



Essex County Council

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 25 March 2022</b>	<b>Council Chamber County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

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**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](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting.

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**Minerals and Waste**

**4.1**

**Widdington Pit, Hollow Road, Widdington**

**60 - 104**

To consider report DR/13/22 relating to the:

- Continuation of use of land for skip hire, waste recycling, waste transfer and green waste composting operation, without compliance with condition 2 (time limit) and condition 28 (percentage of imported material to be retained on-site) attached to planning permission ref: ESS/30/19/UTT to allow the use and associated development to continue/remain until the adjacent quarry is restored and increase the percentage of material imported permitted to be exported;
- Continuation of excavation of sand and restoration of land to agricultural use, including deposit of inert waste, without compliance with condition 4 (time frame) attached to planning permission ref: ESS/35/18/UTT to allow an additional period of time to complete the infilling and restore the site; and
- Demolition of an existing workshop and the construction of a replacement building (in a revised location)

**Location:** Widdington Pit, Hollow Road, Widdington, CB11 3SL

**Refs:** ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT

**4.2 Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon 105 - 123**

To consider report DR/14/22 relating to the continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility (part retrospective)

**Location:** Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH

**Ref:** ESS/49/14/BAS

**4.3 Bradwell Quarry, Church Road, Bradwell 124 - 152**

To consider report DR/15/22 relating to the extraction of 6.5 million tonnes of sand and gravel (from Site A7 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. In addition, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors' compound via Woodhouse Lane and Cuthedge Lane. Restoration of Site A7 to agriculture and biodiversity (species rich grassland and wetland).

**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane

**Ref:** ESS/12/20/BTE

**5 County Council Development**



**5.1 Chelmsford North-East Bypass 153 - 238**

To consider report DR/16/22 relating to a single carriageway road between Roundabout 4 of the Beaulieu Park Radial Distributor Road (RDR1) and a new roundabout on the A131 at Chatham Green plus dualling of the existing A131 between Chatham Green and Deres Bridge roundabout. With one intermediate roundabout, 3 road overbridges and 1 pedestrian/cycle/horse overbridge. Together with other associated works and landscaping.

**Location:** Land between Beaulieu Park (north of Generals Lane), Boreham Parish, and Deres Bridge Roundabout on A131, Great & Little Leighs Parish, to the northeast of Chelmsford.

**Ref:** CC/CHL/85/21

**6 Information Items**

**6.1 Applications, Enforcement and Appeals Statistics 239 - 240**

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/17/22

**7 Date of Next Meeting**

To note that the next meeting will be held on Friday 22 April 2022, 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.**

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**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 Friday, 25 February 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr L Bowers-Flint	Cllr P Thorogood
Cllr D Harris	Cllr J Henry (left at 13:44)
Cllr S Kane	

### 1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Hardware, for whom Cllr L Bowers-Flint substituted, from Cllr M Garnett for whom Cllr J Henry substituted and from Cllr B Aspinell.

Cllr P Thorogood declared an interest in item 4.1 of the agenda (Minute 3) concerning Rivenhall Airfield, Coggeshall Road (A120), Braintree as he was a campaigner against the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would withdraw from the Chamber following his public speaking slot.

Cllr J Fleming declared a non-pecuniary code interest in item 4.2 of the agenda (Minute 9) concerning the land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford being related to a neighbouring land owner. Cllr Fleming considered that as she had a code interest, she would withdraw from the Chamber during the item.

Cllr C Guglielmi declared an interest in item 4.3 of the agenda (Minute 30) concerning Lufkins Farm, Great Bentley Road, Frating, as the site was in his division. Cllr Guglielmi considered that, as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

### 2. Minutes

The minutes of the meeting held on 28 January 2022 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 (as extended to the application for approval of details reserved by condition, item 4.1, by the Chairman using his discretion) were identified for the following items:

#### 4.1) Rivenhall Airfield, Coggeshall Road (A120), Braintree

To consider report DR/06/22 relating to Details pursuant to Condition 66 (Plan of action for an alternative use or a scheme of rehabilitation) of ESS/34/15/BTE. ESS/34/15/BTE was for "Variation of condition 2 (application

drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing - temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping - bunding & planting), 59 (trees, shrubs and hedgerows - retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points - lining and signing)"

**Location:** Rivenhall Airfield, Coggeshall Road (A120), Braintree, CO5 9DF  
**Ref:** ESS/34/15/BTE/66/01

Public speakers:

- On behalf of Coggeshall Parish Council: Cllr Nick Unsworth (Braintree District and Parish Councillor) – speaking against the application
- Local resident: Cllr James Abbott (Braintree District and Parish Councillor) – speaking against the application
- On behalf of the applicant: Mr John Ahern – speaking for the application
- County Local Member: Cllr Paul Thorogood – speaking against the application
- County Local Member: Cllr Ross Playle – speaking against the application

4.2) Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford

To consider report DR/07/22 relating to a sand and gravel quarry and associated works/development including formation of new access and mobile plant area; together with the importation of inert material to facilitate site restoration.

**Location:** Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford, CM1 4NJ

**Ref:** ESS/77/20/CHL

Public speakers:

- On behalf of a group of local residents: Mr Richard Williams – against the application
- On behalf of a local resident: Mr Rob Wilson – against the application
- On behalf of the applicant: Mr David Fletcher – for the application
- Local Member: Cllr Mike Steel – against the application

#### 4.3) Lufkins Farm, Great Bentley Road, Frating

To consider report DR/08/22 relating to the continuation of the construction of an agricultural reservoir involving the extraction of minerals and the removal of surplus soils without compliance with condition 6 (cessation of development) attached to planning permission ref ESS/41/15/TEN to allow additional time for completion and restoration of the development.

**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN

**Ref:** ESS/99/21/TEN

Public speakers:

- On behalf of Alresford Parish Council: Cllr Ernie Osborne – against the application
- On behalf of the applicant: Mr Simon Treacy – for the application

#### 5.1) Fairview, Fairview Road, Basildon

To consider report DR/09/22 relating to the demolition of existing school buildings and structures and the construction of a two-storey building with revised parking, landscaping, boundary treatments and associated facilities.

**Location:** Fairview, Fairview Road, Basildon, Essex, SS14 1PW

**Ref:** CC/BAS/102/21

Public speakers:

- On behalf of local residents: Mr John Gavin – against the application
- On behalf of the applicant: Ms Jo Barak – for the application

**4. Rivenhall Airfield, Coggeshall Road (A120), Braintree**

The Committee considered report DR/06/22 by the Chief Planning Officer.

After being given additional time to read, 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 addendum.

The Committee noted the key issues:

1. Nature of the application
2. Interpretation of condition 66 and what is required
3. Whether there is currently a breach of planning control
4. Appraisal of the information submitted to discharge the condition
5. Appraisal of option 1
6. Appraisal of option 2
7. Appraisal of option 3
8. Appraisal of the plan of action, as a whole (staged approach)
9. Implications if none of the options were approved to discharge condition 66
10. Environmental permit
11. Legal advice
12. Lawfulness of approach
13. Conclusion

In accordance with the protocol on public speaking the Committee was addressed by Cllr Nick Unsworth, speaking on behalf of Coggeshall Parish Council. Cllr Unsworth made several points:

- No Plan of Action, according to the Chartered Institute of Project Management definition, had been provided to support Option 1.
- Option 1 could not be considered as an alternative as it was identical to the existing permission.
- No scheme of rehabilitation had been provided within this current application. The rehabilitation referred to within the current application was for a different application in a different location which did not cross over with the incinerator.
- Indaver had stated that they intended to bring forward all the elements required to form an integrated facility as directed by the Inspector. However, in recent liaison meetings, Indaver had stated that they intended to focus solely on incineration.
- There could be a substantial enforcement risk for Essex County Council, should Option 1 be approved.
- The term 'beneficial operation' required clarification in order to avoid future confusion.

In accordance with the protocol on public speaking the Committee was addressed by Cllr James Abbott, speaking as a local resident. Cllr Abbott made several points:

- Indaver and Gent Fairhead had come to the end of a second five-year period and nothing had been built following the Secretary of State decision in March 2010.
- The condition 66 application from the applicants was short, lacking detail and offered no proposals for reinstatement of the site.
- Large areas of habitat including Tree Preservation Order Woodland had already been removed from the site. Ecological surveys had shown the airfield to be a rich habitat for a variety of wildlife. Should the facility not be delivered, Essex County Council should require the woodland to be replanted.
- The local community, Braintree District Council and the relevant Parish Councils viewed the planning creep on the site as unacceptable.
- At liaison meetings, Indaver and Gent Fairhead had reported that the paper pulping unit would not be built and had no commercial viability.
- The facility would have a burning capacity of near 600,000 tonnes per annum, making it the largest single source of carbon dioxide in Essex.

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

- The capital projected expenditure for the project was £507 million. This was on the waste to energy element alone.
- The applicant requested that the application be deferred. This was because the applicant believed it would be unlawful and unreasonable for the Committee to determine the application to discharge condition 66 based on the report in its current form.
- In addition, deferral would allow the Planning Authority and applicant to work on any outstanding issues.
- The paper pulping plant was opposed by local Councillors and residents when it was initially proposed.
- When Essex County Council asked for a condition which stated that 'no element of the development may be implemented in isolation of others', the Inspector had refused for it to be inserted.
- Following this, Indaver had proceeded with the acquisition of the project in part based on the expectation that this condition would not be introduced.
- There was already too great a biological treatment capacity in the UK market. The nearest digestion plant was in Halstead, less than 10 miles from the Rivenhall Airfield site. Hence, the need was already met.
- Public accounts revealed that companies were already writing off their investment in digestors in the UK.
- In addition, there was a Mechanical Biological Treatment Plant within close proximity of the Rivenhall Airfield site which had been closed down.
- It was unusual for the Council to be looking to bring in additional vehicles to the area than the applicant wanted.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Paul Thorogood, speaking as a Local Member. Cllr Thorogood made several points:

- The officers' recommendation for Option 1 stated that the Integrated Waste Management Facility at Rivenhall must be built as permitted with the waste



incinerator only able to operate once integrated with the other four elements - paper pulping (using heat from the incinerator), bio food waste processing, composting, and recycling facilities.

- Option 1 came with risks and still left the local community with uncertainty; hence, further conditions were required.
- Indaver had stated at the most recent three site liaison meetings that it had no intention of building the other elements because they were no longer commercially viable.
- In 2019, Braintree District Council declared a climate emergency. The incinerator would be the largest contributor of carbon dioxide in both Braintree and Essex.
- Climate change was not a primary consideration when the original 2010 planning permission was granted. The original permission went against the 2015 Paris Agreement to reduce greenhouse emissions.
- Data showed that high levels of toxins from three waste incinerators in the EU had been found in vegetables and chicken eggs within a 5-kilometre radius of the incinerators.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ross Playle, speaking as a Local Member. Cllr Playle made several points:

- Residents had experienced uncertainty as a result of prolonged plans for the incinerator.
- Indaver had openly stated that they were unlikely to meet the requirements of developing all elements of the integrated waste management facility. As a result, the Authority was likely to find itself in a position of holding the developer to account.
- Condition 66 was initially intended to provide security in the event that the incinerator did not go ahead, however, could now be perceived as being used by the developers to secure a more commercially attractive business operation.
- It was expected that any application for the discharge of condition 66 would contain the option for rehabilitation of the site.
- Understanding of climate change and waste management had evolved since 2010.
- The report highlighted that the developer had not fully complied with condition 66, which could be used as grounds for refusing the application.

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

- Although Indaver had indicated in liaison meetings that they considered some elements of the IWMF to no longer be viable; until they did not build them there was no breach of planning control.
- If an alternative to the IWMF was proposed, this would require express planning permission. At the time of the meeting, no further planning application had been lodged. It was hoped that the applicant would continue to work with the planners.

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

- The application before Members was to discharge condition 66, rather than for planning permission.

- Should the application to discharge condition 66 be refused, the applicant would have the right of appeal, as well as the right to apply to delete condition 66. There would not be any breach to enforce against because regardless of condition 66 the applicant had an extant implemented planning permission which would allow them to continue working the site. As long as the applicant developed the site in accordance with the details of the planning permission, they would not be in breach of planning control.
- When condition 66 was drafted five years previously, the situation at the time of the current application was not anticipated, as it took longer for the Environmental Permit to be gained and for a developer to come forward to progress the permission than expected.
- Condition 66 could not give express planning permission for a new use of the site; it could only set out how the applicant intended to go forward.
- Option 1 was a continuation of the extant planning permission.
- It was noted that refusing the application could lead to a dead-end situation, should the applicant decide not to appeal.
- Any use of the site in addition to that expressed in the existing planning permission would require a further planning application.
- It would be possible to include a condition which required completion of construction by a certain date. When this date was reached an extension could be considered if required. The application included a timetable and estimated early 2026 for completion and commencement of beneficial use of the site.

An addition to condition 70, requiring the development as permitted to be constructed and ready for beneficial use by 31 December 2026 was proposed by Councillor J Fleming and seconded by Councillor L Bowers-Flint.

There being no further points raised, the resolution, including the amendment to condition 70 was proposed by Councillor J Jowers and seconded by Councillor J Henry. Following a vote of 7 in favour, 2 against, it was

## **Resolved**

That planning permission be granted subject to the following conditions:

Subject to there being no intervention by the SoS, with respect to the decisions on the 3 Options put forward to discharge condition 66."

Plan of action Option 1 be approved subject to the development of the IWMF being implemented in accordance with:

- a) all the conditions of planning permission ESS/34/15/BTE and for the avoidance of doubt a condition to be imposed on the approval to clarify such as set out below:

Condition 69

Plan of action Option 1 as detailed in letter from RPA dated 1 September 2021 shall be implemented in accordance with

- a) the conditions of planning permission ESS/34/15/BTE dated 26 February 2016;
- b) any details approved under those conditions or to be approved under those conditions;
- c) Non Material Amendments References ESS/34/15/BTE/NMA1 and ESS/4/15/BTE/NMA2 or any subsequently approved Non Material Amendments; and
- d) the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.

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 drawings, details (except as varied by other conditions), to ensure that the development is Sustainable Development and is carried out with the minimum harm to the local environment and in accordance with the NPPF, NPPW, Essex Minerals Local Plan 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106;

- b) A further additional condition to ensure all elements of the IWMF are constructed, operated and integrated as set out below

#### Condition 70

There shall be no beneficial operation of the Combined Heat and Power (CHP) plant without all other elements of the IWMF i.e. Market De Ink Paper Pulp Plant (MDIP) Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) plant, Anaerobic Digestion (AD) plant, Waste Water Treatment Plant and all other permitted associated infrastructure having been constructed and available for beneficial operation. For the avoidance of doubt the CHP shall not operate without the MDIP utilising the heat and steam directly from the CHP. The development as permitted shall be constructed and ready for beneficial use by 31 December 2026.

Reason: To ensure the development delivers Sustainable Development in accordance with the Development Plan. To ensure the development operates in an integrated manner, in particular that the CHP operates in conjunction with the de ink paper pulp plant, such that the facility operates as a combined heat and power facility delivering greater efficiency rather than solely generating electricity in accordance with WLP policy 11, Resources and Waste Strategy 2018 and The Environment Plan for England 2021;

c)

Plan of action Option 2 be refused for the following reason:

It has not been demonstrated that the part development of the IWMF would amount to sustainable development contrary to the NPPF and does not accord with the

Waste and Resource Strategy, The Environment Plan and The Waste Management Plan for England and WLP policy 11 in that the EfW would only generate electricity rather than utilising the heat directly. Insufficient information has been submitted to determine whether there would be additional adverse environmental effects contrary to the WLP policy 10. Furthermore, because in order to assess whether an EfW only generating electricity amounts to Sustainable Development would require a separate planning application with relevant supporting information/Environmental Impact Assessment to be submitted for such.

Plan of action Option 3 be refused for the following reason:

The acceptability of the proposed alternative waste management facilities could only be considered by way of a planning application with associated details and where necessary Environmental Impact Assessment.

**5. Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford**

The Committee considered report DR/07/22 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:

1. Principle of Development and Need
2. Green Belt
3. Landscape and Visual Impact
4. Ecology
5. Heritage
6. Highways
7. Hydrology and Hydrogeology
8. Amenity
9. Climate Change

In accordance with the protocol on public speaking the Committee was addressed by Mr Richard Williams, speaking on behalf of a group of local residents. Mr Williams made several points:

- This application would permit a piecemeal approach to Minerals Local Plan Site A40 plan and extend the quarrying period over the initially planned fourteen years.
- The revised National Planning and Policy Framework allowed Members to reject the application if adverse impacts outweighed the benefits.
- This site required inert infill, which could risk non permitted materials being used for infill.
- Public Health England had reported that the large quantity of overburden on-site that had to be moved around had the potential to give rise to dust, as did the required infill materials.
- The Historic Environment assessment reported that the impacts would only last over the ten years, however, restoration would take longer due to the amount of

material to be quarried, particularly if the southern part of A40 were to come forward.

- Regulations and conditions would need to be rigorously enforced should planning permission be granted. Specific conditions should be required for this application to ensure that contractors would not take the most economical route.

In accordance with the protocol on public speaking the Committee was addressed by Mr Rob Wilson, speaking on behalf of a local resident. Mr Wilson made several points:

- The Stables was part of a development of three former agricultural buildings which shared a water supply from a borehole within the grounds of the Stables. This water supply also served the house known as Mountneys.
- The preliminary hydrological study did not address the issue of ground water supply to these properties and ignored that the borehole existed.
- The strata that served the borehole was the same strata that would be intercepted during the gravel extraction. There was concern that the reduction in ground levels and subsequent reduction in water levels would result in an adverse impact on the supply of water to the borehole.
- In addition, there was concern that the working of the gravel could cause silt and other pollutants to leak into the water supply, thus rendering it unusable.
- The proposed site was only 200 metres from this borehole, however, none of the assessments took account of this. Whilst the need for gravel extraction was appreciated, protection was required for the future use of this water supply for residents.

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

- The site was an allocated site within the adopted Mineral Local Plan and should planning permission be granted it would assist Essex County Council in maintaining the landbank.
- The site was in a sustainable location, both in terms of mineral extraction and inert waste.
- The application had been subject to detailed discussions with officers and statutory consultees.
- A twelve-month period of water monitoring had been undertaken to ensure there would be no impact on groundwater to the site.
- A public exhibition had been held prior to the application being submitted and the applicant had sought to engage with local residents. One area of concern from local residents had been the access location. This had been relocated 400 metres to the east as a result, despite being more expensive for the applicant.
- The restoration and phasing of the site had been carefully considered and subject to detailed discussion with officers. The proposed restoration plan had long term agricultural, ecological, and landscaping benefits.
- There was clear commitment to implementing the conditions in a way that would safeguard neighbouring amenity.

- Should the site to the south ever come forward, there was the ability for an overlap in terms of consents, however, this was outside of the applicant's control.
- The eight-year consent period had been chosen due to there being a high level of overburden on the site, and the applicant wanted certainty that they could deliver it within the timescale.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Mike Steel, speaking as a Local Member. Cllr Steel made several points:

- Roxwell Parish Council had expressed a number of concerns, which Cllr Steel was presenting on their behalf.
- A five-day working week on the site would be preferable to the six days proposed.
- Concerns had been raised about who was licensed to carry out the extraction as it seemed that there was not yet a contractor involved.
- Whilst the access roads had been moved away from the hamlet, there were concerns that there were no measures taken to restrict HGV movement through the hamlet.
- As this was a part development of the site, there were concerns that the process may go on for longer than the eight years applied for.
- There were many conditions and restrictions proposed for the site. The shortage of Enforcement Officers could mean that enforcing these conditions could become challenging.
- The A1060 was a notoriously dangerous road in terms of traffic safety. A right turn lane for traffic approaching from the west on the A1060 could provide greater safety.

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

- Assessments submitted suggested that whilst ground water did reside close to the site surface, it was considered unlikely that the boulder clay, which was the overburden layer, would be fully saturated in water. The Assessment submitted had suggested that the water table sat within the Kesgrave bed – the sand and gravel layer. The proposed working would, therefore, require dewatering and a dewatering license from the Environment Agency.
- The applicant's monitoring of the site had, however, sought to suggest that the site was not in hydrological continuity with groundwater levels, thus, they did not foresee an issue with the private water supply.
- In order to apply for the dewatering licence, a hydrological impact appraisal would be required to be submitted to the Environment Agency, which would fully consider all boreholes and water supplies within the local area and how they may or may not be impacted. In the event that the monitoring suggested that there would be an impact, the Environment Agency would require an action plan.
- A condition forming part of the recommendation required the appraisal to also be submitted to Essex County Council, so there could be confidence that any mitigation required to ensure the private borehole would not be unduly impacted was covered by the planning permission.
- The reference to Site A40 being worked piecemeal was acknowledged. However, the Minerals Local Plan and site requirements remained. Accordingly, if the

southern site were to come forward there would be an expectation that the entire site would still be worked, and the whole Site A40 would be worked within fourteen years. The fourteen-year clock would effectively start on commencement of any part of the site allocation.

- There could be potential for overlap in the working of the northern and southern sites. In this scenario, given the extent of overburden it was also likely that the infill required for the northern parcel could be realised from the southern site.
- The Council's dust consultant had not raised any concerns on dust, however, they had required a dust management plan to be secured by condition. This was proposed condition 18.
- The start time for working on Saturdays had been moved from 7am to 8am, however, the noise consultant did not consider that not allowing Saturday working would be required given the existing noise level due to the A1060.
- There was a condition which sought to secure the provision of a driver instruction sheet which the operator would give to all members of staff seeking to outline that the local roads were not suitable for HGV movements.
- The site would be monitored by officers, likely on a quarterly basis as well as on a reactive basis to any complaints received, to ensure the site was being operated as per the terms of the planning permission. The site would also be subject to environmental permits monitored by the Environment Agency.

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

- The whole site was part of the A40 boundary.
- This permission was eight years in total, including six years for the initial set up and extraction, with another two years to complete restoration.
- The closest property to the site was Mountneys and the three barn conversions to the south of the site. The properties were approximately 200-250 metres away from the field including a buffer.
- The proposed conditions required an 8am start time on Saturdays.
- Officers were satisfied that the appropriate visibility space along the A1060, both for vehicles exiting the site and those which were approaching vehicles waiting to turn right into the site, could be achieved.
- The site access had been subject to a Stage One Road Safety Audit. Regrading of the highway verge could be required. A Stage Two Road Safety Audit was required, which could consider issues such as warning signage.
- The volume of traffic on the A1060 and the site access meant that a right turn lane would not be required. However, the formation of a right turn lane was not precluded should the level of traffic increase and one be required in the future.
- Public Footpath 2 was proposed to be shifted slightly to the west. This would be secured by way of an order outside the planning decision process, subject to full consultation with the public rights of way team.
- There was a condition seeking to secure full details of the signage. This would be subject to consultation with the highway authority and the public rights of way team and secured and monitored through due process.
- Mineral development within the Green Belt was not inappropriate development if it did not harm openness.

- It was noted that Members would prefer the completion of the site to be done swiftly.
- The monitoring regime for the water supply would be governed by the Environment Agency. In the event of a cut off of borehole supply, the action plan would seek to propose mitigation, which could include, for example, putting the affected properties on private mains, at the cost of the developer. Alternatively, if there was not a satisfactory solution, the Environment Agency could seek to not issue the licence to start with, thus the development would not be able to progress.
- The mitigation plan from the Environment Agency would seek to monitor the water supply and they would be the controlling body for that element. Essex County Council would then discharge the condition if indicated to do so by the Environment Agency.

There being no further points raised, the resolution was proposed by Councillor M Steptoe and seconded by Councillor J Henry. Following a vote of 9 in favour, and 1 abstention, it was

### **Resolved**

That 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 Mineral and 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 plans: 'Site Location Plan', undated; 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20; 'Proposed Phasing Plan 2 (of 11)', drawing number: CEG01/02, dated 31/5/20; 'Proposed Phasing Plan 3 (of 11)', drawing number: CEG01/03, dated 31/5/20; 'Proposed Phasing Plan 4 (of 11)', drawing number: CEG01/04, dated 31/5/20; 'Proposed Phasing Plan 5 (of 11)', drawing number: CEG01/05, dated 31/5/20; 'Proposed Phasing Plan 6 (of 11)', drawing number: CEG01/06, dated 31/5/20; 'Proposed Phasing Plan 7 (of 11)', drawing number: CEG01/07, dated 31/5/20; 'Proposed Phasing Plan 8 (of 11)', drawing number: CEG01/08, dated 31/5/20; 'Proposed Phasing Plan 9 (of 11)', drawing number: CEG01/09, dated 31/5/20; 'Proposed Phasing Plan 10 (of 11)', drawing number: CEG01/10, dated 31/5/20; 'Proposed Phasing Plan 11 (of 11)', drawing number: CEG01/11, dated 31/5/20; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral and 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 Policy S1 -



Presumption in favour of sustainable development, Policy S2 - Strategic priorities for minerals development, Policy S3 - Climate change, Policy S4 - Reducing the use of mineral resources, Policy S6 - Provision for sand and gravel extraction, Policy S8 - Safeguarding mineral resources and mineral reserves, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction, Policy DM1 - Development Management Criteria, Policy DM2 - Planning Conditions and Legal Agreements and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); Policy 1 - Need for Waste Management Facilities, Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

3. The development hereby permitted shall be limited to a period of eight years from the notified date of commencement of the development. The development shall be undertaken on a phased basis, as shown on the approved drawings, with all extraction and processing of excavated material ceasing after six years from the notified date of commencement. The site shall then be fully restored within a further two years (eight years total). 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 eight years from the notified date of commencement, by which time the land shall have been restored in accordance with the restoration scheme.

Reason: To ensure restoration of the site within the approved timescale, to minimise the duration of disturbance from the development hereby permitted and to comply with Policy S1 - Presumption in favour of sustainable development, Policy S2 - Strategic priorities for minerals development, Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management

Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

4. No excavation shall take place beyond the five extraction areas as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20 and no excavation shall take place below 35m AOD. Prior to infilling of each of the five extraction areas taking place, a topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of excavation which has taken place. In addition, on completion of infilling of each of the five extraction areas another topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of infilling in respect of the approved restoration plan.

Reason: To ensure development is carried out in accordance with submitted details, that the development does not give rise to unconsidered impacts and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

5. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral and 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

08:00 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 S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

6. The total number of heavy goods vehicle movements\* associated with the development hereby permitted shall not exceed the following limits:

96 movements (48 in and 48 out) per day (Monday to Friday); and

48 movements (24 in and 24 out) per day (Saturdays)

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

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 Mineral and Waste Planning Authority within seven days of written request.

\* 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 Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

7. All vehicle access and egress to and from the site shall be from the A1060, as indicated on drawing titled 'Proposed Site Access (Priority 'T' Junction), drawing no. 185471-002 (Rev B), dated 30/09/21. No development shall nevertheless take place until full details of a junction design, which has received full technical approval from the Highway Authority, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. No material shall leave the site until the access design approved has been constructed in full. The junction visibility splays shall be maintained clear of intrusions for the life of the development.

Reason: In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

8. No development shall take place until full details/specification of the proposed internal access road from the A1060 into the proposed plant area have been submitted to and approved in writing by the Mineral and Waste Planning Authority. That submitted shall include details of construction; design (finish/surface); the location of the passing bays; and proposed speed limit. That submitted shall furthermore clarify details proposed to manage surface water run-off from the access road, as appropriate. The access road shall subsequently be installed and maintained in accordance with the details approved until removed as part of restoration.

Reason: In the interests of highway safety, landscape and visual amenity, ecology and to ensure the development is not constructed without appropriate mechanism to manage surface water run-off, to enable consideration of alternative locations for the passing bays on the access road to increase the stand-off to the adjacent woodland and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

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

Reason: In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

10. No development shall take place, other than the construction of the haul/access road, until finalised details of the proposed Public Rights of Way crossing points, as indicated on drawing titled 'Proposed Internal Road Option A', drawing no. 185471-004 (Rev C), dated 30/09/21, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. The details shall confirm the location and specification for the formation of the crossing points, visibility splays and maintenance together with signage, mirrors and any proposed fencing or gates. A copy of the signed diversion order for the partial diversion of Footpath 2 shall also be provided. The development shall be implemented in accordance with the approved details with the crossings and associated measures installed and subsequently maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

11. No exportation of material shall take place until details of a driver instruction sheet and enforcement protocol has been submitted to the Mineral and Waste Planning Authority for approval in writing in respect of vehicle routing to and from the site and general consideration of nearby residential properties and roads. The aforementioned shall include, but not be limited to, details to ensure that using, parking and/or waiting on Chalk End / Fambridge End Road is not in any way promoted by the operator.

Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

12. No development shall take place until a detailed layout plan for the plant site, as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20, has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including all facilities/welfare, car parking areas, plant, equipment and machinery, together with the specification/sound power level of the aforementioned and any mobile plant, equipment and machinery proposed to be used on-site. In addition details shall be provided as to the proposed on-site water management/lagoon system and associated dewatering sumps within each phase/area of extraction.

Reason: For the avoidance of doubt as to the layout of the plant area and machinery/plant approved, in the interests of amenity and the environment and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

13. No development shall take place until details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Mineral and Waste Planning Authority. 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, to prevent material being taken onto the public highway and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

14. No development shall take place, including any groundworks, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Plan shall provide confirmation as to:

- The proposed initial construction/set up timetable;
- Initial access arrangements for the purpose of construction;
- Areas proposed for staff and visitor welfare and parking during initial site set up; and
- Areas proposed for the loading and unloading of plant and materials

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; and
- h) Use of protective fences, exclusion barriers and warning signs; and the

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

Reason: In the interests of highway safety, environmental protection, safeguarding amenity and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties, or at a monitoring location representative of these properties collectively, shall not exceed the following limits:

Littleacres, Chalk End House, Barleydale and Little Down: 49dB LAeq 1hr

Woodend Farm: 42dB LAeq 1hr

Mountneys, The Gallops, The Byre and The Stables: 42dB LAeq 1hr

Newland Hall Farm: 42dB LAeq 1hr

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Littleacres, Chalk End House, Barleydale and Little Down; Woodend Farm; Mountneys, The Gallops, The Byre and The Stables; and Newland Hall Farm 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 Mineral Planning Authority in advance of the commencement of a temporary operation which shall, for the purpose of this condition, include site preparation, bund formation and removal and any other temporary activity that has been approved in writing by the Mineral and Waste Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at locations to be agreed in advance in writing by the Mineral Planning Authority. In addition to this three monthly monitoring, further specific monitoring shall be undertaken at the start of extraction operations in areas 1, 4 and 5. 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 Mineral Planning Authority within one month of the monitoring being carried out (two weeks for the additional monitoring undertaken when operations commence in areas 1, 4 and 5). Should an exceedance in the maximum noise limits secured by condition be noted appropriate commentary shall be provided together with a scheme of additional mitigation if the exceedance is considered to be a likely continual issue. The additional scheme of mitigation shall be provided to the Mineral and Waste Planning Authority for review and approve in writing, as appropriate. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of amenity, ensuring prescribed noise levels are not being exceeded and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

18. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The dust management plan shall include details of all dust suppression



measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

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

Reason: To minimise nuisance and disturbance to the surrounding area and the environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

20. No development shall take place until a landscape scheme covering the operational phase of the development hereby permitted has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall include details of all proposed pre-commencement planting, screening/mitigation bunds, buffer areas to field boundaries and the woodland

adjacent to the access road and any and all new boundary fencing. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and also for those to be retained, measures for their protection. The scheme submitted shall build on principles detailed in drawings titled 'Detailed Soft Landscape Scheme for Eastern Boundary', drawing number: 18027-108, dated 29/05/20, 'Detailed Soft Landscape Scheme for Southern Boundary pre-commencement/early planting, drawing number: 18027-109, dated 29/05/20, 'Detailed Soft Landscape Scheme for Western Field Boundary', drawing number: 18027-110, dated 29/05/20, 'Detailed Soft Landscape Scheme for North Eastern Boundary', drawing number: 18027-111, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112A, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112B, dated 29/05/20 and 'Specification Sheet Pre-commencement/early planting', drawing number: 18027-113A, dated Oct 20 and include detail of all 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.

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 landscaping plans, additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Mineral Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the

Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

22. No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of all perimeter screening/noise attenuation bunds and stockpiles 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 Mineral and Waste Planning Authority. The scheme shall:

- a) Be submitted at least three months prior to the expected commencement of soil stripping;
- b) Detail how soils will be handled during construction, bunds planted and maintained, and soils re-spread as part of restoration;
- c) Define the type or machinery to be used to strip and replace soils; and include
- d) 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 for restoration purposes, to minimise structural damage and compaction of the soil to aid final restoration works, to protect the amenities of local residents and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

23. No development shall take place until a restoration plan has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The restoration plan shall replicate the finished land levels shown on drawings titled 'Northern' Field Restoration (West)', drawing number: 18027-105A, dated 05/10/20, and 'Detailed Soft Landscape Scheme for 'Northern' Field Restoration

(East)', drawing number: 18027-106B, dated 05/10/20 but updated to reflect the operational landscaping scheme secured by way of condition attached to this permission. The plan shall also include detail of any additional planting proposed, as part of the restoration stage, with species, sizes, spacing, protection and programme of implementation. The development shall be undertaken and the site restored in accordance with the details subsequently approved.

Reason: To ensure that the site is restored as proposed and is capable of returning to a predominately agriculture afteruse, in the interests of landscape and visual amenity and to comply with Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

24. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral and Waste Planning Authority prior to the re-placement of soils on site. The submitted Scheme shall accord with that suggested with the Planning Practice Guidance and:

- a) Provide an outline strategy 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; and
- b) Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

Reason: To ensure the satisfactory restoration of the site to agriculture and to comply with Policy S3 - Climate change, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 -

Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

25. No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species and a Farmland Bird Mitigation Strategy has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives; and
- c) locations of proposed enhancement measures by appropriate maps and plans;

The Farmland Bird Mitigation Strategy which is specifically required to compensate for the loss of any farmland bird territories particularly Skylark and Yellow Wagtail shall include the following:

- a) Purpose and conservation objectives for the proposed measures e.g. nest plots;
- b) detailed methodology for the compensatory measures e.g. nest plots;
- c) locations of the compensatory plots; and
- d) persons responsible for implementing and managing the compensation measures.

The Biodiversity Enhancement Strategy and Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features managed in accordance with the LEMP secured by way of planning condition attached to the permission.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

26. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral and Waste 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; and
- g) Details of the body or organisation responsible for monitoring.

The plan shall furthermore outline the proposed period of management which, for the avoidance of doubt, may be greater than the formal five year agricultural aftercare period, depending on the time required to achieve the predicted biodiversity gains from the mitigation measures and enhancements proposed as part of the development. The approved plan shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

27. No development shall take place until a Hydrological Impact Appraisal shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The Appraisal shall include a baseline for natural groundwater levels, identify potential implications as a result of the development and provide targets for restoring the natural baseline. The Appraisal shall furthermore confirm how groundwater levels will be monitored during the development and for a period

post completion with a mitigation strategy identified in the event that the natural baseline is not restored. The development shall be implemented in accordance with the approved Appraisal.

Reason: To ensure that the development does not give rise to significant hydrological impacts, to safeguard groundwater from pollution and/or any other adverse changes and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

28. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved with confirmation to also be sought from the Mineral and Waste Planning Authority that the investigation works have been completed satisfactorily.

Reason: To ensure that any archaeological interest has been adequately investigated in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

29. Prior to commencement of development but following completion of the archaeological investigation, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the Mineral and Waste Planning Authority for review and approval and 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 also made to the Mineral and Waste 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 by the trial-trenching or geophysical survey undertaken in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management

Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

30. Within six months of completion of the programme of archaeological investigation, as approved, a post excavation assessment shall be submitted to the Mineral and Waste 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 S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

31. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site to facilitate with the restoration of the site. For the avoidance of doubt, there is to be no processing or treatment of imported material on-site. The plant site/area hereby approved shall solely be used to process mineral extracted from the site.

Reason: To ensure that there are no adverse impacts on the environment and or to amenity from the importation and use of inappropriate types of waste and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

32. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the site.

Reason: In the interest of highway safety and efficiency, 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 Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and



Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

33. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the completion of the development, which in the opinion of the Mineral and 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 Mineral and Waste Planning Authority. The revised scheme shall be submitted within six months of the 12 month date and shall outline a revised scheme of restoration and aftercare for review and consideration by the Mineral and Waste Planning Authority. In such an instance the site shall then be restored in accordance with the revised scheme as per the timetable approved.

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 Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

#### **6. Lufkins Farm, Great Bentley Road, Frating**

The Committee considered report DR/08/22 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.

The Committee noted the key issues:

1. Principle of development
2. Justification of time extension
3. Highway impact and vehicle routeing

4. Residential amenity impact
5. Legal agreement

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ernie Osborne, speaking on behalf of Alresford Parish Council. Cllr Osborne made several points:

- The village of Alresford had historically dealt with the adverse impacts of mineral extraction and the associated HGV movements. It was felt that the limit of 30 movements a day was far exceeded, causing great inconvenience to residents.
- The number of HGV movements had continued despite conversations with Brett Aggregates.
- In some cases, the size of lorries moving through the village had increased from 30 tonnes to 42 tonnes.
- The small roundabout on Wivenhoe Road had suffered damage due to the HGVs passing over it.
- School children crossed Wivenhoe Road twice a day in order to attend school.
- A haul road had been laid down fifty years ago, however, HGVs did not seem to be utilising it as much in recent years.
- It would be beneficial for onsite processing to be carried out sooner, rather than waiting for the new site to be developed.

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

- The application sought a two-year extension to deliver the reservoir scheme at Lufkins Farm.
- The principle of the reservoir scheme, the need for water storage at this location and the prior extraction of sand and gravel was established.
- The quarry haul road was developed 30 years ago to remove traffic from travelling through a more sensitive part of the village. It was an established route; however, a number of residents used it and lived in close proximity to it.
- A voluntary routeing arrangement was in place which minimised vehicles travelling from Lufkins Farm through the village of Alresford by adopting a one-way system using Keelars Lane. It was proposed that this arrangement be formalised by way of a planning condition requiring the submission of a Traffic Management Plan.
- Brett Aggregates had had ongoing dialogue with residents living close to the quarry access, as well as with representatives of the Parish Council. As a result, measures had been put in place, along with the commitment of setting up a liaison group, the first meeting of which was set for 30 March 2022.

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

- The map showing the proposed HGV route through Alresford was a draft that was yet to go through public consultation and was not an approved plan.
- Issues relating to the haul road could be dealt with separately from this permission.

- The existing operation did not have on site processing. This application sought to extend the existing operation which had been previously approved.
- There was no mineral extraction at Alresford Quarry. It was used as a concrete batching plant. The traffic through the village of Alresford was not from Lufkins Farm alone, as there were multiple operations occurring within close proximity of the village and which were separate to this operation.

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

- Brett Aggregates would be organising liaison meetings with the local community, and the invitation could be extended to the Local Member. The liaison group was not required by condition, however, it was encouraged by officers.
- Essex County Council could request that Brett Aggregates provide monitoring data to prove they are complying with conditions relating to HGV movements. In addition, the second point (ii) of proposed condition 19 required monitoring of the approved arrangements for the life of the site.
- It would be unreasonable to specify the technology to be used by the operator to undertake that monitoring.
- Enforcement of conditions relating to HGV movements was challenging, however, officers would work with the applicant to ensure HGVs took the most appropriate route.
- It would, however, be possible to add an informative recommending the technology to be used for HGV tracking.

There being no further points raised, the resolution, including the amendments to the recommendation in the Addendum and the addition of an informative on the decision notice, was proposed by Councillor L Bowers-Flint and seconded by Councillor J Henry. Following a vote of 10 in favour, 1 abstention, it was

## **Resolved**

That planning permission be granted subject to

a) the prior completion within 6 months (unless otherwise agreed with the Chairman of Development and Regulation Committee) of a deed of variation to ensure all previous legal obligations remain associated with the new permission;

b) the conditions set out below:

1. The development hereby permitted shall be carried out in accordance with:

- the details submitted by way of the application ref ESS/21/08/TEN dated 23 May 2008 and covering letter dated 22 May 2008, together with drawings numbered 0318/A (26/02/2007), 0318/O/1b (17/08/2015) and 0318/R/1a, Supporting Statement dated 20 May 2008, Irrigation Requirements Report dated December 2004, Traffic Statement dated March 2007, Hydrogeological Assessment dated August 2007, Preliminary Appraisal of Ecological Interests and Constraints dated March 2007 as amended by Ecological Appraisal update August 2009, Search of Essex Heritage Conservation Record dated 19/10/04, Archaeological Evaluation dated December 2007, Correspondence between Hafren Water and the Environment Agency dated 26 March 2008, 04

April 2008 and 25 April 2008, email dated 28 July 2008 with drawing number 0318/I/1 dated 08/08/2007, email dated 12 August 2008, email dated 07 August 2008 and Licence for access over land at Hill House Farm dated 2007;

AS AMENDED BY

- the details submitted by way of the application ref ESS/10/13/TEN dated 13 March 2013, covering letter dated 13 March 2013 and supporting statement entitled 'Lufkins Farm, Great Bentley, Essex, Application for a new planning permission to replace the existing planning consent ESS/21/08/TEN in order to extend the time limit for implementation' by Mineral Services Ltd, together with drawing numbered 0318/A v2 dated 08/03/13 and Ecological Appraisal update March 2013;

AS AMENDED BY

- the details submitted and approved by way of the application ref ESS/41/15/TEN dated 21 August 2015;

AS AMENDED BY

- the details submitted by way of the application ref ESS/41/15/TEN/NMA1 dated 20 September 2019 and Plan no. 0318/O/1b titled 'Operations Plan' dated 21 August 2019;

AS AMENDED BY

- the details of the application dated 12 November 2021, ref: ESS/99/21/TEN

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan (2014) policies S1, S6, S10, S11, S12 and DM1, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

2. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) Order 1995 (or any order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, plant for the movement of materials, the office weighbridge and portacabin and mobile WC), shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Mineral Planning Authority.

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Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

3. All aggregate materials available for sale shall only originate from the workings hereby permitted. No aggregate shall be imported for processing or resale.

Reason: To ensure uses on site are wholly ancillary to the mineral operations hereby permitted and in the interest of local amenity and compliance with Essex Minerals Local Plan (2014) policies S10 and DM1.

4. From the date production commences the operators shall maintain records of their monthly output/production and shall make them available to the Mineral Planning Authority upon request. All records shall be kept for the duration of the extraction.

Reason: To enable the Mineral Planning Authority to monitor progression and activity at the site and compliance with Essex Minerals Local Plan (2014) policies S6 and S11.

5. The development hereby permitted shall cease by 14 January 2024 by which time operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 12.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

6. In the event that operations are terminated, or suspended for a period in excess of 12 months, the excavated area and other operational land shall be restored in accordance with the scheme or schemes approved under Condition 12 and within a period of 6 months from the date of notification by the Mineral Planning Authority, except as varied by details to be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

7. Unless the Mineral Planning Authority otherwise agrees in writing 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 they are respectively no longer required for the purpose for which they were installed, in any case not later than 14 January 2024 and upon their removal the land shall be restored in accordance with the approved restoration scheme.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of

beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

8. Operations authorised or required by this permission shall only be carried out between the following times:

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

And at no other time or on Sundays and Public Holidays, except for emergency maintenance and monitoring of the site and the following provisions, unless otherwise approved in writing by the Mineral Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gvw) and vehicles in excess of 3.5t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

For clarity, the operation of plant and machinery for the stripping of soil, construction of screen bunds or the extraction of sand and gravel shall not commence before 0800 hours prior to the completion of the screen bunds related to the phase being worked and intended to afford visual and aural protection to nearby residents.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

9. All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. Details of the seed mixture and the application rates shall be submitted to and approved in writing by the Mineral Planning Authority no less than one month before completion of the formation of the storage bunds is expected. The seeding shall thereafter take place in accordance with the approved details.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

10. Lighting on site shall not be installed except in accordance with details submitted to and approved in writing by the Mineral Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

11. All plant and machinery shall operate only during the permitted hours, as specified in Condition 8, except in an emergency (which shall be notified to the

Mineral Planning Authority as soon as practicable), and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community and compliance with Essex Minerals Local Plan (2014) policy S10.

12. The development hereby permitted shall not be carried out unless in accordance with the details for the protection of existing plants and detailed planting scheme relating to condition 13 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing numbers 0318/R/1a dated 06/10/10, as approved by the Mineral Planning Authority on 13 October 2010 and 0318/O/1b dated 17/08/2015.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12.

13. Any tree or shrub forming plant of a planting scheme approved in connection with this development that dies, is damaged, diseased or removed five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub or species and size to be agreed with the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3.

14. Any temporary fuel or chemical storage vessel shall be 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 to avoid spillage.

Reason: To minimise the risk of pollution of watercourses and aquifers and compliance with Essex Minerals Local Plan (2014) policy S10 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL5 .

15. The access / haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex Minerals Local Plan (2014) policy S10.

16. No loaded lorry shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

17. All ingress to and egress from the site by vehicles shall be by the access and internal access road from Great Bentley Road as per planning ref. ESS/40/15/TEN. A metal gate shall be placed across the access point from the public highway and securely locked outside of the permitted hours referred to in Condition 8 to this approval.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

18. Unless with the prior written agreement of the Mineral Planning Authority there shall be no more than 60 vehicle movements in excess of 3.5t gvw (30 in/30 out) from the site on any single working day. Except on Saturday mornings when there shall be no more than 30 vehicle movements in excess of 3.5t gvw (15 in/15 out) from the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

19. Within one month of the date of this permission a Traffic Management Plan, detailing the routeing of HGVs to and from the site, shall be submitted to and approved in writing by the Mineral Planning Authority. The Plan shall identify the arrangements for:

- (i) The routeing of HGVs associated with the permitted site operations;
- (ii) Monitoring of the approved arrangements for the life of the site;
- (iii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements;
- (iv) The disciplinary steps that will be exercised in the event of default; and
- (v) Appropriate signage and details of signage to be erected advising drivers of the vehicle route.

The approved plan shall be implemented for the duration of the development hereby permitted.

Reason: In the interests of amenity, highway safety and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

20. Within six months of the date of this permission, the programme of archaeological work, including processing, assessment, archiving and publication of results, relating to condition 24 attached to permission ref ESS/21/08/TEN, shall be submitted to the Mineral Planning Authority in accordance with the statement received 20 February 2009 and 'NAU Archaeology Written Scheme of Investigation for Archaeological Excavation



(revised)' ref BAU1998 dated December 2010, as approved in writing by the Mineral Planning Authority on 22 December 2010.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

21. The development hereby permitted shall not take place unless in accordance with the scheme of soil movements relating to condition 25 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: To ensure the retention of existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policies S10, S12 and DM1.

22. The development hereby permitted shall not take place unless in accordance with the scheme of machine movements relating to condition 26 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

23. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or staking topsoil on that part), or is surfaced or built upon, or used for the stacking of subsoil, soil making material or overburden, or as a plant yard, or for the construction of a haul road, all available topsoil (and subsoil) shall be stripped from that part.

Reason: To conserve agricultural soils and to avoid structural damage and compaction of soils and to comply with Essex Minerals Local Plan (2004) policies S10 and S12.

24. a) All topsoil shall be stripped to the full depth (generally 30cm) and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

b) When subsoil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden/low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

25. Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil and subsoil substitutes shall be stored separately;
- b) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds;
- c) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority;
- d) Topsoil bunds shall not exceed 3m in height and subsoil (or subsoil substitute) bunds shall not exceed 3m in height.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

26. All topsoil, subsoil and soil making material shall be retained on site unless with the prior approval of the Mineral Planning Authority. No bunds shall remain on site as part of the restoration scheme agreed under Condition 12 to this approval.

Reason: All soils are required on site to ensure a satisfactory restoration of the land and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

27. When replacing all soils, subsoil shall be tipped in windrows and spread to the required level, in 5m wide strips in such a manner as to avoid compacting placed soils. Topsoil shall be tipped, lifted and evenly spread onto the levelled subsoil in a manner as to avoid compacting the placed soils.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policy S12.

28. The minimum settled depth of subsoil and topsoil shall be not less than 1m.

Reason: To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S10.

29. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S12.

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

Reason: To ensure the site is ready for topsoil spreading and to comply with Essex Minerals Local Plan (2014) policy S12.

31. The finished surface of the subsoil shall be broken and opened to a depth of 450mm at a tine spacing of 450mm.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

32. The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

33. The respread topsoil and areas upon which topsoil has been stored shall be ripped or loosened at a tine spacing of not greater than 600mm and to a depth of at least 50mm. Any non-soil making material or larger stone lying on the loosened topsoil surface and, on any surface, larger than would pass through a wire screen mesh with a spacing of 150mm shall be removed from the site or buried at a depth not less than 2m below the final settled contours.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

34. Noise levels shall be monitored by the operating company at three monthly intervals at up to five locations to be agreed in writing by the Mineral Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for two separate 15 minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Mineral Planning Authority.

Reason: To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

35. Except for temporary occasions, the free-field Equivalent Continuous Noise Levels (LAeq, 1hour) at noise sensitive properties near the site, due to the permitted operations on the site, shall not exceed the limits set out below:

- 55db – where the background noise level (LA90) without the permitted operations is or exceeds 45 dB;
- LA90 + 10dB – where the background noise level (LA90) without the permitted operations is below 45dB.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

36. For temporary by exceptionally noisy operations, the free-field Equivalent Noise Level at noise sensitive properties shall not exceed 70dB LAeq, 1 hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. These operations shall include bund formation and removal, soils stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

37. A width of 5m shall be left between the toe of the northern bund and footpath 4 Great Bentley including the 2m width of the footpath itself.

Reason: In order to protect the users of Footpath 4 Great Bentley and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP1.

38. The ground vegetation adjacent to the ditch along Thorrington Road shall be strimmed and maintained in a cropped condition and a buffer zone along the peripheral edges of the application site shall be maintained for the duration of the development hereby permitted in accordance with the statement entitled 'Lufkins Farm Schedule of Conditions' received on 20 February 2009 and email dated 29 September 2010, as approved by the Mineral Planning Authority on 13 October 2010, and as amended by paragraphs 15-22 of the Ecological Appraisal Update March 2013.

Reason: For the protection of ecology, wildlife and protected species within the site and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.

39. Prior to discharge of water to Bentley Brook a river level gauge shall be installed upstream of the discharge point to monitor levels within the river to ensure that no water is discharged to Bentley Brook during high flow periods.

Reason: To ensure the flood risk to the site and surrounding area is not increased as a result of the development and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.

40. Prior to first discharge of water to Bentley Brook the river gauge shall be fully operational and maintained for the duration of the development.

Reason: To ensure river levels can be monitored prior to water discharge into the Bentley Brook and to ensure the flood risk to the site and surrounding area is not increased as a result and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.

41. All tree/shrub/hedgerow removal shall be undertaken outside of the bird breeding season.

Reason: For the protection of nesting birds and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.

42. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for trees, grassland and hedgerows shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works on site. The scheme shall provide an outline strategy for the 5 year aftercare period and provide a detailed annual programme of care. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.

### Informatives

- Any works in, over, under or within 9m of Bentley Brook will require formal written consent from the Environment Agency prior to the commencement of works. Consent will be required prior to the instalment of the level gauge into the river.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of the works.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- That the applicant considers the use of individual tracking devices to be installed in lorries under the applicant's control so that accurate lorry routing data can be acquired.

c) that it is not considered expedient to take enforcement action at this time or during the period until the legal agreement is completed and the planning permission issued. If the legal agreement is not completed, then the situation with respect to enforcement action will be reviewed at that time.

## **7. Fairview, Fairview Road, Basildon**

The Committee considered report DR/09/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 22 and 23.

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:

1. Need
2. Policy Considerations
3. Amenity Impact
4. Design
5. Traffic and Highway Impact
6. Ecology and Trees
7. Flood Risk and Drainage

In accordance with the protocol on public speaking the Committee was addressed by Mr John Gavin, speaking on behalf of a group of residents. Mr Gavin made several points:

- The proposals stated provision for 106 pupils in total, with 70 being on site and 30 being off site. There was concern that there would indeed be an increase in the number of pupils attending the school, despite previous assurances that this number would not increase.
- Over the last four years, it was believed that there had not been more than twenty pupils on site at the school, however, it had not been possible to confirm this number with the staff.
- The introduction of a second storey on the building may not be necessary if there was no increase in the number of pupils attending the school.
- The proposals included plans for forty parking spaces, including two located outside the school fence. The residents of Fairview Road had witnessed antisocial behaviour along the street and there was concern that this could increase with the provision of these two parking spaces.
- There was no provision within the proposals to secure the site whilst the pupils were attending the school. The road and pedestrian access into the centre of the site could put pupils at risk as well as facilitate antisocial behaviour.
- The windows to the side of the school would be overlooking residents' gardens, with the possibility for those attending the school to see from the school into the gardens. For five of these properties, it was possible to see through the garden and into the property itself.

In accordance with the protocol on public speaking the Committee was addressed by Ms Jo Barak, speaking on behalf of the applicant. Ms Barak made several points:

- The Fairview site had been operating as behavioural support or an alternative provision for children who were referred to the Children's Support Service.
- The existing site was well maintained, however, was outdated, costly to maintain and no longer provided a positive environment for the children and staff.
- A welcoming and attractive school would encourage learning for the children.
- Proposals included new classrooms, specific music, science, art and technology rooms, offices, storage and separate sports and dining halls. The existing sports hall acted as a thoroughfare for the other classrooms.
- The proposed building would be well heated, well ventilated and benefit the mental health and wellbeing of the pupils.

- If the existing building was not replaced, the Children's Support Service would continue but in the existing building.
- The proposed building had been carefully designed to restrict overlooking. Pupils were supervised at all times and were only ever in small groups.
- Pupil behaviour was taken seriously, and the school dealt with all complaints received.

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

- There was no proposed increase in pupil numbers.
- The applicant had found it difficult to confirm the number of pupils attending the school due to the nature of how referrals to the school operated.
- It was common in schools for the building itself to form part of the secure line. Once inside the car park, the site was secure. The school was responsible for the operation of the external gates.

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

- Essex Police was not a standard consultee for this type of application.
- The two proposed parking spaces outside the fence were not part of the existing site. The applicant had offered that these two parking spaces could be deleted from the application.
- Louvers were proposed on the openable windows as a safety measure and to reduce sunlight.
- Frosted glass could be required, however, the orientation and design of the building meant that it may not be necessary.
- Officers would seek to obtain fenestration details via condition. This would give officers the opportunity to consider with the applicant if any additional measures would be required to avoid overlooking.
- There was no proposal for electric vehicle charging points within the car park. This could be attached to the permission as an informative.
- Sustainable measures were encouraged by National Planning Policy Framework but electric vehicle charging points were not specifically required by the Adopted Basildon Local Plan.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the deletion of the parking spaces outside the access to the site and a requirement for fenestration details to be submitted and approved before beneficial occupation, was proposed by Councillor J Jowers and seconded by Councillor D Harris. Following a unanimous vote of 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. 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 submitted by way of application reference CC/BAS/102/21 dated 24th November 2021, drawings referenced:
  - Site Location – 20260-SI-AAA-XX-DR-A-1170 S2 Rev P02 dated 06/10/21;
  - Existing Site Plan – 20260-LSI-AAA-XX-DR-A-1171 S2 Rev P06 dated 14/02/22;
  - Site Demolition – 20260-LSI-AAA-ZZ-DR-A-1200 S2 rev P02 dated 21/10/21;
  - Site Block Plan – 20260-LSI-AAA-XX-DR-A-1175 S2 Rev P02 dated 21/10/21;
  - Proposed General Arrangement Plan – Ground Floor – 20260-LSI-AAA-GF-DR-A-1300 S2 Rev P04 dated 26/10/21;
  - Proposed General Arrangement Plan – First Floor – 20260-LSI-AAA-01-DR-A-1301 S2 Rev P04 dated 21/10/21;
  - Proposed General Arrangement Plan – Roof – 20260-LSI-AAA-02-DR-A-1302 S2 Rev P04 dated 21/10/21;
  - Site Constraints – 20260-LSI-AAA-XX-DR-A-1172 S2 Rev P08 dated 14/02/22;
  - Proposed General Arrangement Elevations – GA Elevations – 20260-LSI-AAA-ZZ-DR-A-1350 S2 Rev P04 dated 21/10/21;
  - Proposed General Arrangement Elevations – Site Elevations Sheet 01 – 20260-LSI-AAA-ZZ-DR-A-1351 S2 rev P06 dated 21/10/21;
  - Proposed General Arrangement Elevations – Site Elevations Sheet 02- 20260-LSI-AAA-ZZ-DR-A-1352 S2 Rev P06 dated 21/10/21;
  - Site Access – 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/01/21;
  - Proposed General Arrangement Sections – 20260-LSI-AAA-ZZ-DR-A-1370 S2 Rev P04 dated 21/10/21;
  - Landscape Concept Design - 20173-D3-02 Rev 05 dated 24/11/21;
  - Landscape Concept Design - 20173-D3-01 Rev 11 dated 15/11/21;
  - Foul and Surface Water Drainage Strategy – 2103-553-001 Rev J dated 03/02/22

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 the development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the local environment and to comply with Basildon District Local Plan and Alterations (1998 and 1999) Policy BAS R1 (Open Space – Protection) and the National Planning Policy Framework.

