

**Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 25 October 2019**

**Present:**

Cllr M Hardware (Chairman)	Cllr M Garnett
Cllr J Aldridge	Cllr S Hillier
Cllr D Blackwell	Cllr J Moran
Cllr M Durham	Cllr A Wood

**1 Apologies for Absence**

Apologies were received from Cllr C Guglielmi, Cllr D Harris, Cllr M Mackrory and Cllr J Reeves.

**2 Declarations of Interest**

There were none.

**3 Minutes**

The minutes of the meeting held on 27 September 2019 were agreed and signed.

**4 Identification of Items Involving Public Speaking**

There were no public speakers.

**Minerals and Waste**

**5 James Waste Management, Rochford**

The Committee considered report DR/29/19 by the Chief Planning Officer.

Members noted the amendments set out in the Addendum.

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:

- Principle of development
- Landscape and visual impact
- Environmental and amenity impact
- Airport safeguarding
- Highways

*Cllr Wood left the meeting at 10:36 am, returning at 10:44 am.*

Several issues were raised:

- It was noted that the management of birds, given the close proximity to the

Airport, fell within the requirements of the site's Environmental Permit. In the event of a problem, this would allow action to be taken by the Environment Agency, if required. The wildlife hazard management plan, proposed to be secured by planning condition, offered the Waste Planning Authority the opportunity to ensure measures proposed in this regard are also considered adequate from a planning perspective, in consultation with the Airport. The condition also allows the WPA to conduct its own reviews of such measures being undertaken on-site.

- With regard to groundwater run-off, it was confirmed that two underground water run-off tanks were proposed, with an additional tank to support the extension to the MRF. When full, these would be emptied and the contents treated as trade effluent. The Environment Agency has raised no objection to the proposed site drainage.
- The Fire Service were previously consulted, in terms of fire safety and water (hydrant) availability, when the main Materials Recovery Facility was determined. Further consideration, in terms of this proposal, would take place as part of Building Regulations. The Environmental Permit for the site also requires a fire management plan. It was noted that, within the yard, only soil and hardcore is proposed to be stockpiled in the open and these are not highly combustible. Any intention to change types of material handled or stockpiled on-site would require planning permission.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a unanimous vote of 7 in favour (Cllr Wood not voting), it was

### **Resolved**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application dated 30/08/2018, together with drawings titled 'Location Plan', drawing no. 1795/D001 (Revision v.c), dated 22 August 2018; 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019; 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019; 'New Building Elevation', drawing no. 1795/D005 (revision v.a), dated 23 August 2018; 'Proposed Skip Waste SL', drawing no. 1795/D006 (revision v.a), dated 22 August 2018; and 'Elevation Plan', drawing no. 1795/D007 (Revision v.c), dated 21 May 2019 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies 1, 2, 5, 6, 10, 11 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1, ENV1, ENV11, T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM27, DM31 and DM32 of the Rochford District Council Development*

*Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

2. Within two months of the date of this permission a site layout plan and protocol for the management and storage of waste within the outside waste transfer station area shall be submitted to the Waste Planning Authority for review and approval in writing. The protocol shall seek to define where waste will be deposited, how it will be managed and stored until such time as the covered tipping area, as labelled on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, is constructed and trommel and sorting line moved. The development shall be temporarily managed in accordance with the details approved.

*Reason: In view that operations are currently taking place from the site, that all elements of the planning permission may not be implemented, to ensure operations are undertaken safely with minimum disturbance and nuisance to local amenity and nearby business (including the Airport) and to comply with policies 5, 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

3. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total amount of material imported and processed shall not exceed 250,000 tonnes per annum. Without prejudice to the foregoing, the maximum amount of material handled as part of the outside waste transfer station shall be no more than 75,000 tonnes per annum. The operator shall maintain records of their monthly input and make them available to the Waste Planning Authority within seven days upon request.

*Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with policies 1, 5, 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).*

4. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total number of vehicle movements associated shall not exceed 146 movements per day (73 vehicle movements in and 73 vehicle movements out).

