 July 2020 Report Ref 2000070-2, and such monitoring shall be in addition to that specified in condition 23 of this permission. In the event of a noise complaint with respect to the Higher Level Restoration Scheme the matter will be dealt with in accordance with the details set out in Section 4, 5 and 6 of point 7.

All areas of site A3 and A4 previously restored to the Low Level Restoration Scheme that had entered the aftercare period would be subject to a further 5 year aftercare period.

Reason: To facilitate the disposal of overburden from the Rivenhall IWMF, even if restoration to a low level restoration scheme within Sites A3 and A4 has commenced, in accordance with WLP policy 2 and the Site specific criteria for Bradwell Quarry within the MLP. To ensure that the impacts from the stripping top and subsoils and placement of overburden does not give rise to adverse impacts on local amenity and ecology and ensure satisfactory restoration and aftercare.

73. In the event that mineral extraction operations within Bradwell Quarry cease, prior to the 31 December 2021 a restoration and 5 year aftercare scheme for the processing plant area of Bradwell Quarry shall be submitted to the Mineral Planning Authority for approval in writing. The restoration scheme shall incorporate those features described with paragraph 3.11.8 of the Planning Application Supporting Statement for Site A5. The restoration and aftercare scheme shall be implemented in accordance with the approved details and the restoration completed by 31 December 2021.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse incorporating areas for biodiversity. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

74. The development hereby permitted shall be implemented in accordance

with the bat box details approved on 12 August 2019 under condition 71 of planning permission ESS/03/18/BTE. The approved bat box details are set out in document "Rivenhall Airfield A5 Bat Boxes Proposed For The Small Copse around Pond 4 (Grid Reference TL 81791 19973) 1075/2" and emails dated on 25 July 2019 and 12 August 2019 from Honace (Planning reference ESS/03/18/BTE/71/1).

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

75. During the period of construction of screening bunds every effort shall be made to avoid placement of screening bunds or disturbance to the areas of semi-improved grassland identified on Drawing 1075/1/1 – Habitat Map adjacent to Sheepcotes Hangar within the former aeroplane turning circles. Where the semi-improved grassland is retained, it shall be incorporated into the restoration scheme as semi-improved grassland and maintained as such throughout the 5 year aftercare period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

76. The nitrate buffer between the boundary of the agricultural land and the Priority Habitat Species Rich Grassland within Site A5 shall be implemented in accordance with the details submitted in the Honace letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme and Drawing A5-21 A5 Restoration and Wetland 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 MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

77. Prior to the construction of the screening bund on southern edge of Site A5 adjacent to Storeys Wood, the position of the new hedgerow (minimum 2m wide) the area of new woodland immediately adjacent to Storeys Wood, the PRow route, the access track shall be marked out with survey pegs on the ground. The Mineral Planning Authority shall be given 5 days prior notification that the survey pegs are available for inspection and construction of the southern screening bund shall not commence until the Mineral Planning Authority has given written approval.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

78. Within 2 months of the commencement of the date of this planning permission fencing shall be provided to separate the Public Right of Way Silver End 54 from the access track on the southern edge of Site A5. The fencing shall be maintained throughout the life of operations within site A5.

Reason: To ensure the safety of users of the Public Right of Way, in accordance with MLP policy DM1.

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION

BRAINTREE - Witham Northern

BRAINTREE - Braintree Eastern

DR/25/21**Report to:** DEVELOPMENT & REGULATION (26 November 2021)**Information Item:** – Enforcement of Planning control update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** George Stockdale – Tel: 03330 137555The full applications can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 April to 31 October 2021

2. DISCUSSION**A. Outstanding Cases**

As at 31 October 2021 there are 26 outstanding cases. Appendix 1 shows the details of sites (9) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

33 cases were resolved during the period 01 April to 31 October 2021.

Local Member notification

Countywide

District: Braintree

Location: Straits Mill Bocking, Braintree CM7 9RP

Nature of problem: Carpet Recycling

Remarks: Enforcement notice issued on 29th July 2020 requiring importation of waste to cease; removal of all waste materials within 18 months (29th January 2022); restoration of land within 24 months (29th July 2022). Shall continue to contact EA about site and have not received any local complaints for a while now.

District: Braintree

Location: Bluegate Farm Braintree Road, Great Bardfield

Nature of problem: Importation of waste

Remarks: Visited the site on 1st October 2021 and the land had not been cleared. They stated poor weather conditions has prevented them from meeting our original deadline. It was agreed that they clear the land by 31st August 2022, after which an enforcement notice would be served if not cleared.

District: Chelmsford

Location: Land at Meadow Lane Runwell SS11 (Various plots G T)

Nature of problem: Waste activities

Remarks: No update since last report

District: Chelmsford

Location: Morelands Industrial Estate, Tile Works Lane Rettendon Chelmsford CM3 8HA

Nature of problem: Importation of waste

Remarks: Local council determining a REM application (Ref 21/01621/REM). This follows the discharge of a contamination condition attached to the FUL permission. For this they submitted both an RMS and a Stockpile Investigation Report, on which both the WPA and the EA were consulted. Local council visited recently and works appear to be proceeding to remove the unauthorised waste in accordance with the stockpile report.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone CM4 0LN

Nature of problem: Use of Land for waste recycling

Remarks: Site has submitted a CLEUD however this has not been approved by responsible officer yet

District: Rochford

Location: 3 Murrels Lane (Off Church Road) Hockley

Nature of problem: Importation of waste

Remarks: Latest update is that the landowner is in the process of clearing the land to ensure compliance with the notice served. COVID restrictions and wet weather has slowed him down a bit but landowner is keen to remove all material. May be worth another visit soon to get an update on progress.

District: Rochford

Location: Glazebrook Farm, Rochford, SS4 3JL

Nature of problem: Importation of waste

Remarks: Advised that it was a district matter, assisted Rochford DC further.

District: Tendring

Location: Land to the East of Martells Industrial Estate, Slough Lane, Ardleigh, Colchester, CO7 7RU

Nature of problem: Importation and spreading of waste raising the levels of the Land

Remarks: Officer to review PCN responses to consider next course of action. TB is aware of this site. New officer to re-assess and follow up.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

Nature of problem: Working outside of CLUED

Remarks: Waste soil has been moved closer to the certificate. Still some issues regarding new planning permissions. Ongoing monitoring.

DR/26/21**Report to:** DEVELOPMENT & REGULATION (26 November 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of September	34
Nº. Decisions issued in October	1
Nº. Decisions issued this financial year	19
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in October	1
Nº. applications where Section 106 Agreements pending at the end of October	10

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of September	5
Nº. Decisions issued in October	3
Nº. Decisions issued this financial year	21
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in October	3

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in October	4
Nº. Committee determined applications issued in October	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	154
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of October	57
Nº. of referrals to Secretary of State under delegated powers in October	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of September	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of last quarter (July – September)	24
Nº. of cases cleared last quarter (July – September)	19
Nº. of enforcement notices issued in October	0
Nº. of breach of condition notices issued in October	0
Nº. of planning contravention notices issued in October	0
Nº. of Temporary Stop Notices issued in October	0
Nº. of Stop Notices issued in October	0