3. No development shall take place beyond the installation of a damp proof membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of



areas to be planted with species, sizes, spacing, protection and programme of implementation and maintenance. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of demolition and construction of the development. 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 4 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 the National Planning Policy Framework.

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 3 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 an appropriate species of tree or shrub the details of which shall have received the prior written approval of 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 the National Planning Policy Framework.

5. No development shall take place beyond the installation of a damp proof membrane until details of the materials to be used for the external appearance of the building, fences and hard landscaping surfaces have been submitted to and approved in writing by the County Planning Authority. The details shall include the materials, colours and finishes to be used on all buildings, hard landscaping surfaces and fences. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with the National Planning Policy Framework.

6. The development hereby permitted shall take place in full accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Rev B by Hayden's Arboricultural Consultants dated 05/11/21 and the submitted Arboricultural Method Statement drawing ref 8727-D-AMS Rev B dated 03/11/21.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with the National Planning Policy Framework.

7. The development hereby permitted shall take place in full accordance with the recommendations for compensation and enhancement in the submitted Preliminary Ecological Appraisal ref BCE4693 Version 2 dated April 2021 by Practical Ecology and the Biodiversity Enhancement Strategy V1 by Practical Ecology dated 27/04/21.

Reason: To conserve and enhance protected and Priority species and allow the LPA 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 to comply with the National Planning Policy Framework.

8. Prior to beneficial occupation of the development hereby permitted, details of improvements to the existing site access shall have been submitted to and approved in writing by the County Planning Authority. The details shall include provision for the existing footway on the western side of the site access, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), to be extended around the bellmouth to a suitable termination point and provided with a dropped kerb pedestrian crossing point. The improved access shall be implemented in accordance with the approved details prior to beneficial occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

9. Prior to occupation of the development hereby permitted, the vehicular turning facility, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

10. Parking spaces, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), shall be laid out with minimum dimensions in accordance with the Essex Parking Standards: Design and Good Practice September 2009.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

11. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) have been submitted to and approved in writing by the County Planning Authority.

The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

12. There shall be no discharge of water from the development onto the public highway.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

14. Throughout the period of demolition of the existing buildings and construction of the development hereby permitted, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in demolition and constructing the development, and wheel and vehicle underbody washing facilities shall take place only in accordance with the Construction Environment Management Plan prepared by Barnes Construction ref BC1919 dated November 2021.

Reason: In the interest of highway safety and for protection of amenity and for compliance with the National Planning Policy Framework.

15. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142.

Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

16. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

0800 – 1800 hours Monday to Friday

0800 – 1300 hours Saturdays

and there shall be no working on Sundays or Bank or Public Holidays.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

17. 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 County 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, highways and ecology. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours, ecology and the surrounding area and to comply with the National Planning Policy Framework.

18. No development, except demolition, 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:

- 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 development shall take place thereafter in accordance with the approved scheme.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

19. Prior to beneficial occupation of the development hereby permitted, a 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 have been submitted to and agreed, in writing, by the County Planning Authority. The plan shall include details of long term funding arrangements if any part of the drainage system is maintainable by a maintenance company. The development shall be maintained thereafter in accordance with the approved plan.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

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20. The applicant or any successor in title shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the County Planning Authority.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

21. Prior to beneficial occupation of the development hereby permitted, the existing pipes within the extent of the site, which will be used to convey surface water, shall be cleared of any blockage and restored to a fully working condition.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

22. If identified as being required following the completion of the desk-top, a site investigation shall be carried out post demolition and prior to commencement of construction of the development hereby permitted to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the application site's existing status and proposed new use. One PDF copy of the site investigation and findings shall be forwarded to the County Planning Authority without delay, upon completion.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

23. A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the County Planning Authority post demolition and prior to commencement of construction of the development hereby permitted and all requirements shall be implemented and completed to the satisfaction of the County Planning Authority. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority. If during redevelopment contamination not previously considered is identified, then the County Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing with the County Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

24. Following completion of measures identified in the remediation scheme, one PDF copy of a full closure report shall be submitted to and approved in writing by the County Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement. A sample of the certificate to be completed is available in Appendix 2 of Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

25. Prior to beneficial occupation of the development hereby permitted, full details of the design, dimensions and location of the proposed bin store, as indicated on drawing ref 20173-D3-01 Rev 11 (Landscape Concept Design) dated 15/11/21, shall have been submitted to and approved in writing by the County Planning Authority. The bin store shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

Reason: In the interests of local amenity and for compliance with the National Planning Policy Framework.

26. Prior to the beneficial occupation of the development hereby permitted drawing reference 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 shall be amended and submitted for the written approval of the County Planning Authority to exclude the 2 parking spaces shown south of the secure fencing line. The development shall be implemented prior to beneficial occupation in accordance with the approved amended drawing.

Reason: In the interests of local amenity and for compliance with the NPPF.

27. No beneficial occupation of the development hereby permitted shall take place until a scheme assessing the potential for overlooking of surrounding properties has been submitted to and approved in writing by the County Planning Authority. The scheme shall specifically assess the first floor windows on the eastern elevation as shown on drawing ref 20260-LSI-AAA-ZZ-DR-A-1351 S2 Rev P06 dated 21/10/21 together with amended fenestration details if the assessment shows it to be necessary. The development shall be implemented in accordance with the approved scheme prior to beneficial occupation of the development hereby permitted.

Reason: For the protection of visual amenity and privacy and for compliance with the NPPF.

**8. Widdington Pit, Hollow Road, Widdington**

The Committee considered report DR/10/22, concerning Widdington Pit, Hollow Road, Widdington.

The Committee NOTED the report.

**9. Enforcement of Planning Control Update**

The Committee considered report DR/11/22, concerning enforcement matters for the period 01 November 2022 to 31 January 2022 (Quarterly Period 3).

The Committee NOTED the report.

**10. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/12/22; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

**11. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 25 March 2022, to be held in the Council Chamber, County Hall, Chelmsford.

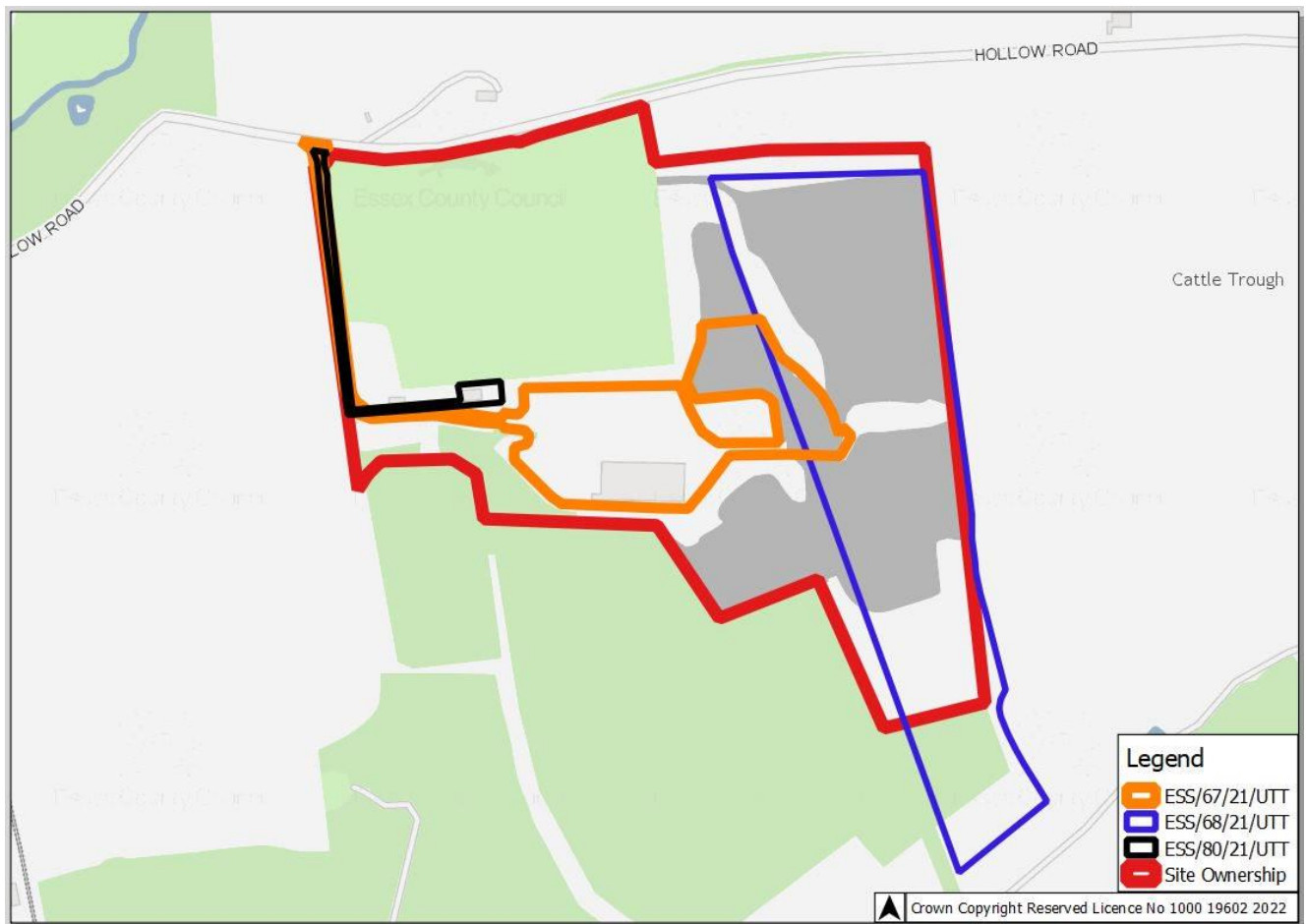
There being no further business, the meeting closed at 14:29.

**DR/13/22****Report to:** DEVELOPMENT & REGULATION (25 March 2022)**Proposals:** MINERALS AND WASTE DEVELOPMENT

- Continuation of use of land for skip hire, waste recycling, waste transfer and green waste composting operation, without compliance with condition 2 (time limit) and condition 28 (percentage of imported material to be retained on-site) attached to planning permission ref: ESS/30/19/UTT to allow the use and associated development to continue/remain until the adjacent quarry is restored and increase the percentage of material imported permitted to be exported;
- Continuation of excavation of sand and restoration of land to agricultural use, including deposit of inert waste, without compliance with condition 4 (time frame) attached to planning permission ref: ESS/35/18/UTT to allow an additional period of time to complete the infilling and restore the site; and
- Demolition of an existing workshop and the construction of a replacement building (in a revised location)

**Refs:** ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT**Applicant:** Widdington Recycling Limited**Location:** Widdington Pit, Hollow Road, Widdington, CB11 3SL**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at <https://planning.essex.gov.uk>





## 1. SITE

Widdington Pit is situated approximately 5km south of Saffron Walden, to the south-west of Widdington village. The site is accessed via Hollow Road, a country lane, which passes under a railway bridge with a 3m height restriction. Hollow Road to the east of the site access is a Protected Lane and subject to a 7.5 tonne weight restriction.

The nearest residential properties are located to the south west (London Jock Cottage) and north east along Hollow Road (the closest being Holly Cottages) approximately 200m from the site.

In respect of the site use, Widdington Pit has quite a complex planning history. With the exception of planning permissions granted for associated/ancillary development, the main use of the site as a quarry, inert landfill and waste management/recycling facility is currently governed by:

- **ESS/35/18/UTT** – Excavation of sand and restoration to agricultural use, including deposit of inert waste. Cessation required by 30 April 2022 with restoration by 30 September 2023; and
- **ESS/30/19/UTT** – Skip hire, waste recycling, waste transfer and green waste composting operation including associated buildings and development. Cessation required by 30 April 2022 with restoration by 30 September 2023

The two permissions are intrinsically linked with ESS/30/19/UTT principally seeking to assist in the securement of material to infill and restore the quarry (as permitted as part of ESS/35/18/UTT).

## 2. PROPOSAL

This report covers three planning applications (refs: ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT) which have been considered jointly.

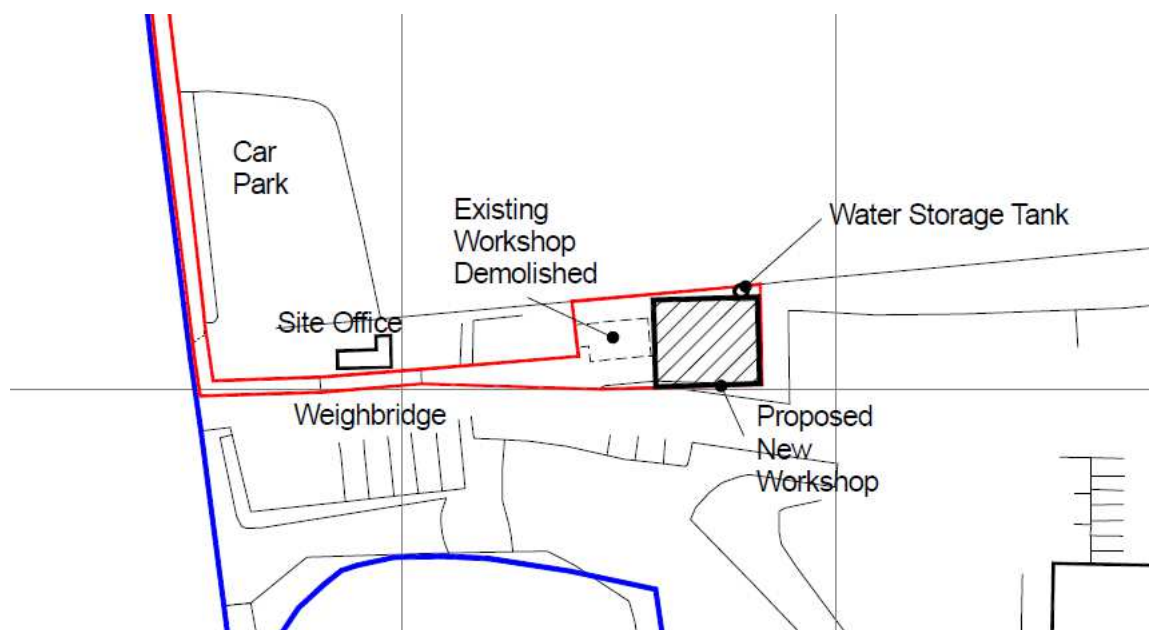
Planning application refs: ESS/67/21/UTT and ESS/68/21/UTT seek an extension to the life of operations permitted on site. It is requested that the excavation and landfilling, currently approved by ESS/35/18/UTT, be allowed until 31 August 2031 with the area covered by this permission, which has still yet to be restored, then restored by 31 August 2032. In addition, a request is made that the skip hire, waste recycling, waste transfer and green waste composting, together with the associated buildings and development, currently approved by ESS/30/19/UTT, to be allowed until 31 August 2031 with all associated buildings and development removed from the site by 31 August 2032. The land then covered by this permission would be restored by 31 October 2035.

Furthermore, application ref: ESS/67/21/UTT seeks to amend the wording of condition 28 attached to ESS/30/19/UTT. This currently requires not less than 70% by weight of the material imported to the site via the skip hire to be retained within the Widdington site for use in infilling and restoration of the adjacent landfill. The amendment proposed by the applicant is not less than 50% instead of 70%.

No changes are proposed by the applicant in respect of the principal operations currently permitted and undertaken across the site.

Planning application ref: ESS/80/21/UTT seeks planning permission to demolish an existing workshop, adjacent to the site office, and construct a replacement larger building opposite where the workshop is at the moment, as shown below.

Extract from drawing titled 'Workshop – Proposed Site Layout'



The existing workshop is a block-built building, facing east with a single access on the frontage. The building is 8.7m by 16.8m and is 8m high at its tallest point (lean-to style sloping roof). The proposed replacement workshop would be re-orientated, so that the opening is facing west. The building would be 20m by 24m, with a pitched roof 7m to eaves and 8.5m to ridge. The building would be steel portal framed of block construction to a height of 2.7m and then clad with profiled sheeting to match the waste transfer station building within the yard.

### **3. POLICIES**

The following policies of the Essex Minerals Local Plan (MLP), adopted July 2014; Essex and Southend Waste Local Plan (WLP), adopted 2017; and the Uttlesford District Council Local Plan (ULP), adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

#### **ESSEX MINERALS LOCAL PLAN**

S1 - Presumption in favour of sustainable development  
S6 - Provision for sand and gravel extraction  
S10 - Protecting and enhancing the environment and local amenity  
S11 - Access and Transportation  
S12 - Mineral Site Restoration and After-Use  
DM1 - Development Management Criteria

#### **ESSEX AND SOUTHEND WASTE LOCAL PLAN**

Policy 1 - Need for Waste Management Facilities  
Policy 2 - Safeguarding Waste Management Sites & Infrastructure  
Policy 4 - Areas of Search  
Policy 5 - Enclosed Waste Facilities  
Policy 6 - Open Waste Facilities  
Policy 9 - Waste Disposal Facilities  
Policy 10 - Development Management Criteria  
Policy 11 - Mitigating and Adapting to Climate Change  
Policy 12 - Transport and Access  
Policy 13 – Landraising

#### **UTTLESFORD DISTRICT COUNCIL LOCAL PLAN**

Policy S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN7 – Nature Conservation  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV11 – Noise Generators

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.

Planning policy with respect to minerals is detailed within the NPPF and supplemented National Minerals Policy Guidance. With regard to waste, waste policy is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England (2018) has been produced.

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.

Uttlesford District Council undertook a compatibility assessment with the NPPF in July 2012. The conclusions of this will therefore be taken on board as part of the policy appraisal of this application.

#### **4. CONSULTATIONS**

Summarised as follows:

ESS/67/21/UTT and ESS/68/21/UTT

UTTLESFORD DISTRICT COUNCIL – No objection.

UTTLESFORD DISTRICT COUNCIL (ENVIRONMENTAL HEALTH) – This service has not received any complaints relating to activities on site and therefore have no objections to its continued usage.

ENVIRONMENT AGENCY – No objection. The site is subject to an Environmental Permit but this is not time limited. The current operator of the site has significantly improved the infrastructure of the site to minimise potential impact to the environment. The current operator has followed advice and guidance put forward during Environmental Permit inspections and implements a satisfactory level of environmental management procedures.

HIGHWAY AUTHORITY – No objection subject to the securement of a scheme of works, identifying that necessary to bring North Hall Road and Hollow Road (including passing places) between the junction with the B1383 and the site access to an acceptable standard in terms of surfacing, kerbing, lining and drainage; within three months of the aforementioned works being completed a comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site access; following restoration of the site a further comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site with the results of the survey identifying any damage/repair work required; and a driver instruction sheet to be given to all employees and contractors showing local road restrictions and recommended routes.

STANSTED AIRPORT – No objection.

THE COUNCIL'S NOISE CONSULTANT – In the absence of any information to characterise the noise impacts of the proposals, or to justify that the existing noise limits would meet current guidance, we are unable to support this application as it stands. We recommend that a full noise impact assessment is undertaken or secured by way of condition, and this includes consideration of the cumulative effects from both applications.

THE COUNCIL'S LANDSCAPE CONSULTANT – No objection subject to a review of the approved landscaping scheme and associated conditions in context of the additional length of time proposed for in particular the waste recycling operations and screening of the MRF building.

WIDDINGTON PARISH COUNCIL – Object. The objective of the Parish Council is to achieve completion of the operations, removal of all buildings and structures, and cessation of all movements of associated goods vehicle at the earliest date. As per the NPPF minerals sites should be restored at the earliest opportunity and it

is not considered that this is being delivered with this site. The Parish Council consider the site is out of control and the recent erection of the WTS building, without planning permission, has completely lost the trust of the community. The information outlined in this planning application form, and then expanded on in the supporting statement, contains discrepancies. This is not an application for a 10 year extension but an application for an additional 14 years (or until 2035). Concerns furthermore exist as to how the WTS and yard area would be restored within 3 years, post completion of the quarry restoration, with no facilities to process/treat material being imported.

No revised application form was submitted to include consideration of the proposed change to condition 28 and the justification provided for this is not considered adequate. No new proposals are put forward to manage the import/export percentage restriction going forward, even though the information provided has evidenced this has rarely, to date, been complied with. Consideration should be given to a financial guarantee/bond or some form of annual reporting and progression plan with penalties or requirements to make changes to the site working if not achieved.

The proposals are not in accordance with the development plan. The site has no status in the WLP. This is a site-specific plan which does not include Widdington Pit. The proposals further fail to comply with the countryside policy of the Uttlesford Local Plan. The prolongment of the site and operations would cause significant and demonstrable harm to the character and setting of Widdington.

HGV movements through the village remain a major concern for the Parish Council as is the cumulative impact of operations soon to commence at Newport Quarry.

The proposed change in import, export percentage for the recycling operation shifts the balance of the site from restoration as the priority to one where waste management is equally as important. Concern is furthermore raised as to whether on this ratio the proposed timeframes are achievable, in context of the existing vehicle movement restrictions. Permission for this amendment should be refused.

Request is made to consolidate all permissions across the Widdington Pit site should, without prejudice, planning permission be granted to have one clear, concise permission for all operations and one end date.

ECC, again without prejudice, in the event that planning permission is granted must give clear written notice that further time extensions beyond that now approved will definitely not be permitted.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

ESS/80/21/UTT

UTTLESFORD DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No comments received.

STANSTED AIRPORT – No objection.

THE COUNCIL'S LANDSCAPE CONSULTANT – Support the principle of a replacement workshop building to permit the maintenance of plant and machinery associated with the landfilling and waste recycling operations.

The proposed building would in appearance be similar to the MRF building with its olive-green steel profiled sheeting. However, the proposed size (24m x 22m and 8.5m to the ridge) would result in it being prominent in the wider views of the site from the London Road, B1383 and from Hollow Road than the existing workshop building.

The lack of details submitted with the application makes it difficult to ascertain if the building benefits from any screening (as existing). It would be useful to have confirmation by way of a plan, that the bank and natural hedging which exists on the northern side of the concrete platform (on which the building will be placed) would remain in situ and be unaffected by the construction work.

If planning permission is granted, it is recommended that some active management of the planting and additional native trees/shrubs, in order to ensure that the partial screening afforded is maintained and improved, be secured by way of planning condition.

WIDDINGTON PARISH COUNCIL – This application should be held in abeyance or refused until the time extension applications are determined. Any permission granted for this should be subject to the same temporary timetable as main site operations.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

## 5. REPRESENTATIONS

Five properties were directly notified of these applications. The applications were also advertised by way of site notice and press advert. Five letters of representation have been received pursuant to ESS/67/21/UTT; 12 letters of representation pursuant to ESS/68/21/UTT and three letters of representation pursuant to ESS/80/21/UTT. These relate to planning issues, summarised as follows:

### Observation

The pit has been operational for over 50 years, during which its planning permissions have been extended time and time again. It is now time it is given a really finite life and permanently closed.

### Comment

See appraisal.

The recycling operation should be required to terminate immediately or after a limited fixed further term.

See appraisal.

Recycling was only ever allowed on a temporarily basis to assist in the restoration of the quarry void. By virtue of the size of the void still existing it doesn't appear to be helping.	See appraisal.
The site has been poorly managed by operators but also by ECC as the MWPA in terms of the continued approval of extensions and reactive rather than proactive site monitoring and enforcement.	Noted.
Long term concerns exist that the current occupier wishes to retain the recycling operation permanently and accordingly will prolong restoration of the quarry void.	Noted. Such an application is currently not before the MWPA. If such an application is received this would be considered on its individual merits at the time or receipt. For the avoidance of doubt, the Waste Local Plan does not however identify or designate this site as a waste recycling site in perpetuity.
The extension proposed is excessive and if approved would represent a move in favour in terms of the acceptability of a permanent waste facility on site.	See appraisal.
The void space seems to have increased since the figures detailed in the appeal decision from 2009.	The void space detailed as part of the 2009 appeal was 326,500m <sup>3</sup> . The void space as detailed as part of this application is 228,133m <sup>3</sup> not including the WTS area and 323,143m <sup>3</sup> including the WTS area.
Widdington Recycling would have been aware of the end dates detailed within the extant permission when they purchased the site. A new operator should not by default afford a time extension.	See appraisal.
In the event that planning permission is granted, ECC need to adopt a different approach to secure restoration whether that be a review of the wording of conditions attached to the planning permission or some form of legal agreement.	See appraisal.



These applications should be refused unless ECC are confident the operator will comply the terms of the permission and finally restore this site.	Noted.
The proposed import estimates are unambitious and represent a lower of historically targets. If more material was imported per annum the site would be restored quicker.	See appraisal.
Widdington Recycling appear to be running a much better operational than its predecessors and should be given a further limited period in which to attempt to make a major improvement to the scared landscape. However, 10 or 11 years, as proposed, is unacceptable.	See appraisal.
If an extension of time is granted, a period of no more than five years seems more appropriate and realistic.	See appraisal.
It is regretful that Widdington Recycling are not always respectful of law, conditions attached to their permissions and/or the impact their operations have on their neighbours. Widdington Recycling have now submitted retrospective planning applications; they frequently operate outside permitted hours; and continue to send HGVs through the village contrary to the Weight Restriction Order on Hollow Road.	Noted.
Hollow Road is not an appropriate road for such a site/use to be located on.	See appraisal.
Hollow Road is in a poor condition and needs improving/repairing if use by HGVs is to continue.	See appraisal.
Why has low level restoration not been considered?	See appraisal.
A permission was granted to restore the site to woodland rather than back to agricultural use. Are alternative after uses being considered as part of this to improve biodiversity gains as part of the	This referred application (ref: ESS/30/14/UTT) was approved by the MWPA in September 2014 but was never implemented. There is no requirement on an applicant/landowner

restoration?	to implement a planning permission, with the details of a variation of condition permission as was the case here only superseding that approved prior upon commencement/implementation. This permission, to confirm, has now lapsed and accordingly the permitted after use of the site remains to agriculture.
Although this is a historical site, it is in an inappropriate location in terms of landscape and visual impact and access.	See appraisal.
A site of this magnitude so close to a village is both damaging and unsustainable and any further extension of permission to operate should be rejected.	See appraisal.
Cells/Areas 1 and 2 which have been restored by Widdington Recycling do not comply with the approved restoration contours.	Noted.
Noise impacts.	See appraisal.
Light pollution.	See appraisal.
Concerns about site management and a number of fires which have happened on site over the last 8 years.	Noted.
When permission was granted on appeal for the waste recycling activities the Inspector acknowledged that this was an intrinsically unacceptable location for such a use, in an otherwise unspoilt area of countryside. Surely there comes a point when the prolongment of a temporary operations have to be fundamentally unacceptable.	See appraisal.
The Inspector as part of the appeal decision sought to suggest the waste use was only justified on the basis of the contribution being made to the quarry restoration (availability of inert fill). The waste recycling operation is not however making a substantial contribution to the restoration rates and	See appraisal.

it is considered extremely unlikely that the recycling operation will provide more than a token contribution to the amounts of material needed going forward.

The 70% limit of material imported which is required to be used as part of the restoration has been breached numerous times, as evidenced by the data submitted in support of this application. Why has it never been enforced by the MWPA?

The wording of the 70/30 restriction condition does allow the MWPA to request details from the operator as to the amount of material imported and exported from the site. No formal request has ever been made by the MWPA for such details to evidence compliance with the condition. See appraisal for further discussion in terms of this condition.

No explanation is given to why so much material appears to have been exported since 2018, when Widdington Recycling took over the site.

See appraisal.

The justification for the reduction from 70% to 50% in terms of import/export is unacceptable. Widdington Recycling knew the site constraints when they took the site and loss on ignition tests were also introduced a few years ago, this is not a new issue/requirement.

Noted. See appraisal.

The availability of material is surely a market issue. Why should the local community be punished with a long running site when material is out there, the operating company just can't seem to secure it.

Noted. See appraisal.

The site seems to be capable of handling and processing more material than proposed, which if done would reduce the overall life of the site.

See appraisal.

The site needs to be and should just be restored in the quickest possible timeframe.

Noted.

The proposed replacement workshop is very much larger and taller than the existing workshop building.

See appraisal.

No justification has been provided why such a larger workshop building is

Noted.

needed.

The replacement workshop would be clearly viable along the valley of the Cam, including from the B1383 and M11 and incongruous in this rural, countryside setting. See appraisal.

The impact of the MRF building, recently constructed, has demonstrated the visual impact new buildings on this site have, given its elevated nature. The existing site vegetation is not sufficient to completely screen the site. Noted. See appraisal.

The workshop application should not be considered in isolation but with the two time extension applications. Noted.

In the event planning permission is granted for the workshop, this should only be temporary for the life of operations permitted. See appraisal.