*Reason: In the interests of highway safety and local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council*

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*Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).*

5. The ground level of the site, and the level to which operations are permitted to be undertaken and the development hereby permitted is to be constructed, is to be 7.5m AOD, as confirmed by email from Aardvark EM Limited, dated 22/10/2018 (17:36).

*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 submitted details, in the interests of the adjacent Airport and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

6. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to the Waste Planning Authority for review and approval in writing:
- A site investigation and detailed risk assessment (based on the results of the investigation); an options appraisal; and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Waste Planning Authority. The scheme shall be implemented as approved.

*Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).*

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority for review and approval in writing detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

*Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).*

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

*Reason: Infiltration through contaminated land has the potential to impact on groundwater quality and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).*

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it must be demonstrated that any proposed piling will not result in contamination of groundwater to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).*

10. No development associated with the extension hereby permitted to the Materials Recovery Facility shall take place until details of the proposed design, operation and management of the roller shutter doors on the elevation facing out towards the outside waste transfer area, as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, have been submitted to the Waste Planning Authority for review and approval in writing. The development shall subsequently be implemented in accordance with the details approved.

*Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017);*

*policy CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).*

11. Waste brought onto the site shall only be deposited; processed/sorted; and/or stockpiled within the areas identified for such activities on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019. For the sake of clarity, the outside storage area, to the south of the Materials Recovery Facility, shall solely be used for the storage of baled recyclables.

*Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

12. Only soil and hardcore is to be permanently stockpiled outside of the covered tipping area; or within the bays below the overhead sorting line. The aforementioned soil and hardcore stockpiles shall be located as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019 and shall be no higher than 5 metres when measured from adjacent ground level.

*Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and avoid nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

13. Within two months of the date of this permission a scheme to net the soil and hardcore stockpile area, as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, shall be submitted to the Waste Planning Authority for review and approval in writing. The scheme subsequently approved shall be installed and thereafter maintained in perpetuity.

*Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

14. The north-west corner of the site shall only be used for empty skip and

mobile plant storage, as per drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019.

*Reason: This corner of the site is located within Southend Airport's Public Safety Zone. Any different or alternative use of this area has not been considered as part of this application and may not comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

15. Except for temporary operations\* no crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

\*As permitted by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision amending, replacing or re-enacting that Order under new title.

*Reason: To protect nearby amenity from adverse impacts from such operations, to control waste processing operations and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); and policy DM32 of the Rochford District Council Development Management Plan (2014).*

16. The car parking area as shown on drawing titled 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019 shall be permanently retained and maintained for parking and shall be used for no other purpose.

*Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and T1 of the Rochford District Council Core Strategy (2011); and policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014).*

17. No loaded HGVs shall leave the site unsheeted.

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council Development Management Plan.*

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

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council*

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*Development Management Plan.*

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

*Reason: To ensure any such lighting proposed is fit for purpose and does not pose an issue for the nearby Airport, to minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM5 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

20. Within six months of the date of this permission details of a revised boundary treatment for the outside storage area, to the south of the Materials Recovery Facility, shall be submitted to the Waste Planning Authority for review and approval in writing. For the sake of clarity, it is expected that the details will define a boarded fence of a similar scale as that as existing or a or screen to sit inside the existing palisade fencing. The details subsequently approved shall be installed within three months and thereafter maintained in perpetuity.

*Reason: To improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan.*

21. Operations associated with the outside waste transfer station area, including vehicles entering or leaving the site, with the exception of the personnel visiting the site office building, shall be restricted to the following durations:  
07:00 to 17:00 hours Monday to Friday; and  
07:00 to 12:00 hours Saturday  
No operations shall take place on Sundays or Bank or Public Holidays.