The workshop building foundations should be required to be lowered, so the building is no higher than the existing workshop building (8m). See appraisal.

## 6. APPRAISAL

### ESS/67/21/UTT and ESS/68/21/UTT

#### Background

Widdington Pit benefits from time limited planning permissions for mineral extraction, waste management/recycling and landfilling. Mineral extraction at Widdington has been occurring since the 1950s. However, it was not until 2002 when planning permission for a recycling centre, skip hire and aggregate sales was first granted planning permission (application ref: ESS/63/01/UTT). This was initially a two-year temporary permission to allow the operator at the time to find a new location for their recycling business (as their lease had expired at their previous location). Between 2002 and 2005 various applications for development associated with the recycling business/use were granted and in 2006 planning permission was granted (application ref: ESS/43/05/UTT) to allow the recycling centre, skip hire and aggregate sales use to remain, in association with the quarry and the restoration (landfilling) of this until July 2007.

In 2007 a planning application was then submitted to retain the recycling operation until completion of the landfilling of the adjacent quarry (31 December 2013 as it was at the time) – application ref: ESS/49/07/UTT. This application was refused by

the MWPA for four reasons: harm to visual amenity and detrimental impact to the surrounding countryside and designated areas; the use would give rise to industrial activity inappropriate to and unnecessarily detrimental to the surrounding countryside; unnecessary detrimental impact on the rural road network; and the need for the waste recycling site was not considered to be justified in connection with the restoration of the adjacent quarry.

This refusal was appealed, and planning permission subsequently granted by the Secretary of State in November 2009. The Inspector's overall conclusion being *'the restoration benefits gained from allowing the recycling facility to continue until void infilling is completed outweighs those and other land use objections. I do not consider it necessary to examine the temporary retention of the waste processing facility at Widdington Pit against the long list of planning policy set out by the County Council. That is because, as I have said earlier, this is an intrinsically unacceptable development in this location, justified because of, and for only as long as, the sand put void infilling is carried out.'*

In 2014 planning permission was then granted to allow additional time to excavate the mineral on-site, infill the void and restore the site and, in conjunction, retain the waste recycling facility to facilitate in this regard until 30 April 2022 with the site restored by 30 September 2023 (application refs: ESS/03/16/UTT and ESS/04/16/UTT).

In 2019 planning permission was granted for the installation of an engineered clay cap and changes to the approved pre and post settlement restoration contours of cells 1, 2 and 3 of the landfill (application ref: ESS/35/18/UTT) and in 2021 permission was granted for a waste transfer building to house recycling operations currently permitted as part of planning application ref: ESS/04/16/UTT together with associated concrete hardstanding and other changes to the approved site layout (application ref: ESS/30/19/UTT). The officer report for the waste transfer building nevertheless confirmed that *'the granting of a temporary permission for a building or improvements works to the area associated with the waste use should not in any way be viewed or taken as a steer that such a use would be considered acceptable permanently'*. Continuing, the officer's report stated that *'On a permanent basis, it is not considered that the building is acceptable or compliant with relevant policy, irrespective of its use (waste or otherwise). The building is situated in a prominent location and is not of a design or quality which within this countryside setting would be considered to have a positive impact on local character in accordance with in-particular policy 10 of the Waste Local Plan and policy GEN2 of the Uttlesford Local Plan.'*

This site is not specifically referenced by name in the Minerals Local Plan or Waste Local Plan. However, the mineral remaining on-site is reported within the Council's Local Aggregate Assessment and accordingly is part of the permitted landbank. With regard to the waste use, sites which existed at the time of adoption of the Waste Local Plan are safeguarded. The WLP was adopted on the principle of net self-sufficiency. This means having sufficient waste transfer, recycling, recovery, and disposal capacity within the Plan area to manage the amount of waste generated, with only limited cross border movements with other authorities. Policy 2 of the WLP relates to the safeguarding of existing waste management sites and infrastructure. Whilst this is only a temporary or time limited operation/facility, the

capacity throughput of the facility as part of its permitted life would have been considered and taken on board in terms of the need assessment for the WLP.

It is noted that Widdington Parish Council has sought to suggest that this site has no status in the WLP as this is a site-specific plan which does not include Widdington Pit. This is considered an incorrect, given the aforementioned safeguarding position outlined. As confirmed within paragraph 6.7 of the WLP safeguarding will be implemented through Waste Consultation Areas which are defined around all permitted waste developments (as indicated in the Annual Monitoring Report) and sites allocated in this Plan. That said, it is accepted that this safeguarded status is only for the life of the permission and contribution of the site use based solely on that achievable within the parameters of the approval (i.e. an ancillary use to a quarry restoration with a restriction on the percentage of material permitted to be exported).

#### Proposed Extension of Time

Since 2014 when the latest extension to the site life was approved, and the current end dates set, limited progress in terms of site restoration has been made. With regard to this a limited reserve of sand still remains within cell/area 5 (circa 7,000m<sup>3</sup>) and although cell 1 and cell 2 have now been infilled, capped and topsoiled, part of cell 3 and cells 4 and 5 in their entirety still remain unrestored. The below table submitted in support these applications, seeks to outline the quantities of material needed to restore the remaining parts of the site to the approved restoration contours and how many years this is predicted to take.

'Table 4 – Void Space' as submitted within the Supporting Statement

	area m2	void m3	Cut	m3 Total	Tonnes	Years	Projected Completion
<b>Landfill</b>							
Cell 1	0	0	0				
Cell 2	0	0	0				
Cell 3	6,684	15,207	454	14,753	26,555	0.66	Feb-2022
Cell 4	8,572	86,184	339	85,845	154,521	3.86	Jan-2026
Cell 5	15,577	126,742	2,061	124,681	224,426	5.60	Aug-2031
<i>Landfill Total</i>		228,133	2,854	225,279	405,502		
<b>WTS</b>							
	26,114	95,010	24,860	70,150	126,270	3.15	Oct-2035
<b>Total</b>		<b>323,143</b>	<b>27,714</b>	<b>295,429</b>	<b>531,772</b>	<b>10.1</b>	

In terms of progress made since 2014, the applicant has sought to provide a snapshot of data from the Environment Agency's waste data interrogator to show the levels of import, export and material deposited in the landfill over this period.

Extract from 'EA Waste Data Interrogator Information' as submitted within the Supplemental Statement

Year	Landfill	WTS Tonnage in	WTS Waste Tonnage Out
2020	504	11311	7856
2019	333	10640	2315
2018	260	5813	25579
2017	10992	17467	9748
2016	9644	20510	5444
2015	7355	19024	5947
2014	37837	30905	4760

As can be seen from the above, the quantity of material being landfilling has declined over this period, with in 2018 a significant quantity of material leaving the site/waste transfer station and between 2018 and 2020 a relatively low level of throughput through the WTS.

Widdington Recycling, the current site operator, purchased the site in February 2018 following the previous operator (Carr & Bircher Skips Ltd) going into administration in May 2017. The site was purchased with significant stockpiles of waste materials across the site, in contravention of both planning conditions and the Environmental Permit issued by the Environment Agency. Upon purchase of the site, the applicant has suggested that the site was not operational or able to be operated as per the approved permission and/or permit. Accordingly, the applicant has only been able to complete limited landfilling as the issues inherited from the past operator have needed to be resolved first. In this regard, the applicant has removed circa 32,000 tonnes of non-conforming waste from the site; installed a clay cap to the historic landfill cells (cells 1 and 2); re-engineered the side and base impermeable lining for cell 3; installed drainage for the waste transfer operations; constructed a new building to house the majority of waste recycling operations; and renewed the hardstanding areas across the site.

In March 2020 COVID restrictions came into force and although operations have continued in some capacity over the pandemic, the site has really only been able to operate a full capacity under Widdington Recycling's ownership since Summer 2021.

It is accepted that poor site management and/or the condition of the site when it was purchased by Widdington Recycling is not in itself a reason, which in planning terms, a further extension of time to the life of operations should be afforded. This is because this would effectively be rewarding poor performance or management. However, it is considered that the background, in this instance, does provide some context and it would be unreasonable to completely discount it in terms of the justification put forward in support of the application/extension of time.

Focussing initially on the restoration of the quarry area, the applicant is seeking an extension to infill this by 31 August 2031 and then full restore it by 31 August 2032 – a nine year extension to the existing end dates. Factoring the period of inactivity between Carr & Bircher going into administration and Widdington Recycling purchasing the site and the time taken for Widdington Recycling to resolve the

inherited issues on-site and COVID restrictions – for circa three and half years no to limited progress was made on site in terms of the restoration. Deducting this for the extension proposed brings this to five and half years, which although it is accepted is a theoretically timeframe, does provide some additional perspective to length of timeframe being proposed.

In 2014 when the existing end/restoration dates were set, calculations were based on, what was considered an achievable, average input figure of 30,500m<sup>3</sup> or 54,900tpa, by the MWPA. This input rate has not however been achieved at the site since 2008, with the most import of inert material in recent years being recorded in 2011 at 49,500t. In consideration of this, rather than seeking to suggest an extension timeframe based on the previous average figure, the applicant has sought to use 22,250m<sup>3</sup> or 40,000 tonnes which is considered by them to be more realistic based on current recycling trends and market competition.

With regard to the WTS area, this area is proposed to be re-engineered after restoration of the quarry is complete. A period of three years and two months is estimated to be needed to restore this part of the site (October 2035). In respect of this, the recently constructed WTS building would have been removed from the site by August 2032 and accordingly the recycling and skip part of the business would cease. Material being imported to restore the site, at this point, would therefore solely be inert with likely mobile plant utilised to handle this. Concerns have been raised by the Parish Council in terms of the viability of restoration of this part of the site, without the recycling operation, given arguments previously posed in this respect. However, the material required to restore this area represents just 30% of that required overall, so it is considered the viability argument is more limited.

#### Proposed Change to Condition 28

The applicant has sought to suggest that it is estimated that throughput through the WTS would likely be circa 15,000tpa. The majority of waste brought into the WTS is via the applicant's skip hire business. The type of material received within skips is variable and it is considered unlikely that if the site was to operate as per the waste hierarchy and seek to recycle as much material as possible, that the current requirement to retain 70% of material could be achieved. Request has therefore been made to reduce this to 50%. It is accepted that this would reduce the link between the recycling operation and the landfill. However, at 50% or 13,500m<sup>3</sup> / 7,500tpa it is considered by the applicant that the contribution is still substantial, especially in context of the site constraints (e.g. the low level railway bridge and the weight restriction on Hollow Road) which render the ability to secure large earthwork contracts difficult. The contribution of the WTS in terms of the suggested overall annual infill tonnage target, at a 50% rate, would be 18.75%.

#### Assessment of Proposed Timeframe and Percentage Change

Policy S12 of the Minerals Local Plan states that proposals for mineral development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities. A position which, in terms of



delivering restoration and aftercare at the earliest opportunity, replicates that detailed in the NPPF at paragraph 211.

The delays experienced in restoring this site, well beyond the timeframe originally envisaged, represent a failing in terms of the position portrayed in the NPPF and MLP policy S12. With regard to the waste use, MWPA maintain that this, as suggested by the Inspector of the appeal decision, is an intrinsically unacceptable development in this location and would not be supported on a permanent basis in policy terms. Accordingly, the delays to the restoration have prolonged the existence of this use and the resulting harms/impacts.

The planning history and the reasons why the waste use and recycling facility has previously been deemed acceptable, nevertheless puts the MWPA in a difficult position. The benefits gained from allowing the recycling facility to continue until void infilling has historically been considered to outweigh the harms/impacts and other land use objections. Whilst this application does seek to reduce the percentage of material to be utilised in the restoration of the site, which passes through the WTS, from 70% to 50% and the acceptability of this is discussed below, as an entity and ancillary operation the principle has been established whilst landfilling is on-going.

This site is not restored and cannot be left as is without posing an environmental and health and safety risk and representing a significant degrading of the local landscape value and character. It is acknowledged that potentially a lower level restoration scheme could be encouraged. However, given the highest point of the restoration (cell 1) has been restored to level and also the land levels of the central island/finger between the quarry and the adjacent field it is considered that a completely low level restoration would be undeliverable. This is due to the fact that, the aforementioned high points contain waste it is unlikely that this material could be re-engineered or re-handled easily.

It is considered that potentially the approved restoration landform could be slightly amended to reduce the quantity of material needed. However, officers would not like to estimate the minimum quantity of material needed to facilitate a satisfactory restoration. That said, it is considered that such a restoration scheme would still likely require quite a substantial quantity of material.

A request was not made to the applicant to review the approved restoration contours on the basis that these have previously been deemed acceptable and policy compliant. And, although this was a restoration scheme approved under the policies of the previous Waste Local Plan (2001), policies within this still included the principle of not allowing any more landfill as part of a restoration than was considered essential.

Turning therefore to the timeframe proposed to deliver restoration, the extension proposed is substantial (at 13 years overall). The MWPA however acknowledge the calculations behind this prediction and that maybe targets used to predict timeframes previously have been optimistic. The figures behind this proposed extension duration (22,250m<sup>3</sup> or 40,000tpa) are considered modest, especially given the improvements which have been made to the site and in-particular the waste recycling yard with the construction of the WTS building which should

improve the ability to process material and handle higher quantities of material efficiently. The limitations of the site and in-particular its accessibility given the low railway bridge and the weight restriction on Hollow Road are however impacting factors to the securing of large earthwork contracts.

It is considered that officers could seek to push for a more concise timeframe, by suggesting a higher throughput or level of import should be able to be achieved. However, the availability of material is market driven and this could just lead to the need for a further extension down the line. By therefore accepting these conservative figures, in comparison to levels suggested previously, it is considered that the MWPA can with a greater confidence promote this as the final extension to the site life.

With regard to the proposed reduction in material retained for use as part of the restoration, from that processed through the WTS, from 70% to 50%, the MWPA are conscious that this use is principally inappropriate and unacceptable in this location. As outlined by the Inspector in the 2009 appeal: *'The waste recycling facility use in this pleasant countryside location, with its proximity to the village of Widdington and its poor vehicular access...can only be justified by a substantial contribution of suitable infill for the adjacent sand pit. That possible justification can only exist until infilling at the sand pit is complete.'*

The appeal decision originally set this restriction at 50% and the percentage was increased as part of the time extension approved by the MWPA in 2014 (ref: ESS/35/13/UTT). Noting the suggested throughput of the WTS has been detailed at 15,000tpa – the 20% difference amounts to 3,000tpa or a reduction of 7.5% in contribution to the 22,250m<sup>3</sup> or 40,000t yearly infill figure. At 50%, the annual contribution of material from the waste recycling operation is only 18.75% and accordingly it could be questioned whether this is indeed substantial. However, the contribution is mainly small given the limited overall throughput of the WTS. It is accepted that this does again question the principle need for the WTS as a supporting ancillary operation. That said, officers are also mindful of the Inspector's conclusions with regard to viability and the that infilling and proper restoration could be difficult to achieve if the recycling facility was closed.

Moving forward, it is considered that, without prejudice, should this time extension be approved and the WTS percentage be reduced, the MWPA should review the existing planning conditions and/or introduce new conditions or legal obligations to be able to better monitor operations and progress. In this regard it is noted that when the time extensions were granted in 2014 it was suggested that if restoration had not been achieved by 2023 and a further extension sought, that consideration should be given to securing a financial guarantee or further assurances that restoration is actually likely.

There is concern from the MWPA that the waste recycling use has only a limited relationship with restoration of the void and that the restoration of the quarry may have historically been delayed to prolong the acceptability of a waste facility on-site and this will therefore be the case moving forward.

To counter this, there is the potential for the MWPA to explore financial guarantees as suggested back in 2014. However, concern does exist about such a guarantee

being purely financial, in this instance, given that as a planning obligation the requirement must be necessary to make the development acceptable in planning terms. In this regard, noting that viability has previously been raised as an issue in terms of the restoration delivery, it is considered the value of the financial guarantee which could likely be secured would not likely be more than a token contribution and not fund any works not completed.

Rather than being financially led it is considered that a restoration guarantee based on the submission of site surveys and waste import/export records on an annual basis; with the requirement for a formal review report on a biennial basis which would seek to identify any issues in terms of the site restoration timetable and in such event measures to resolve through for example an upward lift to the 50% WTS limit or a revised restoration scheme would ensure satisfactory restoration of the site by the end date. In the event that through submission of annual waste returns (material imported, landfilled etc...) it is shown that for two consecutive years the operator does not meet the 50% import/export restriction, it would also be requirement that the operator ceases the skip element of the business/use.

The MWPA consider this obligation essential to provide an appropriate form of guarantee that restoration will be delivered and accordingly deem this extension of time acceptable and policy compliant. Through this obligation going forward, the MWPA would have appropriate provisions, within the parameters of the permission, to ensure that at the end of the extension sought the site will be restored to the point that, without prejudice, any further extension could be refused without outstanding environmental concerns. The suggested obligation is considered to meet the three tests as set out in the Community Infrastructure Levy Regulations 2010, as it is necessary to ensure the development is completed within the timeframes proposed, it is by default directly related to the development and is principally based on that proposed by the applicant so is lastly considered fair and reasonable.

With this guarantee secured, it is considered that the extension proposed to the site life is acceptable in principle. This is not an appropriate site for a permanent waste site, with such a use and operation in this location contrary to policy within the WLP and Uttlesford Local Plan. However, the site needs to be restored and whilst a more expedient restoration would be preferable the MWPA are conscious about being realistic in context of previous levels of import achieved, the site constraints and that the availability of material is market driven.

### Other Issues and Considerations

#### *Phasing and Landscaping*

Policy 10 of the WLP covers a range of development management criteria to which a development should not have an unacceptable impact on, including 'the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness' and 'the character and quality of the area, in which the development is situated through poor design'. Policy S7 of the Uttlesford Local Plan relates specifically to the countryside and policy GEN2 covers design. With policy GEN2 detailing a range of criteria to which development will not be permitted unless its design meets.

The WTS building permitted in 2021 occupies a prominent location. The building is relatively utilitarian in design, not too dissimilar from an agricultural building or the scale and form of such a building. That said, the building is clearly visible within the wider landscape and further draws attention to the site, especially the adjacent stockpiles, plant/machinery and concrete block walls around various parts of the site. As part of the planning permission granted for the building is the requirement for a scheme of additional landscape mitigation. A scheme has been submitted to the MWPA for review and is currently being considered.

With regard to this, the MWPA acknowledged that the ability to plant additional landscaping was limited, given the areas where ideally this would be positioned are not currently restored. A solution to this, and to potentially deliver more active screening, would be to require a revised phasing plan for operations, as part of these time extensions. Currently restoration is progressing in numerical order through cells 1 to 5 before moving to the WTS area. Officers have however discussed the possibility of diverting operations to the middle island/finger between the quarry/landfill void and the adjacent field. If this area, inclusive of the embankment to the adjacent field was profiled as per the approved restoration plan now it would allow this area to be planted which would provide a significant screening belt to the yard from the north and east. This then together with more targeted additional landscaping to the south of the building and west of the yard in areas where the landscaping can be retained in the long term would help facilitate genuine progressive restoration and visual mitigation as operations continue.

The continuation of operations on site will prolong previously identified landscape and visual harm. That said, through the securing of a revised phasing plan together with an updated landscape scheme it is considered that this impact could be offset to a greater degree than existing. There is landscape harm resulting from the current state of the site, and whilst it is accepted that visually the majority of harm results from the WTS, it is considered that potential does exist to reduce the severity of this impact through the securing of appropriate planning conditions.

### Amenity

It is noted that many of the letters of third party representation have raised concerns about loss of amenity as a result of operations and in-particular noise nuisance.

Policy GEN4 of the ULP relates to good neighbourliness with development and uses not permitted where inter-alia noise or vibration; or smell, dust, light or other pollutant would cause material disturbance or nuisance to occupiers of surrounding properties. Specifically with regard to lighting, policy GEN5 states that the level of lighting and its period of use is to be the minimum necessary for its purpose and glare and light spillage should be minimised. With regard to noise, policy ENV11 states noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby.

As previously detailed this application seeks the continued operation of the site as per the existing restrictions/controls of the extant permission. As existing, the

planning permission contains a number of conditions with the aim of limiting amenity impact including set hours of operations, noise limits, a maximum number of HGV movements, a condition covering external lighting and a condition governing stockpile heights.

The MWPA have received some complaints over the last 24 months about the site and in-particular light pollution and noise. In addition, complaints have been received about hours of operation which following investigation resulted in the Council, in February 2022, serving a Breach of Planning Condition Notice on the operator in respect of operations commencing before the permitted 07:00am opening.

It is acknowledged that this site has historically and continues to cause some nuisance locally. That said, the safeguarding conditions attached to the extant planning permissions do seek to protect local amenity and allow the MWPA to appropriately follow up complaints with the operator when these are received. Subject to these safeguarding conditions being re-imposed as part of this application, it is not considered a refusal in respect of amenity impact and policy 10 of the WLP or policies GEN4, GEN5 and ENV11 could be substantiated.

The Council's noise consultant has however, in consideration of the existing noise levels, sought to suggest that the noise limits imposed across the operations permitted should be reviewed, noting that these were set a number of years ago and guidance has been updated. A re-written condition is therefore suggested in terms of noise levels and monitoring which in respect of mineral operations would seek to confirm noise levels would not exceed background noise levels (LA90, 1h) by more than 10dB(A) during normal working hours, and in any event, the total noise from the operations would not exceed 55dB(A) LAeq, 1h (free field). In terms of the waste activities, the noise from these operations would be required not to exceed a rating level equivalent to the background noise level, subject to context, when assessed in accordance with BS4142:2014 +A1:2019 and cumulatively total noise emissions from the site should not exceed 55dB(A) LAeq, 1hr (free field) at any noise sensitive receptor during the daytime operations.

### Highways

The Highway Authority has raised no objection in principle to the time extension proposed by way of these applications. However, whilst this would represent the continuation of a previously permitted activity, it is considered that the number and type of vehicles that use the site have caused a level of damage that is not expected on a road of this nature and therefore beyond the scope of normal planned maintenance regimes for declassified, rural roads. The increased traffic from HGVs would continue for longer than anticipated in previous applications and therefore it is considered reasonable and proportionate to require the applicant to address the damage caused and bring the highway between the site and the B1383 up to an expected standard as well as mitigate future impact in the location.

In respect of this, recommendation has been made that should planning permission be approved, a scheme of works, identifying that necessary to bring North Hall Road and Hollow Road (including passing places) between the junction with the B1383 and the site access to an acceptable standard in terms of surfacing,

kerbing, lining and drainage be secured. Within three months of the aforementioned works being completed a comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site access shall then be undertaken. Following restoration of the site a further comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site shall then be undertaken with the results of the survey compared to the former survey to identify any damage/repair work required.

With regard to vehicles travelling through Widdington village, a Weight Restrict Order under the Road Traffic Regulation Act prevents use of Hollow Road from the western boundary of Holly Cottages westward, for a distance of approximately 600m, to the eastern side of the Pit access for any goods vehicle which exceeds 7.5 tonnes, subject to some exemptions. In respect of this, in very general terms, planning conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions might sometimes be capable of being validly imposed on planning permissions, such conditions seeking to control or dictate routeing are very difficult to enforce effectively. Where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under the Road Traffic Regulation Act and such a control already exists in this case. It is noted that request has been made by the Parish Council, for the operator to notify the Parish Council 24 hours before any movements associated with the site use is going to go through the village. Whilst it is understood that the operator may be amenable to this as a concept, it is not considered that this could legally be imposed as a planning requirement. The MWPA acknowledge the importance of good local relations. However, such an imposition is considered unduly excessive and accordingly unjustifiable in planning terms – especially in context of the weight limit on Hollow Road which would effectively prevent the majority of HGV movements associated with the site use going through the village.

In context of the local concern, it is considered that a driver instruction sheet and enforcement protocol could nevertheless also be secured by way of condition, as suggested by the Highway Authority. This would effectively allow the MWPA to proactively engage with the operator in terms of the management of the suggested routeing and use of nearby local roads if issues do evolve.

In addition it is considered that, should planning permission be granted, through legal obligation, the operator could be required to support the creation of a local liaison group/meeting which would be the best arena to discuss these local issues.

### Cumulative Impacts

Concerns have been raised about the impact of two sites operating at either end of Widdington, in view that planning permission has now been granted for the restoration of Newport Quarry by way of infilling, with an associated inert recycling operation.

Newport Quarry is allocated for inert waste recycling and inert landfill within the Waste Local Plan and in January 2020 planning permission was granted for the 'importation of inert material, installation and use of recycling plant to produce

secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland' (application ref: ESS/42/18/UTT). Works with regard to the permission are expected to formally commence shortly (March/April 2022).

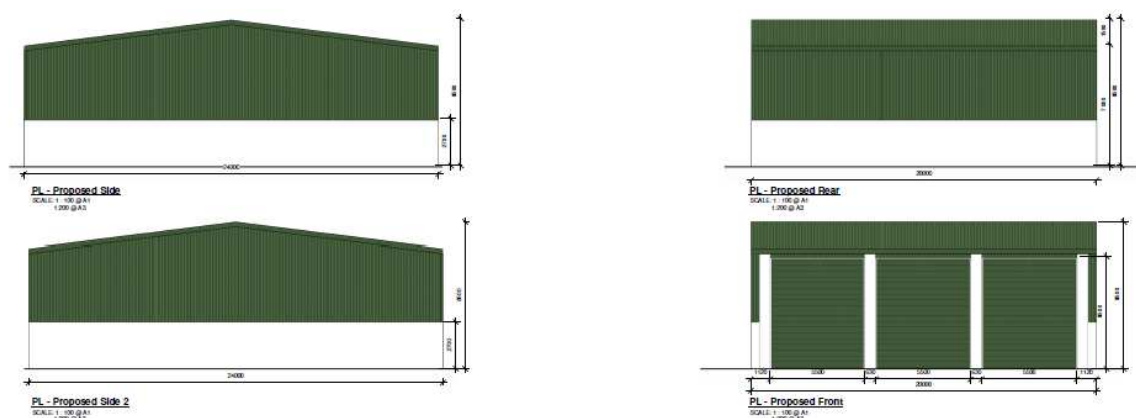
The assessment of the Newport application used baseline data which included for example the permitted vehicle movements from the Widdington Pit operations so cumulatively the impacts were considered and deemed acceptable at this point.

It is acknowledged that the expectation, when the WLP was adopted and the Newport application granted, was that Widdington Pit would have been restored by 2023 (as per the terms of the existing permission). However, there is nothing within the plan or permission granted for Newport which explicitly seeks to suggest the existence or operation of two sites within close proximity is fundamentally unacceptable. Furthermore, noting that the assessment provided for Newport included consideration of the working at Widdington and no objections were raised, particularly in terms of highways, it is not considered the cumulatively the existence of the two sites would elevate individual impacts or harms from the site individually to the point that these would support a reason for refusal.

## ESS/80/21/UTT

No in principle objections are raised to the demolition of the existing workshop building and construction of a replacement one. Whilst the replacement building at 20m by 24m, with a pitched roof 8.5m to ridge, would be larger than the one it is replacing, it would be positioned in the low lying part of the site yard which is partially screened by existing vegetation on the bank between the site yard and the adjacent field. The new building would be 0.5m higher than the existing one but given the proposed pitched roof form no objection is raised to this. The mass of the building would likely mean that as an entity it would be more visible in wider long range landscape views. However, the proposed green cladding to match the WTS building would help to offset this.

### Extract from drawing titled 'Proposed Workshop'



Subject to the use of this building ceasing in accordance with the permitted timeframes of the WTS and the building subsequently being removed in its entirety in accordance with the approved restoration scheme, no objection is raised to this development coming forward. The building is utilitarian in design however in view

of the proposed use and the proposed location on-site it is considered compliance with policy S7 of the Uttlesford Local Plan can be demonstrated.

### **Planning Consolidation**

Due to the way that this site has evolved, i.e. the mineral excavation was permitted and then the waste recycling use introduced, the two operations benefit from separate planning permissions.

Without prejudice, should further time extensions be granted, it is considered appropriate to seek to consolidate these two permission together with the other extant permissions existing across the area within the applicant's control. This is considered will help in terms of understanding the collective nature of operations permitted on-site and would also allow a more comprehensive consideration of factors such as landscaping and restoration in terms of achieving both short and long term benefits.

In this regard, the below planning permissions have been identified for consolidation:

ESS/67/21/UTT;

ESS/68/21/UTT;

ESS/80/21/UTT;

ESS/09/16/UTT – which relates to the on-site office block; and

ESS/83/19/UTT – which relates to a surface water drainage and treatment scheme.

The consolidation would be secured by legal agreement and would effectively result in the decision for the three applications pending determination and the two other extant permissions identified above being consolidated under a new planning application reference on one decision notice. Separate decision notices would not be issued for ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT, albeit these applications would have technically been approved. The consolidated decision notice would cover the entire area within the applicant's ownership and all elements of operations previously governed by separate permissions, bringing together condition requirements where appropriate.

## **7. CONCLUSION**

The extension of time proposed to the life of the site, at over 13 years, is substantial. This site has been awaiting restoration for a number of years and previous deadlines have come and gone, representing a failure by the operators to do what they historically were permitted to do as well as a planning failure in terms delivering restoration and aftercare at the earliest opportunity as required by the NPPF and Minerals Local Plan.

The site is located in a rural area, on the outskirts of Widdington, and is considered an inappropriate location for a stand-alone waste use. The proposed extension is therefore prolonging the harms/impacts associated with this inappropriate use and development (built form) which, if not considered as ancillary to the restoration of the quarry void, would not be supported in land-use terms.



Concerns that restoration of the quarry historically may have been mismanaged and potentially prolonged to maintain the existence of a waste use are acknowledged and to some degree accepted by the MWPA. As evidenced through the planning history of this site, and the refusal of the original 2007 application for the WTS, the MWPA has always held reservations as to whether the contribution of the WTS to the restoration of this site would be substantial and sufficient to suitability outweigh the harms associated with such a use on-site. However, the benefits of the WTS were accepted by the Inspector as part of the appeal decision issued in 2009 and accordingly this ancillary use/operation is now well established. Although the MWPA reservations are now supported by the data from actual operations, it is considered it would be difficult to re-argue this point whilst the quarry remains unrestored.

This application does seek to reduce the percentage of material handled through the WTS required to be used as part of the infilling/restoration of the quarry from 70% to 50%. However, 50% was the original percentage imposed by the Inspector and it is considered that the MWPA needs to be realistic as to this what is actually achievable in context of the waste materials which for example are received within skips and the principles of the waste hierarchy.

It is the MWPA's view that the extant permissions for the site operations have failed to give the MWPA appropriate provisions or control to ensure some form of restoration of this site. Although the granting of another lengthy extension is by no means ideal, it is not considered that it is a plausible option to simply leave the site as is. The applicant has supplied historical data to support the proposed levels of importation/infill and accordingly the revised restoration timetable. The levels of importation are considered conservative, particularly in terms of that suggested historically (albeit not achieved) and the recent investments which have been made to the site. However, it is considered that requiring or seeking to suggest higher targets could just result in a further extension being needed down the line.

The fact that this site is still unrestored is considered to highlight that in hindsight this site has potentially benefitted from poor or bad planning decision making. Unfortunately, the MWPA however finds itself with little alternative but to afford additional time to restore the site. It is accepted that there will be local discontent as to the length of extension proposed and views that the MWPA are repeating old mistakes. However, it is considered that through the imposition of more robust conditions and a legal agreement which seeks better monitor on site works and progress that the MWPA can help further ensure that the site is restored as the applicant claims.

That said, it is also acknowledged that the site is now under new management and the site is being run in a more professional and efficient manner than before and many outstanding environmental concerns with the site have or are in the process of being resolved. It is accepted that should planning permission be granted, over the additional operational period proposed, there would be continued landscape and visual impacts, together with some harm or nuisance to local amenity. However, it is considered that particularly in terms of the amenity nuisance that these can be effectively mitigated through the imposition of restrictive conditions. The landscape and visual impact can also be reduced through the introduction of additional planting and whilst this impact or scarring will not cease or be resolved

until the buildings on-site are removed and the site is restored, in the long term, as part of the restoration, the original envisaged long-term landscape and ecology benefits would be delivered.

## 8. RECOMMENDED

That subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring:

- the submission of annual site surveys and waste import/export records and biennial reviews which would seek to identify any issues in terms of the restoration timetable and its delivery, together with potential solutions/amendments (if appropriate);
- confirmation that, in the event that through submission of annual waste returns (material imported, landfilled etc...) the operator for two consecutive years fails to meet the 50% import/export restriction, the skip element of the operation/use will cease immediately;
- a scheme of highway improvement/repair works;
- a highway condition survey post completion of the aforementioned;
- a highway condition survey and works schedule to remedy any issues or damage post completion of the site restoration;
- creation and attendance of a local liaison group/meeting;
- and consolidation of all extant planning permissions within the area owned by the applicant so that all operations are covered by one planning permission/reference going forward

planning permission be granted subject to the below conditions.

1. The development hereby permitted shall be carried out in accordance with:

i) The details submitted by way of application reference ESS/43/05/UTT dated 5 October 2005, together with the supporting statement dated 18 October 2005, email dated 2 November 2005 and email dated 28 November 2005.

As amended by details submitted with application reference ESS/49/07/UTT dated 30 September 2007 and appeal reference APP/Z1585/A/08/20805431NWF dated 3 July 2008, together with drawing

Plan Ref	Date	Description
004/107- D	Oct 07	Waste Recycling & Transfer

As amended by the details submitted with application reference ESS/35/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013 and drawing numbers:

Plan Ref	Date	Description
K9.1-20-005	27 May 2013	Application boundaries and Site Location

K9.1-20-006	22 May 2013	Site Layout at 1:1000
K9.1-20-006/1	24 June 2013	Site Layout at 1:2000

And emails from Wiser Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with application reference ESS/30/19/UTT dated 25/04/2019, supporting statement dated May 2019, supporting statement addendum dated August 2019 and drawing numbers:

<b>Plan Ref</b>	<b>Date</b>	<b>Description</b>
WIDD/MRF/02	April 2019	Waste Transfer Building Layout
18606-01-JOD-WID-SHD-01 (Rev C1)	1-Apr-19	Waste Transfer Shed Plans and Section
18606-01-JOD-WID-SHD-02 (Rev C1)	1-Apr-19	Waste Transfer Shed Elevations
WIDD/MRF/04 v2	April 2019	Waste Recycling Operational Areas
K303.1-20-004	2020-10-08	Combined Drainage Plan

As amended by the details submitted with application reference ESS/67/21/UTT dated 25/06/2021, supporting statement dated July 2021, supplemental submission, dated November 2021 and drawings:

<b>Plan Ref</b>	<b>Date</b>	<b>Description</b>
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

ii) The details submitted with the application reference UTT/911/89 dated 11 May 1989 and Bidwell Drawing No. B3062 received 18 May 1989, letters from Bidwells dated 30 October 1989, 24 November 1989 and 15 January 1990.

As amended by planning application reference ESS/33/02/UTT/REV dated 14 June 2002 along with:

- Application letter from and Statement of details by Molyneux Planning dated 10 September 2002;
- Plan Ref. RH/MSE/1877-3 Extraction Contours dated 27/08/02;
- Location Plan 1:2500, received 25 September 2002, indicating area edged

blue (NB area edged red defined by Bidwells Drawing no. B3062 received 18 May 1989);

- Letters dated 8 November 2004, 20 November 2004, 11 January 2005 and email dated 10 November 2004 from Wiser;

and drawings:

- RH/MSE/1877-4 Post settlement contours dated 29/10/04;
- RH/MSE/1877-5 Pre-settlement contours dated 29/10/04;
- RH/MSE/1877-6 Areas of reinstatement dated 8/7/05; and
- WIS/MSE/2523-8 Application Site dated 10/01/06.

As amended by planning application ESS/44/08/UTT dated 12 August 2008 (subject of planning appeal APP/Z1585/C/08/2111890), covering letter dated 17 September 2008 and supporting statement reference K9.3-08-002 dated August 2008, together with drawing numbers:

- WIS/MSE/2523-1 Site boundary dated 27/10/05;
- WIS/MSE/2868-3 Site Areas April 2008 dated 16/05/08;
- WIS/MSE/2868-2 Volumetric Analysis dated 6/05/08; and
- WIS/MSE/2523-8 Application site dated 10/01/06 .

As amended by the details submitted with planning application ESS/34/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013, together with drawing numbers:

<u>Plan Ref No</u>	<u>Date</u>	<u>Description</u>
WIS/MSE/2523-1	14.10.2005	Location Plan
KP.3-20-014	24.06.2013	Site Location
WIS/MSE/2523-8	10.01.2006	Application Site
WIS/MSE/2868-21	18.04.2013	Volume Summary
K9.3~20~015	24.06.2013	Landfill application boundaries
WIS/MSE/2784-2D	02.03.2010	Restoration Phases
WIS/MSE/2868-2	06/05/2008	Volumetric Analysis April 2008
WIS/MSE/2868-21	18.04.2013	Volume Summary 2012-2013
WIS/WSE/2868-23A	16.07.2013	Site survey March 2013, Post-Settlement Contours & Existing Surrounding Ground Contours

And emails from Wiser Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with planning application ESS/35/18/UTT dated 23 October 2018; Supporting Statement, dated October 2018; and drawings titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018; 'Proposed Restoration Levels Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018; 'Restoration Cross-Section Locations', drawing number: WIS/MSE/2868-46B, dated 03/09/2018; 'Restoration Cross-Sections (Post Settlement Levels)', drawing number: WIS/MSE/2868-46C, dated 19/09/2018.

As amended by the details submitted with application reference ESS/68/21/UTT dated 25/06/2021, supporting statement dated July 2021 and drawings:

Plan Ref	Date	Description
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

iii) The details submitted by way of the application reference ESS/80/21/UTT dated 01 September 2021, together with drawing numbers/documents:

- 'Site Location Plan', drawing no. WIDD/WOR/01, dated August 2021;
- 'Workshop – Existing Site Layout', drawing no. WIDD/WOR/02, dated August 2021;
- 'Workshop – Proposed Site Layout', drawing no. WIDD/WOR/02, dated August 2021;
- 'Workshop – Proposed Detailed Site Layout', drawing no. WIDD/WOR/03, dated August 2021;
- 'Proposed Workshop', drawing no. PL-101, dated 28/07/2021;
- 'Supporting Statement, dated August 2021; and
- 'Design and Access Statement', dated August 2021.

iv) The details submitted by way of the application reference ESS/09/16/UTT, dated 10/02/2016, together with drawing numbers/documents:

- 3637-01A Proposed Site Location Plan;
- 3637-02C Existing and Proposed Office Plans and Elevations;
- 3637-03 Proposed Site Plan;
- 3637-04 Proposed Storage Bay; and
- Planning Statement incorporating Design and Access Statement, prepared by Artisan Planning and Property Services, dated January 2016.

v) The details submitted by way of the application reference ESS/83/19/UTT dated 25 September 2019 (as amended by email from Avison Young, dated 28/01/2020 [08:54]), together with drawing titled 'Bank Stability and Drainage Plan', drawing no. WIDD/BSD/02, dated Sep 2019; and drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019

vi) and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral and 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 S1, S6, S10, S11, S12 and DM1 of the Essex Minerals Plan (2014); policies 1, 2, 4, 5, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN1, GEN2, GEN3, GEN4, GEN5, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

2. All operations associated with the winning and working of sand, the processing

of the same and inert landfilling hereby permitted across the landfill as shown on drawing titled 'Operational Areas', drawing no. WIDD/TEX/02 v2, dated June 2021, shall cease/be completed by the 31 August 2031 and this area shall be fully restored by 31 August 2032 or within 6 months of the achievement of the approved restoration contours on the last phase/cell, whichever date is the earlier, with the exception of agricultural aftercare.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

3. All activities and operations associated with use of land for skip hire and commercial waste recycling, waste transfer and green waste composting and the importation of non-indigenous aggregates shall cease by 31 August 2031. All stockpiles of materials and waste, structures, buildings, plant, machinery, foundations, hardstandings and roadways used shall be removed by 31 August 2032, except those required to facilitate restoration of this area which shall have been previously approved to be retained by the Mineral and Waste Planning Authority pursuant to condition 4 of this permission. The site shall then be fully restored, with all development removed from the site, by the 31 October 2035 in accordance with the approved restoration contours and landscape scheme.

Reason: To ensure the temporary nature of the waste use and operations is maintained, to limit the impact of the site on local amenity, to ensure restoration of this part of the site within a reasonable timescale and to comply with policies 5, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

4. Within twelve months of the proposed completion of landfilling of cells 1-5, or in any event no later 31 August 2030, details of the infrastructure proposed to be retained to facilitate restoration of the land used for the skip hire and commercial waste recycling, waste transfer and green waste composting shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall detail any buildings, structures, plant, machinery, foundations, hardstandings and/or roadways proposed to be use in connection with the restoration of this part of the site. For the avoidance of any doubt, in accordance with condition 3, it is expected that infrastructure proposed to be retained would be limited to that only essential, with the main waste transfer/recycling building removed. Only infrastructure approved to be retained shall remain on-site after 31 August 2032. When such infrastructure is no longer required for the purpose for which they were retained they shall be removed, or in any event they shall be removed by the 31 October 2035, to ensure restoration of the entire site in line with the completion date.

Reason: To enable the Mineral and Waste Planning Authority to adequately control the development, ensure progressive restoration and the removal of built form, to ensure that only infrastructure essential to restoration is retained

on site following cessation of the skip hire and commercial waste transfer/recycling operation and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7 and GEN4 of the Uttlesford District Council Local Plan (2005).

5. In the event of a cessation of the infilling/landfilling hereby permitted for a period in excess of 12 months, prior to complete restoration of the site, which in the opinion of the Mineral and 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 for review and approval in writing. Such a scheme shall be submitted within six months of notification of a permanent cessation from the Mineral and Waste Planning Authority. Any such scheme would be expected to include an up-to-date survey of the site; propose an interim or alternative restoration scheme for the site which for the avoidance of doubt would be expected to show all built form removed from the site; and detail a clear and precise schedule and timetable for works which would to be undertaken.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

6. Operations authorised or required by this permission (including temporary operations) shall only be carried out between the following times:  
07:00 to 18:30 hours Mondays to Fridays  
07:00 to 13:00 hours Saturday  
and at no other time or on Sundays, Bank and Public Holidays.

For the avoidance of doubt, all vehicles in excess of 7.5t gross vehicle weight and contractors vehicles in excess of 3.5t gross vehicle weight associated with the operations shall not be allowed to enter or leave the site outside of these times. The aforementioned times shall be subject to the following exception for shredding of green waste which shall only take place between 09:00 to 16:00 hours Mondays to Fridays, 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 policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN5 and ENV11 of the Uttlesford District Council Local Plan (2005).

7. All plant and machinery shall operate only during the permitted hours of operation, except in emergency, and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: In the interests of limiting the effects on local amenity and to comply

with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

8. Within one month of the date of this decision, a Noise Impact Assessment shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The Assessment, which is to be submitted in accordance with PPG:minerals, BS5228-1:2009+A1:2014 and BS4142:2014+A1:2019 shall seek to address/confirm the following points:
- That for normal mineral operations noise levels will not exceed background noise levels (LA90, 1h) by more than 10dB(A) during normal working hours at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House. In any event, that the total noise from normal mineral operations will not exceed 55dB(A) LAeq, 1h (free field).
  - That for temporary mineral operations noise levels will not exceed 70dB(A) LAeq 1h (free field) at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House and that any such operations would be limited to 8 weeks in any year.
  - That for industrial (waste) operations, i.e. those operations not covered by the minerals guidance, noise levels will not exceed a rating level equivalent to the background noise level, subject to context, when assessed in accordance with BS4142:2014 +A1:2019, during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.
  - That cumulatively, the total noise emissions from the site will not exceed 55dB(A) LAeq 1hr (free field) during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.

The findings of the Assessment, and the site noise levels approved, shall form the basis of the regularly monitoring submissions required by condition 9 of this permission.

Reason: In the interests of limiting the effects on local amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

9. Within one month of the date of this decision, a scheme for monitoring noise levels arising from the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall confirm that noise monitoring submissions will provide:
- Attended measurements by a competent person of LA90 and LAeq 15-minute noise levels over 1 hour at each of the monitoring locations used as part of the Noise Impact Assessment, approved as part of the submission pursuant to condition 8, as representative of Holly Cottages, Camfield and Jock Wood House;
  - Details of equipment and calibration proposed to be used for monitoring;
  - Details of noise monitoring staff qualifications and experience;
  - The logging of all-weather conditions, approximate wind speed and direction and both on site and off site events occurring during



- measurements including 'paused out' extraneous noise events;
- Procedures for characterising noise from mineral versus industrial noise sources and extraneous noise (if required);
- Confirmation that monitoring will be undertaken during typical working hours with the main items of plant and machinery in operation;
- Details of any noise related complaints received and procedures for handling such complaints; and
- Actions/measures to be taken or proposed in the event of an exceedance of the noise limits.

Noise monitoring, in accordance with the approved scheme, shall be undertaken at six monthly intervals with the results forwarded to the Mineral and Waste Planning Authority within one calendar month of the monitoring being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral and Waste Planning Authority.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

10. No audible warning device shall be used on any mobile plant except in accordance with details to be submitted to and approved in writing by the Mineral and Waste Planning Authority.

Reason: In the interests of amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

11. Within one month of the date of this decision, a revised working/phasing plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The development shall subsequently be undertaken in accordance with the details approved.

Reason: On the basis that it is considered that seeking to work or restore in a slightly revised order may give rise to some landscape/screening benefits as operations within the yard continue, to ensure that the site is progressively restored, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

12. Within one month of the date of this decision, a restoration plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The restoration plan is expected to follow the principles/land levels as shown on drawing titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018 and 'Proposed Restoration Contours

Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018. The development shall subsequently be undertaken in accordance with the details approved.

Reason: To ensure that the site is restored to an acceptable profile and is capable of returning to an agriculture afteruse, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

13. All indigenous and imported topsoil, subsoil and soil making material shall be retained on the site for use in the restoration of the site.

Reason: To prevent the loss of soil and aid the timely final restoration of the site in compliance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

14. Only inert waste shall be deposited within the quarry void/landfill area and/or used as part of the restoration of the wider site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

15. Subsoil shall be placed to an even depth of 700mm over the overburden/clay cap to achieve pre-settlement levels less 300mm to allow for topsoils. The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil and to conform to the approved restoration contours. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Reason: To ensure the site is properly restored and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

16. Soil placement shall be implemented in accordance with the details submitted and approved on 15 May 2009 under condition 32 of planning permission ESS/33/02/UTT/REV. The approved soil placement details are set out in letters from Wisser dated 18 February 2008 and 10 March 2009 and document reference K9.3-08-001 dated 11 February 2008 and drawing nos. WIS/MSE/2523-1, WIS/MSE/2784-1 dated 22/10/2007 and RH/MSE/1877-4 dated 29/10/2004

Reason: To ensure the site is properly restored and to comply with policies

S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

17. There shall be no placement of subsoils and/or topsoils on any area ready for restoration until a topographical survey at 0.5m intervals of the area for restoration has been submitted to the Mineral and Waste Planning Authority for review and approval in writing.

Reason: To ensure the placement of subsoils and/or topsoils would facilitate the approved restoration contours/profile and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

18. Within one month of the date of this decision, a landscape scheme for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall include details of all planting, screening/mitigation bunds, buffer areas to field boundaries and any boundary and inter-boundary fencing proposed to be installed. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and for those to be retained, measures for their protection when works are proposed within close proximity. The scheme shall include detail of all areas to be planted with species, sizes, spacing, protection and a programme of implementation. The scheme which is expected to suggested progressive implementation shall be implemented as such with planting occurring within the first available planting season (October to March inclusive). Any tree or shrub forming part of a landscaping scheme 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 and Waste Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

19. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted Scheme/s shall be expected to following the phases of working, as confirmed as part of details submitted pursuant to condition 15, and:
  - a) Provide an outline strategy 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; and

- b) Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

With regard to the above, it is noted that an aftercare scheme for cell 1 has already been approved by the Mineral and Waste Planning Authority under application reference ESS/35/18/UTT/24/1. No further submission is therefore expected or required in respect of cell 1 unless the operator wishes to amend any of the details previously approved.

Reason: To ensure the satisfactory restoration of the site for agriculture and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

20. The development shall be carried out in accordance with the method of composting details approved under planning application reference ESS/35/13/UTT/8/1 dated 22 July 2014. Composting shall be undertaken in the area identified for composting on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019. No wood waste shall be mixed with green waste for composting. Green waste composting shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017)

21. No stockpiles of green waste, shredded green waste, windrows of composting material or stockpiles of composted material shall exceed 3m in height.

Reason: In the interests of visual amenity and to comply with policy 6 and policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

22. No composted material/soil improver shall be removed, sold or exported from the site, and shall be used to aid restoration of the site. No composted material/soil improver or composted material/soil improver mixed with soils or recovered soils shall nevertheless be spread, until the quality of the material has been independently verified and evidence of such submitted to the Mineral and Waste Planning Authority. Such material shall be spread at a depth no greater than 0.3m over cells 1-5.

Reason: To ensure materials remain on site and to ensure beneficial restoration of the site.

23. No shredding of green waste shall take place in periods of adverse weather

conditions, particularly during periods of high wind from the south west. No turning or moving of composted material shall take place in periods of adverse weather conditions, particularly during periods of high wind from the south west. The odour complaints scheme shall be implemented and adhered to in accordance with the details approved on 14 March 2007 by the Waste Planning Authority under condition 14 of planning permission reference ESS/43/05/UTT. The approved odour complaints scheme is as set out in letters dated 28 November 2006 and 21 February 2007.

Reason: To minimise the risk of adverse impact from dust and odour, in the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policy GEN4 of the Uttlesford District Council Local Plan (2005).

24. The throughput of green waste at the site shall not exceed 15,000t per annum and the operators shall maintain records of their monthly throughput, which shall be made available to the Mineral and Waste Planning Authority within 14 days upon written request.

Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

25. No more than 200 tonnes of imported aggregates shall be stored on the site at any time and this shall solely be stored within the areas identified as such on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (orange hatching).

Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

26. Within one month of the date of this decision, a detailed layout plan of the site shall be submitted to the Minerals and Waste Planning Authority for review and approval and writing. The layout plan shall clearly detail all development (structures, static plant and machinery, bays and bunds) within and around the yard, including details of size, construction, form and materiality. The development shall be maintained in accordance with the approved details.

Reason: To ensure that the Minerals and Waste Planning Authority has a layout plan which accurately shows all existing development on-site.

27. No stockpiles of waste or materials shall exceed 3m in height or 100m AOD (whichever is the lesser).

Reason: In the interests of visual amenity and to comply with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

28. The operator shall maintain records of their weighbridge sales; of the quantity of aggregates imported for resale; and the quantity of indigenous aggregate sales. All records shall be made available for the Mineral and Waste Planning Authority within 14 days of a written request.

Reason: To enable the Mineral and Waste Planning Authority to monitor the scale of development is in accordance with that approved, in the interests of local amenity and to comply with policies 10 and policy 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

29. Not less than 50% by weight of the material imported to the site, and handled/processed through the waste transfer/recycling station, shall be retained within the Widdington site for use in infilling and restoring the quarry void/landfill. The operator shall maintain records of tonnages of materials imported and exported from the site and shall make these records available to the Mineral and Waste Planning Authority within 14 days of a written request.

Reason: To ensure the waste recycling facility is contributing to the restoration of the quarry void/landfill and to comply with policies S12 and DM1 the Essex Minerals Plan (2014); policies 5, 6, 9, 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

30. No handling, deposit, processing, storage or transfer of waste shall take place outside the areas identified for 'Waste Stockpiles, Handling and Recycling' and 'Crushing and Screening Operations' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (dark blue and yellow hatching).

Reason: In the interests of visual amenity and to comply with policy 10 (Development Management Criteria) of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

31. No storage of full, empty or damaged skips shall take place outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

Reason: In the interests of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

32. No storage of plant or machinery whether functional or not shall be stored outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

Reason: In the interests of visual amenity and to comply with policy 10 of the

Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

33. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be sited on an impermeable base or installed within an impermeable container with a sealed sump or bund capable of holding at least 110% of the vessels capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage with no direct discharge to any watercourse, land or underground strata. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

34. No fixed external lighting other than that approved under planning application references ESS/04/16/UTT/23/1 and ESS/30/19/UTT/21/1 shall be erected or installed on-site (in the yard or attached to any building) until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Waste 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 potential for nuisance and disturbances to the surrounding area and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and GEN5 of the Uttlesford District Council Local Plan (2005).

35. The total number of heavy goods vehicle\* movements associated with the development hereby permitted 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.

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 Mineral and Waste Planning Authority within seven days of written request.

*\* 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 S10, S11 and DM1 of the Essex Minerals Plan (2014);

policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

36. No loaded lorry shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

37. The 180m surfaced section of the haul road, from the junction with Hollow Road shall be kept free of mud and to ensure that such material is not carried onto 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) and policy GEN1 (Access) of the Uttlesford District Council Local Plan (2005).

38. The access/haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to suppress dust.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005)

39. Within one month of the date of this decision, details of a driver instruction sheet and enforcement protocol shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing in respect of vehicle routeing to and from the site and general consideration of nearby residential properties and local roads.

Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

40. Signs shall be erected and maintained for the life of the development hereby permitted on both sides of the haul road at the point where Bridleway No. 14 crosses, to warn pedestrians of vehicles and drivers of pedestrians. The signs to read: 'CAUTION: PEDESTRIANS AND HORSES CROSSING' and 'CAUTION: LORRIES CROSSING'. The signs shall be maintained throughout the life of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan



(2005).

41. The drain located across the bellmouth at the site entrance shall be maintained in accordance with the scheme approved under planning reference ESS/34/13/UTT/33 and ESS/35/13/UTT/32, both dated 22/07/2014.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

42. The wheel and underside chassis cleaning facilities, approved under planning reference ESS/34/13/UTT/34/1 and ESS/35/13/UTT/33, both dated 16/12/2014 shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. No commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

43. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Construction Management Plan shall confirm:

- Areas of the site which are proposed to be utilised for construction including how the site would be temporarily accessed;
- Areas proposed for the loading and unloading/stockpiling of materials; and
- Proposed hours of construction including details of any temporary development/welfare facilities and/or other provisions proposed to support the construction of the development.

The Construction Management Plan shall furthermore include a specific section on environmental management, and biodiversity, in respect of limiting the impact of the construction phase on ecological habitats and include the:

- Identification of biodiversity protection zones;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists may need to be present on site to oversee works;
- Responsible persons and lines of communication; and the
- Use of protective fences, exclusion barriers and warning signs.

The development shall be implemented in accordance with the Construction

Management Plan subsequently approved.

Reason: In the interests of highway safety, minimising the potential for environmental impact during the construction phase of the development, safeguarding local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

44. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until specific design details for the surface water drainage scheme, as shown in principle on drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall confirm that discharge rates are limited to 5l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change; that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event; include final modelling and calculations for all areas of the drainage system; include detailed engineering drawing of each component of the drainage scheme; and a final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.

Reason: To ensure the effective operation of the surface water drainage scheme over the lifetime of the adjacent development and to comply with policies 10 and 11 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN3, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

45. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until detailed construction drawings/designs for the surface water drainage scheme, as shown in principle on drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to the Waste Planning Authority for review and approval in writing. The details submitted shall include confirmation of the engineered shape of the lagoons and design specification of the lagoons; associated landscaping/planting (including reed specification); fencing; and the connection point from the yard. The development shall be implemented in accordance with the approved details.

Reason: To ensure the specific design details of the development are acceptable, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

46. Prior to beneficial use of the surface water drainage and treatment scheme hereby approved a maintenance and management plan for the development shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The plan, in addition to covering general maintenance and management arrangements, shall include specific consideration of biodiversity in the form of a Biodiversity Enhancement Plan which should support the

principles of the development design which have the potential to deliver biodiversity gains.