*Reason: In the interests of limiting the effects on local amenity, to control*



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*the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).*

22. Operations hereby permitted shall not cumulatively exceed a noise rating level of 5dB(A) above background. Any operations undertaken, when the outside waste transfer area is closed, between 17:00 and 07:00 within the building extension hereby permitted or within the site office shall not exceed (+0dB(A)) background.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).*

23. Within two months of the date of this permission a noise management and monitoring plan shall be submitted to the Waste Planning Authority for review and approval in writing. The plan shall detail:
- Survey locations and how robust daytime and night-time background noise levels at nearby sensitive uses will be established;
  - An updated model for on-site plant, once the proposed layout changes have been adopted;
  - Monitoring methodology, including details of proposed frequency, equipment set up and calibration, experience and qualifications of survey staff; parameters to be recorded and commentary on weather conditions appropriate for monitoring;
  - Procedures for characterising extraneous versus site attributable noise;
  - Complaint response protocols; and
  - Actions/measures proposed to generally reduce noise levels from the site (e.g. keeping roller shutter doors closed and the use of broadband reversing alarms, not tonal alarms) and actions/measures to be taken in the event of a temporary and/or prolonged exceedance of noise limits.

*Reason: In the interests of limiting the effects on local amenity, to monitor and mitigate the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).*

24. Within two months of the date of this permission a wildlife hazard management plan shall be submitted to the Waste Planning Authority for review and approval in writing. The management plan shall include full details of measures proposed to limit bird attraction and the potential of (aircraft) bird strike but also cover over animals and pests. Measures proposed shall be based on that suggested in sections 6.8 and 6.9 of the 'Planning, Design and Access Statement', dated August 2018, submitted in support of the application. For the proposed monitoring of bird activity the plan shall include a template to show how a log will be kept of all inspections/monitoring undertaken and details of frequency and who will be responsible for undertaking such monitoring. The results of proposed inspections/monitoring shall be provided to both the Waste Planning Authority and Southend Airport on at least a quarterly basis and also be

made available to the Waste Planning Authority at any time upon request. The development shall subsequently be undertaken in accordance with the approved wildlife hazard management plan.

*Reason: To ensure bird activity is appropriate monitored and measures are in place to limit and manage bird attraction, in the interests of the nearby Airport, and to ensure appropriate consideration and prevention of other animal and pest attraction at the site, in the interests of the amenity and general health and safety and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and ED1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

25. Notwithstanding any requirement for express planning permission, in the event that the building comprising the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) is permanently removed/demolished, and the extant permission either superseded or revoked, then the extension hereby granted (assuming this remains in-situ) is to also be demolished and removed from the site within twelve months\*.

\*For the sake of clarity this is twelve months from the date the extant planning permission for the MRF building is either superseded or revoked.

*Reason: The adjacent/adjoining Materials Recovery Facility building has been a key consideration with regard to the acceptability of the size of the building extension, included as part of this application, from an Airport safeguarding perspective. Should this be removed, this application would no longer represent an extension but a standalone building. Furthermore, in isolation, the extension may pose a hazard to the Airport and as such may no longer comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).*

26. In the event that the outside waste transfer station area is subsequently sub-divided, leased or sold with the effect that the site is no longer operated in complete association with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC or any variation subsequently agreed to these permissions) then the use as permitted by this permission shall cease to exist.

*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 submitted details and that any alternative (waste or other) use of the site can be appropriately considered from a land use and policy perspective in the future.*

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Informative

1. Given the close proximity to Southend Airport, the applicant is advised to fully co-operate with the Airport and in the event of issue unhindered access to the site should be provided for auditing purposes.
2. If a crane or piling rig is required to construct the proposed development, or at any point post construction, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may also require full coordination with the Airport Authority. Prior to construction of the development, or the use of a crane, contact should therefore be made with the Airport Authority. Crane applications should be directed to: [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

**6 Newport Chalk Quarry, Newport**

The Committee considered report DR/29/19 by the Chief Planning Officer.

It was noted that the original application had been approved by the Development and Regulation Committee in April 2019, subject to certain conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). There was a requirement for this legal agreement to be finalised within six months of the resolution; this had not yet happened, although it hoped this would be achieved shortly. Consequently, the applicant was requesting a three-month extension from the original 26 October deadline.