Reason: To ensure the development is appropriately managed and maintained, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

And that it is not considered expedient to take enforcement action against operations continuing on-site, during the period allowed to complete the required legal agreement. If progress with regard to the legal agreement is stalled and it is considered this is unlikely to be completed, then the situation with respect to enforcement action will be reviewed given the existing end date of the extant permissions would have lapsed.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

### **EQUALITIES IMPACT ASSESSMENT**

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

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

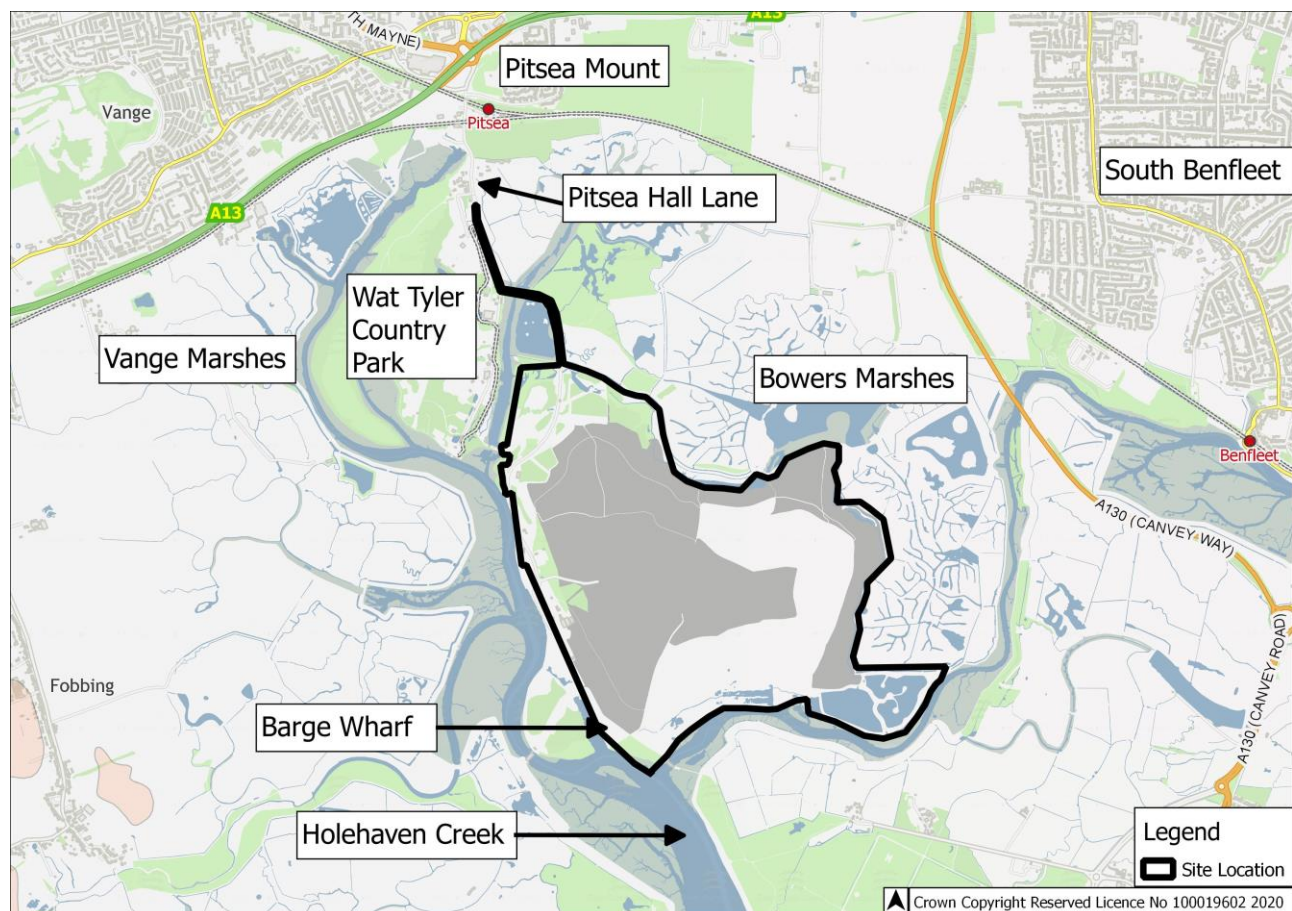
In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent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

### **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Stansted

**DR/14/22****Report to:** DEVELOPMENT & REGULATION (25 March 2022)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility (part retrospective)

**Ref:** ESS/49/14/BAS**Applicant:** Veolia ES Landfill Ltd**Location:** Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**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 ESS/49/14/BAS was made in 2014, seeking to extend the life of the Pitsea Landfill, such that landfilling would be complete by 2025 and restoration by 2027. Additional time was anticipated to be needed in 2014 due to a number of factors likely to reduce landfill input rates.

The Development & Regulation Committee resolved in [September 2015](#) to grant planning application ESS/49/14/BAS, subject conditions and legal agreements.

The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site for nature conservation and public access.

Neither of these legal agreements were completed, such that the site has been operating without the benefit of planning permission, although the operator continues to work to the spirit of the original conditions and restoration of the site has been progressing.

In 2020 the Committee considered a number of updating reports ([January 2020](#), [July 2020](#) and [October 2020](#)) with respect to the above planning application and circumstances at Pitsea Landfill.

In January 2020 Members resolved not to take enforcement action with respect to the lack of planning permission and allow Veolia to find alternative proposals that would allow a revised recommendation, namely an alternative to the provision of a pedestrian bridge and an alternative mechanism for long-term management of the site.

Veolia subsequently amended the proposals and the amended details were considered by the Committee in [February 2021](#). The original proposals for Veolia to provide a pedestrian bridge over the railway line on Pitsea Hall Lane proved undeliverable due the requirements of Network Rail and escalating costs. As an alternative, improvements are proposed to the existing bridge over the railway line on Pitsea Hall Lane including a one-way priority system across the bridge for vehicles, which allows a greater width for a pedestrian path on the east side of the bridge. The priority would be given to vehicles travelling south. The details of the bridge improvements are not specifically part of the planning application, but Veolia would provide funds for ECC to undertake these works.

In addition long-term management of the restored landfill, which was to be undertaken by the RSPB, but due to a change in circumstances the RSPB withdrew from this arrangement and now Veolia will manage the site themselves or pass to a suitable Environmental body subject to approval of the Waste Planning Authority.

In February 2021 it was resolved to grant planning permission incorporating these amendments subject to conditions and completion of the necessary legal agreement by February 2022.

## 2. SITE

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island (1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Thames Enterprise Park and DP World are located to the south (1.5km in Thurrock). The nearest residential property is on Canvey Island at Northwick, which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife.

The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane, which is a no through road, running south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1km in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the weighbridge office/gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility (permitted until 2023), storage buildings, leachate treatment facility, generator compound producing electricity from landfill gas, workshops and associated fixed plant. There is also an inert recycling facility that screens inert materials to be provide materials for capping and restoration (permitted until 2023).

In addition originally RSPB had intended to take on the long-term management of the site upon completion of the landfill and restoration, but the RSPB withdrew their wish to manage the site, such that now the long-term management will be delivered by Veolia.

A legal agreement was required to secure previous obligations as well as the to secure he revised arrangements with respect to funding of the improvements to the existing ridge and long-term management and Members resolved to grant planning permission subject to completion of the legal agreement by February 2022.

### 3. PROPOSAL

The main purpose of the application is to seeks to extend the time period for completion of landfilling until 31 December 2025 from 2015 and completion of restoration by 31 December 2027 from 2017.

At the time the application was made in 2014 it was envisaged landfilling rates were likely to dramatically decrease, but in fact rates remained high and in 2018 the landfill stopped receiving non-hazardous waste. There remains a small capacity for non-hazardous material, part of which has been and will be used to dispose of non-hazardous waste arising from final restoration and decommissioning of the various buildings and facilities on the site. The remaining capacity will require importation of waste. It is anticipated that there may need to be 2 or 3 periods of importation to complete the final phase.

The first period of importation commenced on the 14 March 2022 and its expected to last up to 6 months, depending on importation rates.

It is anticipated that the site will be restored by December 2027, potentially earlier depending on the supply of inert materials required to complete restoration.

The application also seeks the removal of a condition that limits the geographical source of waste imposed in 2007, that prevented the importation of waste from London and Kent.

As explained the current proposals have been amended such that the obligations with respect to improving pedestrian access on Pitsea Hall Lane railway bridge and long-term management of the site have been amended, but would be secured through a legal agreement.

### 4. POLICIES

The following policies of the, [Waste Local Plan](#), and [Basildon Local Plan saved policies 2007](#) provide the development plan framework for this application. The following policies are of relevance to this application:

#### ESSEX AND SOUTHEND WASTE LOCAL PLAN (WLP) 2017

Policy 9	Waste Disposal Facilities
Policy 10	Development Management Criteria
Policy 11	Mitigating and Adapting to Climate Change
Policy 12	Transport and Access

#### BASILDON DISTRICT LOCAL PLAN SAVED POLICIES (BDLP), SEPTEMBER 2007:

Policy BAS BE12	Development Control
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Policy BAS GB1	The Definition of the Green Belt
Policy BAS C1	Protected Areas
Policy BAS C2	Country Parks
Policy BAS C7	The Marshes Area

### NEIGHBOURHOOD PLAN

While a Bowers Gifford and North Benfleet Neighbourhood Area has been accepted by Basildon BC, there has been no progress on a draft Neighbourhood Plan

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.

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

Paragraphs 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).

The level of consistency of the policies contained within the Waste Local Plan is set out in [Compatibility Self-Assessment](#). The level of consistency of the policies contained within the Basildon Local Plan 2007 is set out [here](#).

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. Basildon Borough Revised Publication Local Plan 2014-2034 was withdrawn by Basildon Borough Council on the 4 March 2022 and therefore has no weight.

## **5. UPDATE ON LEGAL AGREEMENT AND APPRAISAL**

Since the resolution in February 2021 to grant planning permission subject to conditions and a legal agreement, work on drafting the legal agreement has been ongoing. The legal agreement is now nearly in its final draft form, such that its completion is imminent. Unfortunately it was not completed by the 26 February 2022 in line with the Committee resolution of February 2021. Therefore a further period of 2 months is requested to complete the agreement.

The NPPF was revised in July 2021, however the changes made relate mainly to built development and do not impact upon the consideration or recommendation previously made in February 2021.

It is considered there has been no relevant change in planning policy or other material considerations which would amend the recommendation as considered in February 2021.

## **6. RECOMMENDED**

That planning permission be **granted** subject to

- i. The prior completion, within 2 months (unless otherwise agreed with Chairman of Development & Regulation Committee), of Legal Agreements under the Planning and Highways Acts to secure obligations covering the following matters:
  - Submission of outline long-term afteruse and management plans for the application site and Fobbing Horse Area, with programme of works to reviewed initially yearly for first 10 years and then at agreed intervals not more than 5 years apart thereafter. The outline long-term afteruse and management plans to be funded by developer drawn up by a suitably experienced consultant or environmental body in consultation with relevant stakeholders. Developer to implement and fund the works set out in the Management Plans.
  - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare giving permissive public rights of access
  - Developer to fund improvements to the existing Pitsea Hall Lane Railway Bridge and improved road signage for cyclists up to £100,000
  - Developer to fund vegetation clearance and surface clearance of the existing dedicated footpath cycleway on Pitsea Hall Lane

- Developer committed to allowing a revised route of National Coastal Path to pass through the site, if such a proposal were brought forward and fund works to achieve this.
- Provide for a liaison group to meet annually for the remainder of the restoration and aftercare works and as required during the management period
- Upon completion of the restoration not to use the Site other than for, aftercare, biodiversity, public open space for informal recreation, agriculture necessary for aftercare to achieve enhanced biodiversity and public access purposes
- Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
- Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
- Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
- In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
- To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and to provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
- The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
- Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and

restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.

- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements per day (550 in 550 out). In addition no more than 100 HGV movements per day on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
- The southern wharf shall only be used for the importation of restoration and engineering materials. Upon completion of the 5 year aftercare across the whole site the Southern wharf shall cease to be used as a wharf without compensation.

ii. And conditions as set out below

- 1 The development hereby permitted shall be deemed to have commenced on the date of this decision notice.

For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) would then supersede planning permission ref: ESS/35/06/BAS

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

- 2 The developer shall notify the Waste Planning Authority in writing within 7 days of the placement of soils on the last phase of the landfill.

*Reason: To enable the Waste Planning Authority to control the development, to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with WLP policy 10 and 12.*

- 3 The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328).

and the following drawings:

- 16062/PA/01 - Location Plan
- 16062/PA/02 - Planning Application Boundary
- 16062/PA/03 - Environmental Information

- 16062/PA/04 - Utilities Plan
- 16062/PA/05 - Existing Situation
- 16062/PA/06 - Proposed Restoration Phases
- 16062/PA/07 - Proposed Pre-Settlement Contours
- 16062/PA/08 - Pre-Settlement Cross Sections
- 16062/PA/09 - Proposed Post-Settlement Contours
- 16062/PA/10 - Post-Settlement Cross Sections
- 16062/PA/14 - Existing Gas Management System
- 16062/PA/15 - Proposed Gas Management System
- 16062/PA/16 - Surface Water Management Plan
- 16062/PA/17 - Currently Approved Landform and Consequences

As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings

- P/1 Site Context Plan dated June 2014
- P/2 Site Restoration dated June 2014 – defining restoration contours
- PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020
- PIT/RES/453 Projected Restoration 2020 dated 07/02/2020
- Figure 3 Revised Restoration Masterplan dated January 2018 – defining restoration habitat types

and the following amending letters and emails

- Letter from SLR dated 11 February 2015 and accompanying Heritage Statement
- Letter from SLR dated 27 May 2015 and accompanying Protection Measures for Protected Species dated October 2011
- Letter from SLR dated 9 June 2015
- Letter from Veolia dated 7<sup>th</sup> May 2020

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

*Reason: For the avoidance of doubt as to the scope of the development hereby permitted, to ensure development is carried out in accordance with the approved application details in the interests of amenity, and to ensure compliance with adopted Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12, and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.*

- 4 Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 28 Each phase of restoration shall be the subject of aftercare for a period of 5

years in accordance with a scheme approved under Condition 25 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 5 Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 6 Operations authorised by this permission, including vehicles entering<sup>1</sup> or leaving the site, shall be restricted to the following durations:

0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

<sup>1</sup>Vehicles shall not be considered to have entered the site until they have passed the weighbridge.

***Reason:** In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 7 The total number of Heavy Goods Vehicles (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:

1100 movements (550 in and 550 out) per day (Monday to Saturday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.*

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

*Reason: To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.*

- 9 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.
- Boundary with Wat Tyler Country Park monitoring location ML2
  - Boundary with RSPB Bowers Marsh Reserve monitoring location ML6 (Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.)

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

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

- 10 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

*Reason: In the interests of amenity and to comply with WLP policy W10E and the NPPF.*

- 11 Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

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

*Reason: In the interests of amenity and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 13 The development hereby permitted shall be implemented in accordance with the measures to control dust approved on 20 November 2008 under Condition 12 of planning permission ESS/35/06/BAS. The approved measures to control dust are set out in the "Dust Management Plan" submitted with letter dated 25 July 2008.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 14 All vehicular access and egress to and from the site shall be from Pitsea Hall Lane as indicated on drawing ref. P/1, dated June 2014. No other access shall be used by vehicles entering or exiting the site.

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

- 15 The development hereby permitted shall be implemented in accordance with the details for storage of restoration materials, including locations, heights, planting and maintenance of storage bunds on the site approved on 20 October 2010 under Condition 16 of planning permission ESS/35/06/BAS. The approved storage of restoration materials are set out in the "Restoration Material Storage" received with letter dated 25 July 2008 and drawing no. PIT/RES/289 received with letter dated 13 November 2008.

*Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.*

- 16 The development hereby permitted shall be implemented in accordance with the details for machine movements for the stripping and replacement of soils



details approved on 8 January 2009 under Condition 18 of planning permission ESS/35/06/BAS. The approved machine movements details are set out in the "Scheme of machine movements for the stripping and replacement of soils" received with letter dated 23 December 2008

*Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.*

- 17 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

*Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.*

- 18 All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.

*Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.*

- 19 Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.

*Reason: To aid the final restoration of the site in compliance with WLP policy 10.*

- 20 Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the pre-settlement levels as shown on drawing 16063/ES/A2 dated June 2006.

*Reason: To ensure proper restoration of the site and to comply with WLP policy 10.*

- 21 a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration Masterplan dated January 2018
- b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 25 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.*

- 23 Protection and mitigation for legally protected species shall be in accordance with "Protection Measures for Protected Species" (Ref R4142) dated October 2011 prepared by AMEC.

*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 WLP policy W10E and BDLP policy BAS C7.*

- 24 In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.

*Reason: To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.*

- 25 A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats set out within the Restoration Master Plan. The Restoration Management Plan 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 Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

*Reason: To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10*

- 26 Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 25.

The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.

*Reason: To ensure that the land is rehabilitated to a suitable condition to support amenity and nature conservation uses and to comply with WLP policy 10.*

- 27 As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.

*Reason: To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.*

- 28 In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, 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 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.

*Reason: To ensure that the land is restored to a condition capable of beneficial use, within a reasonable time period, in the interest of local amenity, protection of the Green Belt and to comply with WLP policy 10 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 29 Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as "Existing semi-natural habitat" and "Screen Planting". 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;
- d) Appropriate management options for achieving the aims and objectives of the project;
- 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
- i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan 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 Biodiversity/Landscape Management 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 WLP policy 10 and BDLP policy BAS C7*

- 30 The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

*Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.*

- 33 Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.

*Reason: To ensure appropriate materials are used in the access and monitoring tracks in the interests of visual amenity and to comply with WLP policies W10C and W10E and BDLP policies BAS C1 and BAS C7.*

- 34 Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a live feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on a website until such time as the site is made available for access by the public.

*Reason: To enable public observation of the flora and fauna at the site until such time as public access is permitted.*

- 35 All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viable during the aftercare period.

*Reason: To ensure management of the restored land is not impeded, to improve visual appearance and any adverse impacts of flora and fauna and to comply with policy 10.*

- 36 No removal of hedgerows, trees or shrubs shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10.*

- 37 Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be

installed in accordance with approved details prior to first public access.  
*Reason: To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would be located adjacent to European sites namely the Thames Estuary and Marshes Special Protection Area and Ramsar site and the Benfleet and Southend Marshes SPA and Ramsar site and would not be directly connected with or necessary for the management of these sites for nature conservation.

Following consultation with Natural England and the County Council's Ecologist concern was raised that there was potential for the development to adversely affect the integrity of the European sites, either individually or in combination with other plans or projects. In particular the use of barges to import material which use the Holehaven Creek was identified as potential source of impact

Therefore, it was considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) was required.

The County Council's ecologist has undertaken an Appropriate Assessment and concluded that the environmental benefits of completing the landfill in terms of surface water management, control of leachate and landfill gas and environmental pollution, in a particularly ecological sensitive location outweigh the potential impact upon the European sites.

The proposed mitigation measures to be secured by conditions, legal obligations and through the EA Environmental Permit would be sufficient to avoid impacts to the integrity (from the development alone or in combination of other plans and projects) of the Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary & Marshes SPA and Ramsar site.

The conclusions of the Appropriate Assessment have been accepted by Natural England.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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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**

BASILDON - Pitsea

BASILDON - Westley Heights

CASTLE POINT - Canvey Island West

**DR/15/22**

**Report to:** DEVELOPMENT & REGULATION (25 March 2022)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Extraction of 6.5 million tonnes of sand and gravel (from Site A7 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. In addition, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors' compound via Woodhouse Lane and Cuthedge Lane. Restoration of Site A7 to agriculture and biodiversity (species rich grassland and wetland).

**Ref:** ESS/12/20/BTE

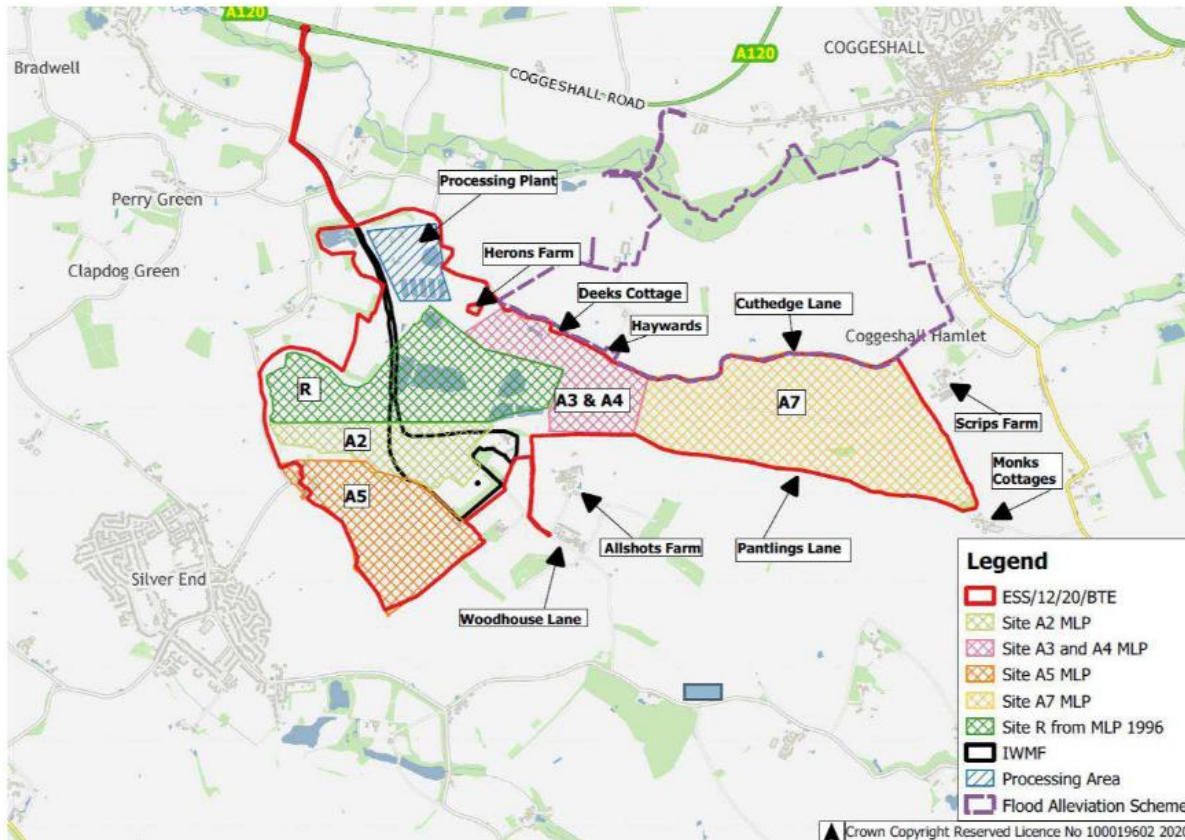
**Applicant:** Blackwater Aggregates

**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane.

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

**Enquiries to:** Claire Tomalin Tel: 03330 136821

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





## 1. BACKGROUND

This planning application to extract 6.5 million tonnes of sand and gravel from Reserved Site A7 of the Minerals Local Plan was previously considered by the Development & Regulation Committee in [September 2020](#). The Committee resolved to grant planning permission, subject conditions and a legal agreement to be completed within 12 months.

Unfortunately the legal agreement had not been completed by September 2021 and thus the Development & Regulation Committee considered a further report in [September 2021](#).

The purpose of this report is to update members as to the consideration of the application and seek additional time to complete the legal agreement.

## 2. SITE

Bradwell Quarry lies 6km east of Braintree. Bradwell Quarry is located between the villages of Bradwell Silver End, Kelvedon and Coggeshall.

The application area includes the whole of Bradwell Quarry including the existing access, infrastructure and previous extraction areas as well as proposed new extension area, Reserved Site A7 of the Minerals Local Plan. The application site area is 325ha. The area of proposed new extraction is Reserved Site A7, an area of 94ha (of which 65ha would be quarried) (hereafter referred to as Site A7). The remaining application area is made up of the processing plant area, lagoons, access road and previously worked areas, including site A5 currently being extracted.

Site A7 lies to the south of Cuthedge Lane and to the north by Pantlings lane, a bridleway with hedges on both sides for most of its length. The closest village to Site A7 is Coggeshall to the north north east, with the outskirts of the village approximately 800m from the site. Coggeshall Hamlet lies north east of Site A7 approximately 500m away.

There is an existing private access road (approximately 1km long) from the A120 to the quarry processing area. Site A7 would be accessed via an internal haul road to the processing area.

Site A7 extraction area is currently made up of 4 arable agricultural fields.

The site is situated on a plateau approx. 50m AOD with a very slight fall from west to east of 5m

The geology of the site comprises boulder clay varying between 2.5m and 13m thick (average 7.5m), Kesgrave sands and gravels varying between 2m to 13m thick (average 6m – the mineral to be worked) overlying more than 70m of London clay.

## 3. PROPOSAL

The application is for the extraction of 6.5 million tonnes of sand and gravel over 8 to 10 years, with progressive restoration completed within 12 years.

The application includes the retention of the existing infrastructure, including the haul road to the A120, and all existing primary and secondary processing plant, including offices and weighbridge, sand and gravel washing plant, ready mix concrete plant, bagging plant, dry silo mortar plant and existing silt and water management systems.

Sand and gravel would be extracted and transported by dump trucks on an internal haul road, passing through restored phases A3 and A4, the haul road would be bunded on both sides. Mineral would be processed through the existing processing facility.

The restoration of Site A7 would be back to mainly agricultural/arable use.

The proposed hours of operation for both the Bradwell Quarry processing area and extraction operations and vehicles leaving and arriving at the site would be Monday to Friday 07:00 to 18:30 hours and Saturday mornings 07:00 to 13:00 hours with no operations on Sundays or Public Holidays, which are the same as those for the existing operation. There are also permitted extended hours of operation for the bagging plant between 06:00 and 07:00 and 18:30 and 22:00 hours Monday to Friday, but this only permits bagging of the material, not its export. There is also a resolution (subject to a legal agreement) to permit extended hours of operation for the Dry Silo Mortar plant (DSM), the same as those for the bagging plant, but similarly no HGV movements during the extended hours. These extended hours for the DSM would be included in the permission for Site A7 if granted.

The proposed HGV traffic movements are a maximum of 590 movements (295 in and 295 out) per day Monday to Friday and 294 movements (147 in and 147 out) per day Saturdays, with an average of 458 per day (Monday to Friday averaged over a calendar year). This would remain the same as the current approved HGV traffic for the existing quarry.

#### **4. POLICIES**

The following policies of the Minerals Local Plan, (MLP) adopted July 2014, Essex and Southend Waste Local Plan (WLP) adopted 2017 and the Section 1 of Braintree Local Plan (BLP S1) was adopted in February 2021 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 development plan documents now considered relevant to this application and the conditions proposed to be imposed:

##### MINERALS LOCAL PLAN (MLP)

S1 - Presumption in favour of sustainable development

S2 - Strategic priorities for minerals development

S3 - Climate change

S6 - Provision for sand and gravel extraction

S10 - Protecting and enhancing the environment and local amenity

S11 - Access and Transportation  
S12 - Mineral Site Restoration and After-Use  
DM1 - Development Management Criteria  
DM3 - Primary Processing Plant  
DM4 - Secondary Processing Plant

WASTE LOCAL PLAN (WLP) 2017

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

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

NEIGHBOURHOOD PLANS

Bradwell With Pattiswick Neighbourhood Plan 2019

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

Coggeshall PC (adjacent parish) Neighbourhood Plan (CNP) July 2021.

Policy 11 Preventing Pollution (including air and water quality, noise and light)

Kelvedon PC Neighbourhood Plan is at too earlier stage to have weight.

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. BDC is preparing Section 2 of its Local Plan and is awaiting comments following submission of responses to the main modifications and ECC has started on the review of the Essex Minerals Local Plan, however both are too earlier stage to be given any weight.

## **5. UPDATE WITH RESPECT TO THE LEGAL AGREEMENT**

The legal agreement has now been finalised in accordance with the heads of terms set out in the September 2020 Committee Report and is circulating for signature. However due to the number of land interests within the application site, there a number of parties involved in the agreement, there is concern that not all signatures will have been obtained to allow completion of the legal agreement and issuing of the decision by the 30 March 2022 in line with the last Committee resolution in September 2021.

It is therefore requested that a further 3 months be given to complete the legal agreement. 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.

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### **RECOMMENDED**

That planning permission be granted subject to

- i. The prior completion, within 3 months (i.e. 30 June 2022, unless otherwise agreed with the Chairman of the Development and Regulation Committee), of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the September 2020 Committee Report
- ii) And conditions as set out in Appendix 1.

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### **BACKGROUND PAPERS**

## **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.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

## APPENDIX 1 – ESS/12/20/BTE CONDITIONS

- 1 The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.  
*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 ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
  - Volume 1: Planning Application Supporting Statement;
  - Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment
  - Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 EclA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020
  - Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020
  - Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
  - Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
  - Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound
  - Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
  - Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting

Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020

- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements
- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20
A7-7 Rev C	Silt and Water Management	06-02-20
A7-8 Rev C	Proposed Haul Road And Crossing Details	03-06-20
A7-9-1	Site A7 Contractor's Compound Area	02-06-20
A7-09-02 Rev B	Lower Level Haul Road	18-06-20
A7-09-03 Rev B	Higher Level Haul Road	18-06-20
A7-10A Rev C	Phasing and Restoration Sequence	02-06-20
A7-10B Rev C	Phasing and Restoration Sequence	02-06-20
A7-11 Rev A	Restoration Profile	06-12-19
A7-12-1 Rev F	Restoration Masterplan	02-06-20
A7-12-2 Rev B	Restoration Masterplan - Cross Sections	04-06-20

A7-13-01 Rev I	Higher Level Restoration – Site Wide Masterplan	11-10-21
A7-13-02 Rev I	Lower Level Restoration – Site Wide Masterplan	11-10-21
A7-14	Land Classification Soils Types	06-11-19
A7-15 Rev B	Groundwater Depths and Base of Mineral	06-11-19
A7-16 Rev C	Groundwater Contours	16-01-20
A7-17 Rev C	Local Groundwater Abstraction	02-12-19
A7-18 Rev A	Site Services Plan	31-10-19
A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals	19-06-20
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals	19-06-20
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals	19-06-20
A7-20-Bio&AC Rev A	5 Year Aftercare Scheme Aftercare Areas with IWMF	11-10-21
A7-21-Bio&AC Rev A	5 Year Aftercare Scheme Aftercare Areas without IWMF	11-10-21
BW319.24	Site A7 RPA Earth Mound Protection Sectional Elevation	21-11-19
BW319.25	Site A7 RPA Earth Mound Protection Plan View	06-06-20
Figure1281/2/9B	Phasing & Skylark Enhancements - Whole Scheme	
Figure1281/2/9A	Phasing & Skylark Enhancements	

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

***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 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 81, , RLP 84, , RLP 87, RLP 90 and RLP 105 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)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500
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 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84 and RLP 90 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

- 4 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 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP

*84, RLP 90 and RLP 101 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 5 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:

<b>Drawing No.</b>	<b>Dated</b>
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 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84, RLP 90 and RLP 101 and BDCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 6 The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition 1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 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, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (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 and land shall be restored in accordance with the restoration scheme approved under condition 32 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, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 8 In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 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, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 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, and RLP 80 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 or unless the Mineral Planning Authority has agreed otherwise in writing:-

(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 be operated to produce dry mortar 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 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

*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 maintain the approved signage and routing arrangements for drivers visiting the site 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 dated 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 1<sup>st</sup> 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 policy S11 and DM1 and BDLPR policy RLP 36.*

- 17 The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration

of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

*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 development hereby permitted shall be implemented in accordance with the signage 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 private access 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 policy S11 and DM1 and BDLPR policy RLP 36.*

- 19 Except for temporary operations, the free field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hr}}$ ) 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  $L_{Aeq, 1 \text{ hr}}$  levels as set out below:

<u>Location</u>	<u>Criterion</u> <u><math>dBL_{Aeq, 1 \text{ hr}}</math></u>
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 <sup>1</sup>	47
Silver End 2 <sup>1</sup>	51
Hylands <sup>2</sup>	43
Scrip's Farm <sup>2</sup>	43
Monk's Farm Cottages <sup>2</sup>	42

<sup>1</sup> Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental

<sup>2</sup> Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

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).

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

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

- 20 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 ( $L_{Aeq}$ , 1 hr) at noise sensitive locations listed below, shall not exceed the  $L_{Aeq}$  1hr levels as set out in the following table:

<u>Location</u>	<u>Night Criterion</u> <u>(06:00 to 07:00)</u>	<u>Evening Criterion</u> <u>(19:00 to 22:00)</u>
<u>Bradwell Hall</u>	<u>42 dB <math>L_{Aeq}</math>,1hr</u>	<u>47 dB <math>L_{Aeq}</math>,1hr</u>
<u>Hérons Farm</u>	<u>42 dB <math>L_{Aeq}</math>,1hr</u>	<u>44 dB <math>L_{Aeq}</math>,1hr</u>

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.*

- 21 For temporary operations, the free field Equivalent Continuous Noise Level [ $L_{Aeq}$ , 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB  $L_{Aeq}$  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.*

- 22 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.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

In addition the 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.

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 may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, 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 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

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

- 23 Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management shall contain the following:



- Survey locations
- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 19 and 20
- Procedures for characterising extraneous versus site attributable noise.

The noise management plan shall be implemented in accordance with approved details.

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

- 24 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.*

- 25 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.*

- 26 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 A7-4 Rev B.

*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.*

- 27 No additional fixed lighting, other than that detailed in the application, 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.*

- 28 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.*

- 29 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.*

- 30 The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

*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.*

- 31 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.*

- 32 Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;
- removal of guards once established; and
- phasing of implementation.

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

*Reason: 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 in accordance with MLP policy DM1 and BDLPR policies RLP 81.*

- 33 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 approved 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.*

- 34 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
- 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; and the
- h) Use of protective fences, exclusion barriers and warning signs.

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

*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.*

- 35 No removal of trees/hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> 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.*

- 36 Prior to commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures, particularly with respect to stag beetles, skylarks and bats;
- b) designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

*Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).  
and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.*

- 37 Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond "PY" on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020 shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- d) persons responsible for implementing the enhancement measures;
- e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

*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.*

- 38 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.*

- 39 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 Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, 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.*

- 40 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.*

- 41 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"
- (a) "Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

*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.*

- 42 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.*

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

- 44 Prior to the commencement of development a mitigation strategy detailing the excavation, monitoring and/or preservation in situ, shall be submitted to and approved by the Minerals Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

*Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.*

- 45 No development or preliminary groundworks shall take place on those areas of the development site containing archaeological deposits until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy approved under condition 44 and the Mineral Planning Authority has been notified and confirmed that the fieldwork has been completed.

*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.*

- 46 Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 6 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

*Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.*

- 47 Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled "Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020).

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

- 48 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.*

- 49 Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 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.*

- 50 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 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

*Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.*

- 51 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 policies RLP 36 and RLP 72.*

- 52 All stones and other materials in excess of 200mm 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.*

- 53 An aftercare scheme detailing the steps that are necessary to bring the land to required standard for woodland and agricultural use 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 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 policy S12 and DM1 and BCS policies CS5 and CS8.*

- 56 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 planning permission 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 and DM3.*

- 55 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 DM1 and DM3.*



- 56 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.*

- 57 All sand used in the dry silo mortar plant shall be from indigenous resources at Bradwell Quarry.

*Reason: In the interests of local and visual amenity and in accordance with MLP policies DM1 and DM3.*

- 58 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 policies RLP 36 and RLP 62.*

- 59 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.*

- 60 Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

*Reason: To allow the LPA to discharge its duties under the 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 MLP policy DM1 and BDLPR policy RLP 84*

- 61 Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:

- a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

*Reason: To conserve Protected species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84*

- 62 The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC Rev A dated 11-10-21 and A7-21-Bio&AC Rev A dated 11-10-21 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

- a) A description of the habitats to be created
- 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;
- a) Appropriate management options for achieving the aims and objectives;
- b) Prescriptions for management actions;
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- d) Details of the body or organisation responsible for implementation of the plan;
- e) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The details shall also set out (where the results from monitoring show that conservation aims and objectives of the details 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 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.*

- 63 In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority. The scheme shall include:

- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers' compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Ferring and Kelvedon Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.*

- 64 No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

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

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.*

- 65 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the Waste planning Authority.

The content of the LEMP shall include the following:

- 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.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

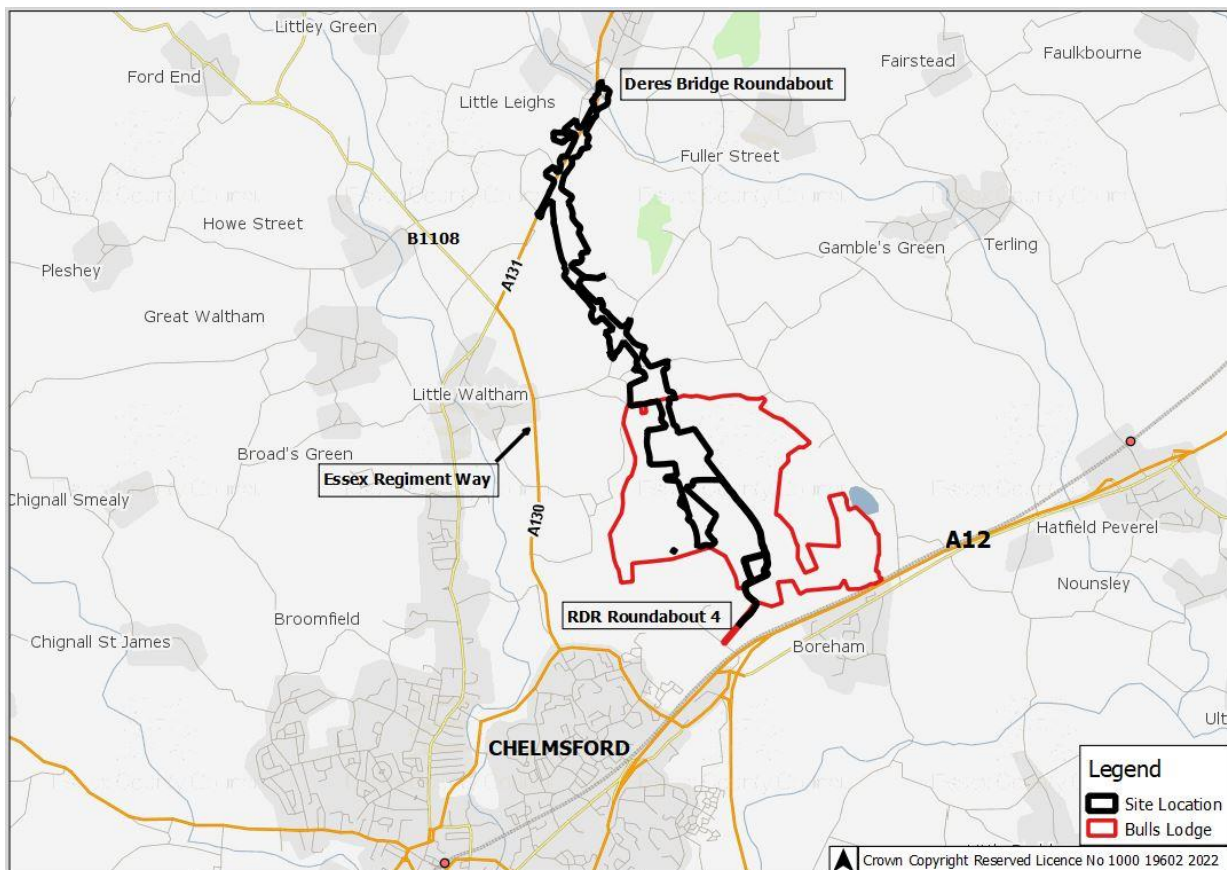
*Reason: To allow the Waste Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species and in accordance with MLP policy DM1 and BDLPR policies RLP80, RLP 81 and RLP 84.*

**DR/16/22****Report to:** DEVELOPMENT & REGULATION (25 MARCH 2022)

**Proposal:** COUNTY COUNCIL DEVELOPMENT - Chelmsford North-East Bypass (CNEB): A single carriageway road between Roundabout 4 of the Beaulieu Park Radial Distributor Road (RDR1) and a new roundabout on the A131 at Chatham Green plus dualling of the existing A131 between Chatham Green and Deres Bridge roundabout. With one intermediate roundabout, 3 road overbridges and 1 pedestrian/cycle/horse overbridge. Together with other associated works and landscaping.

**Ref:** CC/CHL/85/21**Applicant:** Essex County Council

**Location:** Land between Beaulieu Park (north of Generals Lane), Boreham Parish, and Deres Bridge Roundabout on A131, Great & Little Leighs Parish, to the northeast of Chelmsford.

**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

In 2019, Essex County Council was successful in being awarded funding from the Housing Infrastructure Fund (HIF) for the Chelmsford Northeast Bypass (CNEB), to unlock the delivery of the future Chelmsford Garden Community (CGC). Funding for the proposed scheme was secured in a joint bid, alongside funding for the new Beaulieu Railway Station through the Government's HIF which is designed to support developments reliant on large scale infrastructure provision. Both infrastructure schemes are now seeking consent through their respective delivery mechanisms. The completion of approximately 10,000 new homes relies on Beaulieu Railway Station and CNEB being operational.

The CNEB was originally put forward in 2005 with public consultation in 2006 to provide a strategic highway link between the A12 and Boreham Interchange in the south and A131 at Deres Bridge to the north. In 2008 four route options were subject of public consultation, with high level environmental appraisal undertaken to review these options. Following public consultation, two options were taken forward for further development and for Option D (amended) a safeguarded corridor allocated as part of Chelmsford Borough City Council's North-East Chelmsford Area Action Plan adopted in 2011. The CNEB was then postponed as a result of funding priorities and was updated in 2015 following consultation with the Beaulieu Park developer and the public, resulting in minor changes to the route.

Since 2016, through liaison with the Beaulieu Park consortium and consultation with the public on the updated safeguarded corridor and through the Local Plan consultation, the design has been refined to avoid a 132kV terminal overhead pylon in Beaulieu Park, and to utilise the existing A131 carriageway between Deres Bridge and Chatham Green.

In 2018, it was identified that a phased solution for the Proposed Scheme (Phase 1 and Phase 2) could be delivered using the Housing Infrastructure Fund (HIF) to fund Phase 1 which would unlock potential funding from the housing developers, for Phase 2.

Phase 1 of the CNEB is the scope of this planning application which could unlock potential funding for Phase 2 in the future. The phases can be described as follows:

**Phase 1 (The subject of this planning application)** : A single carriageway road between Roundabout 4 of the Beaulieu Park Radial Distributor Road (RDR1) and a new roundabout on the A131 at Chatham Green plus dualling of the existing A131 between Chatham Green and Deres Bridge Roundabout.

**Phase 2:** Anticipated to be constructed beyond the life of the current Chelmsford Local Plan (2013 to 2036). Works would include adding an additional carriageway to the single carriageway delivered in Phase 1 to form a dual carriageway for the entire length. This would include a new stretch of dual carriageway south of the RDR Roundabout 4 to a new junction at Beaulieu Park. Works to Boreham Interchange would depend upon upgrades delivered through National Highways

Schemes at that point.

Phase 2 would be subject to a further planning application if that scheme were to be taken forward in the future.

The new Chelmsford Local Plan (adopted 2020) includes the safeguarded corridor for the CNEB.

An EIA Scoping Opinion was requested from the County Planning Authority in February 2020 and pre-application advice sought January 2021, which included referral to the Essex Quality Review Panel.

## **2. SITE**

The area to which this application relates is an area of land to the north-east of Chelmsford, between Boreham and Great Leighs, the approximate area of land is 147ha. The total permanent proposed footprint of the CNEB is approximately 74.7ha, with temporary working areas comprising 72.6ha.

The red line area in the south abuts the Radial Distributor Road roundabout 4 and, in the north, includes a section of the A131 from Chatham Green to Deres Bridge Roundabout.

The application site is low lying and forms a relatively flat plateau, with a slight rise from south to north. The low-lying land includes a network of streams, the proposed CNEB crosses the Straw Brook in the northern part of the route which flows north-west to south-east and in the southern part crosses Boreham Brook.

The proposed route crosses 3 minor roads describing from south to north Cranham Road, Drakes Lane and Leighs Road.

The application site is predominantly in intensively farmed arable use, with medium to large scale irregularly shaped fields separated by native hedgerows, timber post and wire fences, ditches and narrow lanes. South of Cranham Road the route passes through worked out areas of Bulls Lodge Quarry.

The main urban centre of Chelmsford lies 4.7km to the south-west of the application site. Radial Distributor Roundabout 4 lies on the north-east corner of the Greater Beaulieu Park mixed use development, which is currently under construction.

Little Waltham lies 2km to the west, Great Waltham 2.8km to the west and Great Leighs 0.7km to the north. Closer to the application site are several smaller clusters of residential properties such as those to the west of the application site adjacent to Drakes Lane and Leighs Road and properties adjacent to the A131 at Chatham Green, Strawbrook Hill and Deres Bridge. Isolated farms are scattered throughout the surrounding rural area. New Hall School lies approximately 0.5km to the south-west.

The closest statutory ecological designations, at international or national level, are the River Ter SSSI (geological) approximately 1km to the east. The nearest locally

designated sites Local Wildlife Sites Straw Brook Plantation, Stonage Wood (also an ancient woodland) and Bulls Lodge Lagoons that are located adjacent to the application site. There is also a Potential Special Road Verge (PSRV) immediately south of Deres Bridge Roundabout. There is one Veteran tree within the application site.

A Grade II Listed Building known as Mount Maskall is sited approximately 100m from the application site and New Hall School which is a Registered Park and Garden is sited 550m from the application site. There are 45 hedges considered of importance within the application site.

The site crosses a number of Public Rights of Way (PRoW)

The application site lies within the Safeguarded Corridor for the CNEB in the adopted Chelmsford Local Plan 2020 as identified on the Policies Map. There are areas of the application site outside the allocation, but do not form part of the footprint of the CNEB itself, some areas fall outside the allocation are permanent works in the form of drainage ponds and others area temporary associated with construction compounds.

This site is also located within a sand and gravel safeguarding area (Mineral Safeguarding Area – MSA) as designated in the Minerals Local Plan. The application site also crosses the minerals planning permission area for Bulls Lodge Quarry and thus lies within a Mineral Consultation Area (MCA).

Parts of the application site are within Flood Zone 2 (Between 1:1000 and 1:100) and Zone 3 (greater than 1:100) and are associated with Straw Brook and River Ter.

### **3. PROPOSAL**

The application proposes the CNEB approximately 4.6km of new road and 1.2km dualling of the existing A131 single carriageway (5.8km in total). The CNEB would connect the new Beaulieu Park development in the south to Deres Bridge Roundabout at Great Leighs in the north.

The Proposals consists of the following elements:

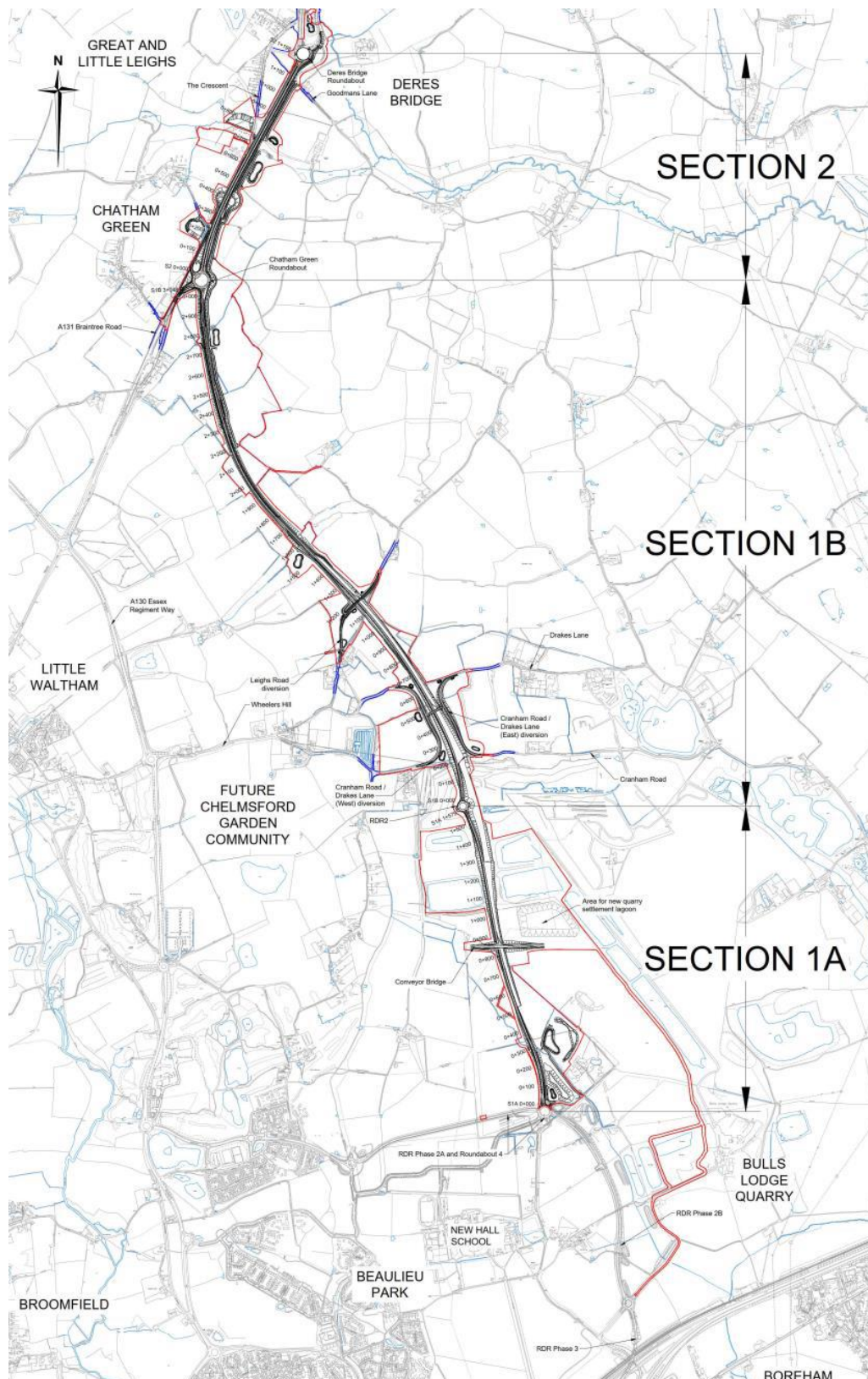
- Single carriageway link between the current Beaulieu Park Development and a new roundabout on the existing A131 at Chatham Green. This section will also have an intermediate roundabout allowing for connection to other development roads (Referred to as Section 1A and 1B – see drawing below)
- Asymmetric widening of the existing A131 between Chatham Green and Deres Bridge to dual carriageway using the existing road as the northbound carriageway (referred to as Section 2 see drawing below)
- Segregated left turn lane connecting Main Road, at Deres Bridge, to the proposed southbound carriageway of the A131
- Two side road overbridges: the first would combine the crossing points of Drakes Lane and Cranham Road and the second would connect to Leighs Road
- One walking, cycling and horse-riding bridge over the dualled section of the A131



- Two at-grade crossings: one pedestrian crossing point and one toucan (pedestrian/cyclists) crossing point
- Conveyor bridge to facilitate ongoing quarry works.

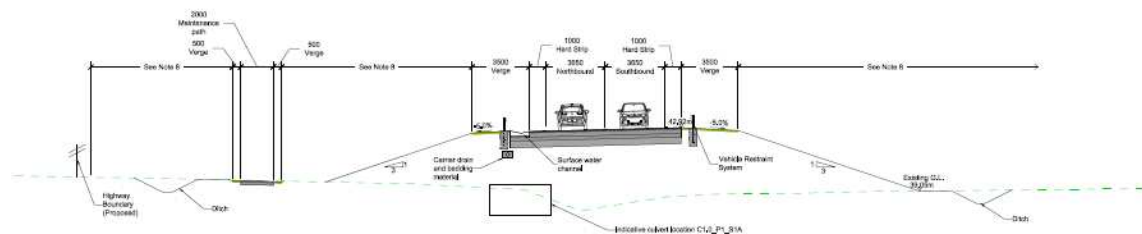
The design of the proposals would facilitate ECC's wider vision to deliver a "Phase 2" of the CNEB, resulting in a full dual carriageway bypass from Chatham Green to Boreham Interchange. However, this would be subject to a further planning application and is not part of this planning submission.

## Extract from Site Location Plan



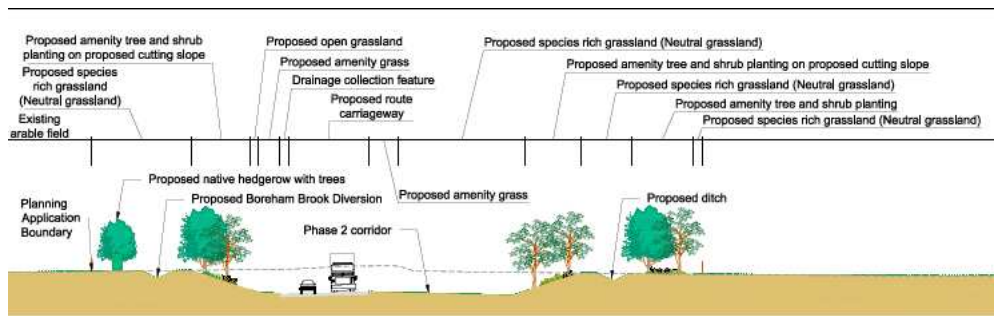
The proposals are described in more detail below, with reference to the drawing

Starting at the south, the CNEB would connect to the Radial Distributor Road (RDR) Roundabout 4, see extract adjacent. The RDR Roundabout 4 facilitates the road infrastructure associated with the Beaulieu Park Development directly southwest of the application site. Two ponds are proposed to the east to provide capacity for water runoff from the road. In this section the road is slightly above natural ground levels. See cross section A below. There would be planted bunds provided to the east and north-east of RDR Roundabout 4, which would be up to 3.5m above the existing ground level of the carriageway. Adjacent to the carriageway there would be a 1m high bund on the east side and proposed hedge on the west side.



Typical Cross Section A  
Scale 1:125 @ A1

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The proposals include the construction of a conveyor bridge to allow the quarry to continue to operate and transport materials over the CNEB between the 2 sides of the quarry. The design of this bridge has been future proofed such that following the completion of the quarry operations, the bridge would provide an east to west access for all users once connected to the highway network of the future Chelmsford Garden Community and the existing communities to the west of the CNEB.



In order for the CNEB to be built out, two existing quarry settlement lagoons to the west of the CNEB (area included within the Planning Application boundary) within Bulls Lodge Quarry would be backfilled and a replacement settlement lagoon would be provided east of the CNEB. This would require excavation of an area of the quarry which has been previously worked and restored to agriculture. The construction of the settlement lagoon would be carried out as part of the project and then responsibility would be passed back to the quarry owners (Hanson Aggregates) upon completion.

A construction compound is proposed within Section 1A which would be accessed from the RDR Roundabout 4 and Generals Lane. This compound would be used as a welfare and a delivery centre and would provide space for contractor's private vehicles, changing and messing facilities and deliveries of material and plant storage. Within the application area are possible construction accesses for the advanced construction of the conveyor bridge, access could either be via the alignment of the CNEB from RDR roundabout 4 or from RDR Roundabout 5 through Bulls Lodge Quarry and a temporary storage area would be located next to the site of the conveyor bridge. A drawing of the potential construction compounds and phased programming of the site is within Appendix B.

### Section 1B (middle)

The CNEB continues north remaining in cutting. A roundabout is proposed to connect to the future RDR2– see extract adjacent. The RDR2 is yet to be built, but the construction of this roundabout would allow the future Chelmsford Garden Community to connect to the CNEB. The roundabout would also facilitate the potential delivery of the future Phase 2 of





the CNEB, becoming part of a potential grade separated junction on the future dual carriageway.

Two bridges are proposed to maintain connections to the existing roads of Cranham Road, Drakes Lane and Leighs Road to the existing nearby communities to the east and west of the CNEB. One bridge with connecting side roads would maintain east west access for Cranham Road and Drakes Lane (see extract below), while another bridge would maintain connectivity for Leighs Road. The bridges would require the connecting side roads to be elevated above natural ground levels, but the CNEB remains in cutting.

At the Cranham Road/Drakes Lane bridge, six drainage ponds are proposed and at Leighs Road four drainage ponds are proposed.

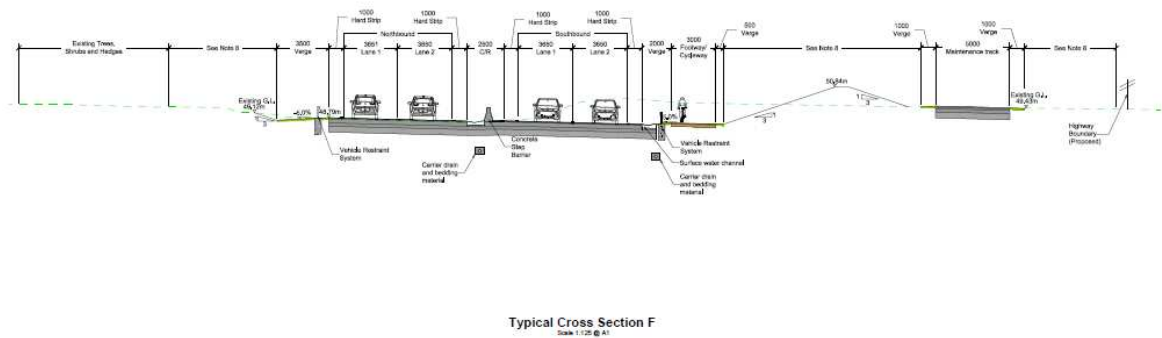


An additional smaller construction compound is proposed to be located at Cranham Road and a construction working area at the Leighs Road overbridge. These compounds would facilitate the construction of the proposed Cranham Road/Drakes Lane Overbridge works and a further works area would be required to construct the Leighs Road overbridge.

North of Leighs Road the CNEB would come out of cutting onto a low embankment, maximum 3m height, the CNEB would remain on embankment to the A131. Bunds are proposed at a height between 1m and 2.5m from the proposed carriageway level along the edge of the CNEB north of Leighs Road.

Cross-section below is of the carriageway while on embankment with planting after 15 years of growth.