There being no points raised, the resolution was proposed and seconded. Following a unanimous vote of 8 in favour, it was

**Resolved**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no.1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no.1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom, drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturday

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

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

6. The total number of heavy goods vehicle movements\* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and  
40 movements (20 in and 20 out) per day (Saturdays)

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

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

*Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

submitted.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) 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 policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

Chalk Farm: 52dB LAeq 1hr  
Bowker Close: 45dB LAeq 1hr  
Debden Road: 51dB LAeq 1hr

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of*

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*the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: *In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: *In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working



practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;

- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

*Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To reduce the potential for dust disturbance from the site on the local*

*environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

*Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

22. No stripping or handling of topsoil or subsoil shall take place until details of any and all temporary stockpiles/holding bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- Be submitted at least three months prior to the expected commencement of soil stripping and detail how soils will be handled, maintained and re-spread for restoration;
  - Define the type or machinery to be used to strip and replace soils; and include
  - Confirmation that soil will only be stripped and handled when in a dry and friable condition\*; and that no area of the site traversed by heavy goods vehicles of machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

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

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

*Reason: To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

23. No existing topsoil or subsoils shall be removed from the site.

*Reason: To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:

- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.
- Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
- Monitoring shall be carried out in accordance with the timetable within the approved scheme.
- The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures,

including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.

- Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority no less than annually, in accordance with the timetable contained within the approved scheme.
- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall 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.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- 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.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
- 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 CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies

proposed and details of recording for work undertaken.

- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

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

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

*Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the*

*submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

30. 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 Mineral Planning Authority.

*Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;

- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

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

*Reason: To enable the planning authority to adequately control any future*

*development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

## **7 Kendall Primary School, Colchester**

The Committee considered report DR/31/19 by the Chief Planning Officer.

Members noted the amendments set out in the Addendum.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Policy Considerations
- Design
- Impact on Natural Environment.

Several issues were raised:

- There was some concern over the security of the cycle store, being by the main entrance, away from the main part of the school. It was confirmed that the main gate would be locked during the day, the area had lighting, and the perimeter fence was 2 metres high
- In response to concerns that some children would cycle or scoot down the ramp, it was confirmed that cycles and scooters would have to be left at the cycle store
- It was suggested that there was a potential for congestion where the steps and ramp converged; but it was pointed out that it was preferable to having cyclists use the internal roadway
- The gradient of the ramp was quite steep, at 10%, but it had been designed according to building regulations and would be constructed using non-slip materials. The applicant could be asked to ensure appropriate signage was used. Regarding the potential hazards of icy conditions, the school should manage these in the same way it would the main vehicular access road; however, this particular issue would be raised with the applicant.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a unanimous vote of 8 in favour, it was

### **Resolved**

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

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 reference CC/COL/68/19 dated 10 September 2019 and validated on 13 September 2019 together:
  - Design and Access Statement
  - Ecological Survey prepared by Hybrid Ecology Ltd – 30 August 2019
  - Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref 560) dated 12 September 2019

and Drawing Numbers:

- 1583/12 Rev A Proposed Elevations 09/19
- 1583/13 Proposed Cycle Shelter September 2019
- 1583/11 Rev C Proposed Layout 09/19
- 1583/10 Rev B Existing Layout 09/19

And in accordance with any non-material amendments 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 Policy DP1 (Design and Amenity), Policy DP17 (Accessibility and Access) and Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy DM15 (Design and Amenity), Policy DM21 (Sustainable Access to Development) and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

3. The development hereby permitted shall be carried out in accordance with the details in the Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref: 560) dated 12 September 2019.

Reason: *In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

4. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological

Survey prepared by Hybrid Ecology Ltd dated 30 August 2019 and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

5. Within 1 month of the date of this permission a landscape scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, numbers, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 6 of this permission.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

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

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

7. Prior to the construction of the slab level of the access ramp hereby permitted a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the County Planning Authority. The Strategy should

include:

- Purpose and conservation objectives for the proposed enhancement measures
- Detailed design to achieve stated objectives
- Locations of proposed enhancement measures shown on appropriate maps and plans
- Persons responsible for implementing the enhancement measures
- Details of initial aftercare and long-term maintenance (where relevant)

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

*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 Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

## **8 Enforcement of Planning Control**

The Committee considered report DR/32/19, updating members of enforcement matters for the period 1 July to 30 September 2019 (Quarterly Period 2).

The Committee NOTED the report

## **9 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/33/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report

## **10 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 22 November 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:11 am.

**Chairman**