Three drainage ponds would be provided along the route alignment with additional underground storage for surface water run-off provided within Chatham Green Roundabout and at Deres Bridge Roundabout. The Planning Application Area extends at two places to the west of the Proposed Scheme near Strawbrook Hill and Chatham Green Roundabout to include two proposed Flood Compensation Areas (FCAs). To the south of the FCA near Strawbrook Hill, a further extension to this boundary is proposed to allow flexibility should further flooding mitigation be required. This includes an access track off Main Road/The Crescent. It is proposed to retain these fields in their current condition.

Lastly, a new segregated left turn lane connecting Main Road at Deres Bridge Roundabout to the proposed southbound carriageway of the A131 is also proposed.

The main construction compound would be located east from the proposed Chatham Green Roundabout and would consist of the main project office, materials handling, welfare, parking and plant areas. See drawing at appendix B. It is also proposed to provide a welfare unit and parking facilities in an area adjacent to both FCAs. There are also some smaller temporary storage areas proposed north-east of the proposed Chatham Green Roundabout, west of Whitbreads Farm Lane, to the west of gardens along The Crescent, and east of the existing A131 near Straw Brook and Goodmans Lane.



No lighting is proposed along the main section of the CNEB, with lighting limited to the roundabouts and their approaches only. The detailed design would be developed later, but lighting columns would be anticipated to be 10 to 12m high with LED lights.

An Indicative Landscape and Environmental Design has been developed in line with the landscape, environmental design and sustainability objectives and underpinning principles, which also will be used by the contractor for the development of the detailed landscape design.

Extensive mitigation planting is proposed which would also double up to help to

achieve biodiversity net gain, integrate the proposed scheme. The landscape design has been developed to reflect the difference in landscape characteristics from the south and north of Cranham Road, informed by both the existing landscape character as well as the likely future changes to the landscape. To the south of Cranham Road, the planting is proposed to reflect the proposed built developments likely to emerge in this area. The proposed planting in the south is therefore generally more open, with hedgerows with trees, scattered trees and swathes of shrubs. However, where appropriate, denser planting is proposed to provide screening for nearby visual receptors and cultural heritage assets.

To the north of Cranham Road, native planting, including hedgerows, trees, shrubs and woodland is proposed to integrate the CNEB into the landscape and to screen traffic and highway infrastructure in views from nearby visual receptors and cultural heritage assets. The proposed species of planting and pattern of planting would reflect the local character of vegetation within the landscape. It is also proposed that the finish of bridge abutments would reflect locally characteristic materials.

It is also proposed to improve poor-quality hedgerows, to create three ecological mitigation areas and eight environmental enhancement areas along the route. The sustainability objectives and underpinning principles are set out in the Outline Environmental Management Plan (OEMP) submitted with the application, which would be developed by the contractor into a full landscape design.

The new habitats that would be created as part of the proposed scheme include:

- 5.94 km hedges
- 0.71 ha grassland
- 34.42 ha grassland – other neutral grassland
- 7.44 ha grassland – modified grassland
- 1.09 ha heathland and shrub – mixed scrub
- 5.6 ha lakes – reservoirs
- 0.18 ha lakes – ponds (priority habitat)
- 0.02 ha lakes – ponds (non-priority habitat)
- 7.62 ha woodland and forest – other woodland; broadleaved

The anticipated start date is early 2023. Construction hours would be 0700 to 1800 Monday to Saturday; it is anticipated there would be no working on Sundays and Bank Holidays. However, it may be necessary on occasions for the construction works to be carried out outside these hours. These would include works such as temporary lane closures or full carriageway closures which are likely only to be permitted overnight to minimise disruption to road users.

Construction traffic flows are generated by cars and Light Goods Vehicles (LGVs) used by the construction workforce, Heavy Goods Vehicles (HGVs) delivering materials and equipment and LGVs deliveries. The main construction traffic flows are expected to be on the A130, A131 and Generals Lane. Other minor roads (Channels Drive and Wheelers Hill, Leighs Road, Drakes Lanes, Cranham Road and The Crescent) would experience some construction traffic during specific periods of the construction programme.

It is anticipated that development on the CNEB would commence in early 2023 with peak construction worker traffic is expected between March 2023 and December



2023, depending on the progress of the construction programme. The peak number of workers on site is anticipated to be 285. During this period, the maximum worker construction traffic flows (Cars/LGVs) in and out of the site would be 140 vehicles/hour before the AM network peak (07:30 – 08:30) and after the PM network peak (17:00-18:00), with a predicted total daily flow of 200 vehicles in and out of the site.

HGV and LGV delivery trip distribution would travel from the A120 to the construction site via the A131 Braintree Road or along the A12 via the Boreham Interchange and Beaulieu Park RDR. The peak construction period is expected to be between April 2023 and January 2024. It is predicted there would be 130 HGVs per day with a peak in May 2023. The peak daily flows are estimated as 309 HGVs and 155 LGVs in and out per day with average hourly flows of 48 HGV and 24 LGV movements during the peak construction month.

Leighs Road, Drakes Lane, and Cranham Road would need to be closed for short periods of time (anticipated not to exceed three weeks) to allow the connection of the existing routes to the new bridges at Cranham Road/Drakes Lane and Leighs Road to take place. Each road closure would be implemented separately in order to maintain access to all residential, agricultural, and commercial premises on the identified routes.

The construction of the site would be phased, with the quarry conveyor bridge and relocation of the quarry silt lagoon being the first works, the road would then be generally constructed in a south to north direction, although this is matter that would be clarified once the contractor has been appointed. Appendix B, shows the indicative construction programme and location and construction compounds.

The application was supported by an Environmental Statement, the details of which are considered in this report. The Outline Environmental Management Plan (OEMP) submitted outlines how the mitigation and management of environmental effects would be delivered and maintained. The OEMP identifies mitigation measures and commitments for pre-construction, during the construction and post construction.

#### **4. POLICIES**

The following policies of the [Chelmsford Local Plan \(CLP\) adopted 2020](#) and [Minerals Local Plan, \(MLP\)](#) adopted July 2014 provide the development plan framework for this application. The following policies are of relevance to this application:

##### **CHELMSFORD LOCAL PLAN (CLP)**

- S1 Spatial Principles
- S2 Addressing Climate Change and Flood Risk
- S3 Conserving and Enhancing the Historic Environment
- S4 Conserving and Enhancing the Natural Environment
- S5 Protecting and Enhancing Community Assets
- S9 Infrastructure Requirements
- S10 Securing Infrastructure and Impact Mitigation
- S11 The Role of the Countryside

Strategic Growth Site Policy 6 - North East Chelmsford  
DM8 New buildings and Structures in the Rural Environment  
DM13 Designated Heritage Assets  
DM14 Non-Designated Heritage Assets  
DM15 Archaeology  
DM16 Ecology and Diversity  
DM17 Tress, Woodland and Landscape Features  
DM24 Design and Place Shaping Principles in Major Developments  
DM29 Protecting Living and Working Environments  
DM30 Contamination and Pollution

#### MINERALS LOCAL PLAN (MLP)

S8 - Safeguarding mineral resources and mineral reserves

#### NEIGHBOURHOOD PLAN

There are no 'made' or adopted Neighbourhood Plans within the area of the application. CCC approved an application from Boreham Parish Council to designate a Neighbourhood Area in January 2017. The Parish Council is preparing its evidence base to inform a 'Draft Plan', but it is at too early a stage to be a material consideration.

#### NPPF

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.

NPPF, paragraph 11 states that plan making and decision - taking should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework 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 from the day of its publication and plans may also need to be revised to reflect policy changes made by the Framework. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## 5. CONSULTATIONS

The application was subject to 2 periods of consultation. The following is a summary of the responses to both periods of consultation:

### CHELMSFORD CITY COUNCIL:

First response: No objection. The proposed CNEB has been a safeguarded route in several successive Local Plans, the NE Chelmsford Area Action Plan and most recently the adopted CLP 2020. The Council is supportive of its alignment and principles of the scheme. The adopted Local Plan recognises this within Policy S9 – Infrastructure Requirements, Strategic Growth Site Policy 6 – Northeast Chelmsford and the safeguarded route is shown on the Policies Map.

The main priority of the first phase of the bypass is to unlock the potential for the future CGC and provide the much-needed road infrastructure, in doing so, the bypass needs to compliment and ensure it does not cause severance to the future residential development of the CGC.

Heritage – the CNEB will have considerable impact on the historic environment. The milestone near Whitebreads Farm Lane junction with A131 should be protected.

Officer comment: *A condition could be imposed to address this matter.*

Conditions are required to deliver landscape mitigation measures at an early stage and that their detailed design and future management maximise the mitigation achieved. Further, it is desirable to reconsider how more extensive landscape mitigation can be provided and integrated with the existing landscape character.

During the ongoing workshops for CGC green bridges have been discussed as an important way of providing connections for people, landscape and ecology. It is essential that the emerging masterplan and the bypass proposals implement an integrated approach.

Ecology and landscaping - The proposed infrastructure will result in direct habitat loss and a reduction in habitat extent through severance and isolation. Habitats will also likely be degraded from the effects of the site's operation including noise, pollution, dust and drainage; harm to and mortality of species is also likely to occur especially from road collisions, noise and visual disturbance. Deer, badgers and foxes, who have been involved in road collisions are often present along the A131, south of Great Leighs, greater consideration needs to be given to how these animals might safely move around/under the bypass having regard to their historic

travel patterns with consideration given to animal proof fencing. Adverse impacts have been minimised through design including mitigation measures however a veteran ash tree is proposed to be removed and there will be an impact to great crested newts and commuting bats and severance of their key crossing points.

The City Council seeks a greater number of boxed culverts as part of the mitigation package to reflect the connections identified in the green infrastructure legacy report.

Proposed landscaping should ensure the mitigation measures are delivered at early phases in the development, for example the woodlands belts. The design requires more detail to support the overall existing landscape character and to provide multifunctionality and connections for both species and people; there is a need for stronger ecological east-west connections, required for east-west movement.

Second response: No objection in principle. With respect to Heritage assessment remains of the view that the Barn at Mount Maskall is curtilage listed due to its strong association with New Hall and should be considered that the asset is of medium significance rather than low.

CHELMSFORD CITY COUNCIL (EHO): No comments received.

NATIONAL HIGHWAYS: No objection

ENVIRONMENT AGENCY: No objection, subject to conditions. At this stage the hydrology modelling would appear fit for purpose but there remain a small number of issues outstanding. However, these relate to the sensitivity of the model, as opposed to input and outputs and it is felt these could be resolved. Further information with respect to modelling supporting the Flood Risk Assessment is therefore required by condition.

NATURAL ENGLAND: No objection, based on the submitted plans the proposed development will not have significant adverse impacts on designated sites. With respect to the River Ter SSSI (geological site) it is considered the development would not damage or destroy the geological interest. Impacts on protected species have not been assessed, NE has produced standing advice on these matters and NE would refer you to advice and recommendations of Place Services.

THE GARDENS TRUST: No comments to make.

LEAD LOCAL FLOOD AUTHORITY: No objection, subject to conditions with respect to detailed surface water drainage scheme and scheme to minimise risk of flooding and pollution during construction works.

ESSEX WILDLIFE TRUST: No comments received

ESSEX BADGER PROTECTION GROUP: Objection. Do not consider the methodology and detail of surveys undertaken to date comply with the guidance by Natural England. It is welcomed that no "main" or annexed sets are to be closed as a result of the development. The detail of mitigation is not included in the

Outline Ecology Management Plan and therefore we would request to be consulted if and when the full Ecology Management Plan is submitted.

ESSEX BRIDLEWAY ASSOCIATION: Commented as follows:

All crossings should be suitable for all users walkers, cyclists and horse riders

Concerned to note the crossing south of new Chatham Green roundabout, to be at grade and a toucan crossing, this should be Pegasus crossing

Welcome new WCH bridge at Whitebreads Lane but request the walking/cycling route between the bridge and the Crescent is useable by horses as well.

Officer comment: *The scheme has been amended to include this provision.*

The waling/walking cycling route from the WCH bridge south to Chatham Green Lane should made a bridleway.

Officer comment: *Chatham Green Lane will be accessible on horse from the north via Whitebreads Lane.*

BRITISH HORSE SOCIETY: No comments received

RAMBLERS ASSOCIATION: Comments provided as follows: To be in compliance with NPPF planning decisions should enhance the PRow and access.

Adequate space for pedestrian and cyclists should be provided on Cranham Road/Drakes Lane bridge

Footway on Leigh bridge to provide PRow connectivity is welcomed.

The at grade uncontrolled crossing for PRow 8 is of concern due safety and Ramblers consider this should be a controlled crossing.

Officer comment *usage of this PRow is shown to be very low, such that controlled crossing was not required.*

Little Waltham PRow 13 ends in a section of the Old Braintree Road, to allow improved connection to PRow to the west of Scurvy Hall Lane a refuge should be provided in the A131. In addition, a footway connection be provided from Chatham Green Lane to Whitbread Lane west of the hedge of A131

Officer comment *The proposals do not directly impact upon these PRow, no changes are proposed, but it is likely the A131 will be less busy upon opening of the CNEB.*

WCH bridge and improved connections northwards on either side of the road welcomed but consider western connection to Goodmans Lane should also be for horses.

Officer Comment *Horses may access Goodman Lane via Great Leighs Bridleway*  
42

Existing PRowS, or acceptable alternatives, should remain open at all times during construction.

CPRE: No comments received

HEALTH & SAFETY EXECUTIVE: No comments received

HIGHWAYS AUTHORITY (incl PRow): No objection subject to conditions with respect to:

- Submission of A Construction Management Plan
- PRow Orders required for extinguished and diverted public rights of way
- PRow to be maintained free and unobstructed at all times
- Cycle routes to be LTN 1/20 compliant

- Improvements to the capacity of RDR roundabout 4 to be completed prior to the connection of the RDR to Boreham Interchange and prior to opening of the bypass
- Quarry conveyor bridge to be constructed as proposed to allow future upgrade to permanent bridge for Chelmsford Garden Community

PLACE SERVICES (Ecology): No objection subject to conditions. Sufficient ecological information has been submitted to allow determination of the application.

The site offers opportunities for protected and Priority species with survey work undertaken at the site confirming the presence of priority habitats, including hedgerow and lowland meadow, bats, Otter commuting, Great Crested Newt, breeding birds, reptiles, badger, aquatic species, terrestrial invertebrates, Brown Hares, Hedgehog, Harvest Mouse, invasive species – Giant Hogweed. We recommend that the mitigation measures identified for these habitat and sites should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. Furthermore, protection measures will be required during the construction phase of the development for the above habitats and species. This can be provided via a site-specific Construction Environmental Management Plan (CEMP) Biodiversity. This should define protection methods of ecological features, persons responsible, a strict pollution prevention protocol, control of noise and dust, site set up (compounds/storage/ welfare facilities/access). We therefore recommend a CEMP Biodiversity should be secured as a condition of any consent.

Furthermore, we recommend that all habitat management, creation and aftercare should be secured within a Landscape and Ecological Management Plan (LEMP).

Bats (European Protected Species) – Common pipistrelle roosts have been identified within the application such that a European Protected Species Mitigation licence will be required. Adequate number of bat “hop-overs” have been incorporated to encourage bats to fly safely at height to avoid taller vehicles, tree species should consist of fast growing but appropriate for bats and relevant local landscape. As bat activity south of the new Chatham Green Roundabout has been identified the use of LED lights which emit red light may be an appropriate measure to be included.

Great Crested Newt (GCN)(European Protected Species) - Eight water bodies within the study area are confirmed to support GCN. One pond partly within the application site is known to support GCN. Six ponds will be lost which shall be replaced on a ratio of 1:1, except for the confirmed GCN pond which would be replaced by two ponds. To mitigate the impacts of loss of a breeding pond and the severance of movement on the GCN metapopulation near Leighs Road, GCN would be translocated to a receptor site, a newly created ecological habitat creation area north of Drakes Lane. This would be undertaken under an EPSM licence. A copy of the licence should be required by condition. The proposals include a number of culverts. These include several culverts between Leighs Road and the proposed Chatham Green Roundabout that would be placed along existing drainage ditches to allow the movement of GCN from three metapopulations identified west of the Proposed Scheme to reach the wider landscape to the east.

Otter (European Protected Species) – The proposals include culverts at several locations. These include culverting of the unnamed tributary of Boreham Brook and the extension of an existing culvert along Straw Brook. The other culverts are located along existing drainage ditches and would facilitate the safe movement of wildlife from one side of the Proposed Scheme to the other.

The desk study data indicates that otter use the River Ter as a commuting corridor and the existing A131 bridge north of Deres Bridge Roundabout, located 10 m north of the Proposed Scheme, is likely to be a key crossing point for the passage of Otter beneath the A131. Mammal-proof fencing is proposed along the highway boundary in certain key locations, such as along the existing A131, to reduce the incidence of road traffic accidents. Where these are included, the highway boundary fence would be modified to provide an integrated fence to reduce the incidence of vehicle collisions with smaller mammal species such as Otter, Badger, Brown Hare and hedgehog. The proposed culvert to the northwest of Leighs Road will also include a mammal ledge to accommodate movement of mammals at times of highwater levels.

Long-term monitoring and maintenance of mammal fencing should be required to ensure this feature remains functional during the operational stage and included in each Ecological Conservation Management Plan supporting future phases of this development.

Badger (Protected Species) – 23 confirmed and 8 potential setts considered to be active in the study area, 9 within or close the application site. Badger Setts that cannot be avoided would be permanently closed and those in proximity may also need to be permanently or temporarily closed. A European Protected Species Mitigation licence would be required from Natural England and a copy required by condition.

Special Protection Area (SPA) Birds – no species of conservation concern were encountered in surveys and no particular areas were identified as being key over-wintering grounds or were any areas considered functionally connected habitat of the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA & Ramsar site, located 11.5 km east of the scheme.

Priority farmland birds – While fragmentation of arable fields across the application site may temporarily reduce the viability for facilitating skylark territories within the immediate vicinity of the route alignment, the remaining fragmented parcels of arable land is considered to still provide sufficient capacity to support the number of skylark territories that were recorded.

Potential species roadside verge (PSRV) – The northbound road verge on the existing A131 includes 0.2ha of species-rich grassland habitat would be temporarily lost but reinstated once works completed. Turfs will be striped, collected and stored, along with topsoil, to allow the verge to be restored. Temporary moderate impact is therefore predicted on this PSRV. Details of the PSRV protection and reinstatement should be included in the CEMP and LEMP and long-term management and funding for such.

Priority Habitats Woodland (broadleaved plantation woodland and semi-improved

neutral grassland) The proposals will result in the loss of a total approximately 0.5 ha of the broadleaved plantation woodland habitat to the east of the A131 immediately north of Straw Brook, and approximately 0.1 ha of the broadleaved plantation woodland habitat immediately northeast of Straw Brook Plantation LoWS to the west of the A131. The scheme results in the loss in total of approximately 1.2 ha of broadleaved plantation woodland and 3.7 of semi-improved neutral grassland. The loss of these areas would be compensated for through the landscape planting proposed along the length of the proposed scheme as part of the embedded mitigation, including on the embankments themselves, as well as woodland created within the proposed ecological habitat creation areas (7.3 ha) and the woodland regeneration areas and 4.2ha of species-rich grassland.

**Veteran Tree** - The scheme will result in the loss of T141 a "likely" veteran ash tree located within a boundary hedge. It has been acknowledged that the loss of a veteran tree means the scheme would not be able to deliver net gain. As such, the veteran tree was excluded from the net gain calculations

**Hedgerows** - the scheme will result in the loss of a total approximately 3 km of native hedgerow habitat and 400 m of line of tree. The loss would be compensated for through the provision of new hedgerows and trees approximately 5.9km which would be planted along the length of the Proposed Scheme.

**Biodiversity Net Gain** - The Biodiversity Net Gain Report advises results from the Defra Biodiversity Metric 2.0 Calculation Tool demonstrate that the Proposed Scheme could meet the 10% gain target in biodiversity units for terrestrial habitats (no rivers or streams are directly impacted). However, the Proposed Scheme would unavoidably result in the loss of an irreplaceable habitat – one likely veteran tree, which has been purposefully excluded from the metric calculations, as per the methodology. We support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174 [d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy.

The long-term management of the habitats on site, including a minimum 25-year period of operation of the Proposed Scheme. However, if the Metric calculations indicate a longer timescale for any habitats created, this needs to be contained within a long-term Landscape and Ecological Management Plan.

The recommend conditions will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions suggested based on BS42020:2013 (Biodiversity. Code of practice for planning and development)

**PLACE SERVICES (Landscape):** No objection, subject to conditions  
A detailed review of this assessment and other relevant supporting information has been undertaken to establish whether the methodology, baseline review and assessment findings are deemed appropriate to inform appropriate decision making.



The Landscape and Visual Impact Assessment (LVIA) follows the principles set out in the third edition of "Guidelines for Landscape and Visual Impact Assessment" (GLVIA3) and has taken into consideration comments raised as part of the Environmental Impact Assessment (EIA). It is noted Landscape and Visual Impact Assessment Criteria' includes details and descriptions of the criteria used to make landscape and visual judgements, though we would have been expected this to be accompanied by the criteria used to assess landscape value judgements.

The landscape is relatively open and exposed due to large-scale fields. Blocks of woodland and vegetation along field boundaries do reduce the exposure and visibility, though long-distance open views are still available in some areas. While the proposed bypass has been aligned to follow the grain of the existing landscape and limit the loss of mature trees and intact hedgerows as much as practicable, the linear route would cross Boreham Brook, Straw Brook, seven ditches and the existing pattern of fields. The site falls within the Landscape Character Area B21 Boreham Farmland Plateau and B17 Terling Farmland Plateau. Though by year 15 (summer) the established mitigation planting would generally offset the effects of vegetation removed during construction, some permanent effects would remain, including severance of the landscape pattern by the proposed bypass, changes to the landform and loss of one likely veteran tree (T141). Overall, the assessment has judged that the significance of residual effect (Summer year 15 of operation) on B21 is slight adverse, whilst B17 is assessed as moderate adverse and therefore significant.

In terms of visual impact, the assessment concludes that the established mitigation planting would generally screen traffic and highway infrastructure associated with the Proposed Scheme from visual receptors by summer year 15 of operation. However, the tops of lighting columns associated with the roundabouts, or tops of high-sided vehicles, would remain visible above the planting at some representative viewpoints, as well as light spillage during night-time hours. Overall, there would not be significant adverse effects on most visual receptors, with a moderate adverse significant effect remaining for six representative viewpoints, representing PRow, open space and residential receptors in the area east of Chatham Green. Additional mitigation is required.

*Officer comment Following the submission of revised landscaping details, including additional groups of trees and inclusion of heavy standards, this concern has now been addressed.*

Concern was also expressed with respect to landscape features particularly the consideration and loss of ancient hedgerows and trees. And it was considered off site mitigation should be considered.

Notwithstanding the above we welcome the inclusion of an indicative Landscape and Environmental Design, which has taken into consideration of landscape character by including blocks of woodland planting and species rich grassland (natural grassland).

If granted conditions would be expected to ensure full planting proposals and specification provided as part of a condition to include details of planting works

such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment.

We also note that the Landscape and Visual chapter makes reference to essential mitigation methods such as “the sensitive design of attenuation ponds to integrate these into the landscape, reduce visual intrusion and enhance visual amenity”. We would support this statement and would emphasise the need to ensure the attenuation areas provide biodiversity benefits and are sympathetic to their landscape surrounds. We stress that the ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided, where possible, or where water velocity and pipes don’t allow, vegetation screening would be advised.

PLACE SERVICES (Arboriculture): Comment concerned with respect to impact on ancient hedgerows and trees, and their historic and archaeological importance not being fully considered. Concur with landscape officer that the proposed planting of new hedgerows and hedgerow trees cannot fully mitigate the ecosystem services provided by existing important hedgerows and would agree that off-site mitigation with additional native planting should be considered.

Also use of *Sorbus aucuparia* (Rowan) is acceptable for amenity areas, but would not recommend its use for using as individual trees when gapping up native hedgerow but would instead increase the number of *Quercus spp* (Oaks) or *Carpinus betulus* (Hornbeam).

PLACE SERVICES (Historic Buildings): Comments as follows:

The ‘Cultural Heritage Desk-Based Study’- assessed all designated heritage assets within a 1km buffer zone of the proposed route, while for non-designated heritage assets, the assessment is limited to a 300m buffer zone. Among those identified, the most relevant are Barn About 850 Metres East Northeast of New Hall, Mount Maskall (Generals Lane), Peverel’s Farmhouse (Domsey Lane), three buildings in Alstead’s Farm (Leighs Road), four buildings in Shuttleworth and Power’s Farms (Leighs Road and Drakes Lane). These Grade II listed buildings lie within a 300m buffer zone of the proposed route. There are three non-designated historic buildings lie within a 300m buffer zone - The Barn, Mount Maskall, Chatham Green Post Windmill Roundhouse and Milestone, 78m N of junction of A131 with Whitbreads Farm Lane. The significance of these heritage assets and the potential impact of the scheme have been described sufficiently in the ES.

The findings of the assessment are concurred with indicating the impact on the setting of the relevant historic buildings ranges from ‘Slight Adverse’ to ‘Large Adverse’. In this regard, the most affected would be Mount Maskall, Wilderness, Spartigans Hall and Alstead’s Farmhouse with significant adverse impact on their immediate setting.

A visual impact assessment using the listed buildings as receptors was recommended during the pre-application consultation to fully understand the impact upon views from these assets. Notwithstanding the lack of such assessment, the submitted ‘Visual Effects Schedule’ shows several views from

within the historic farmsteads containing the listed buildings would have a moderate to large adverse impact and that it be particularly significant during the construction period.

Furthermore, the associated noise and vibration assessment shows the operational noise of the proposed route would have a major adverse impact on the inherent tranquil and rural setting of the listed buildings.

Overall, the proposed infrastructure scheme is considered to have an adverse impact upon the setting of several Grade II listed buildings, which would lead to a 'less than substantial harm' to the significance of these assets. As such, under Paragraph 202 of the NPPF, the local planning authority should weigh the harm against any public benefit of the scheme. While the harm may be less than substantial, great weight should be given to the asset's conservation (Paragraph 199) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 200).

PLACE SERVICES (Archaeology): No objection subject to conditions.

A programme of archaeological trial-trenching has been completed (with the exception of one land parcel). This has identified a number of areas of archaeological significance, ranging in date from the prehistoric to the medieval period. The following should be required by condition.

- A mitigation strategy detailing the excavation / preservation strategy shall be required by following the completion of the archaeological evaluation.
- No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy
- A post excavation assessment will be required. This will result in 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.

PLACE SERVICES (Urban Design): No comment

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions to ensure all proposed mitigation measures are secured by specific condition or inclusion in the OEMP and Register of Environmental Actions and Commitments (REAC).

COUNTY'S LIGHTING CONSULTANT: No objection, subject to a condition requiring a detailed lighting design and assessment. While a preliminary lighting design has been submitted, the details are insufficient to determine the impact of the proposed lighting on residential properties, particularly the potential for lighting impact on residential properties near Chatham Green roundabout.

COUNTY'S AIR QUALITY CONSULTANT: No objection subject to a conditions. The applicant's submitted construction dust assessment is appropriate for the proposed scheme and indicates the required level of mitigation to avoid significant effects from dust soiling, increases in particulate concentrations and damage to ecological sites. Mitigation measures are recommended for inclusion within a Dust

Management Plan (DMP). It is recommended that an appropriate planning condition is included requiring the DMP to be developed and approved prior to the commencement of works.

Road traffic movements for the construction phase were identified to be below the criteria requiring further assessment and therefore representing an imperceptible change in pollutant concentrations.

The operational assessment of road transport emissions is appropriate and has provided detailed appendices for specific sections of the air quality assessment allowing sufficient review of the assessment inputs and assumptions. The outcome of the assessment is in line with the relevant guidance and the conclusion of no significant effects is acceptable.

COUNTY'S CLIMATE CHANGE CONSULTANT: No objection. The applicant's submitted climate change assessment follows appropriate guidance for the proposed scheme (i.e. DMRB LA 114). Appropriate mitigation measures are recommended for the construction phase and are discussed in the OEMP. The conclusions in the climate change assessment are in line with the appropriate guidance and considered acceptable. It is recommended that an appropriate planning condition is included requiring the measures set out in the OEMP and other relevant mitigation referred to in the climate change assessment to be submitted as part of an appropriate management plan and approved prior to the commencement of works.

ECC PUBLIC HEALTH: No comments received

ESSEX FIRE & RESCUE: No comments received

ESSEX POLICE: No comments received

LITTLE WALTHAM PARISH COUNCIL: Comment as follows:

- Connection of the CNEB via a roundabout at Chatham Green, will cause disruption to nearby residents connection at Deres Bridge Roundabout would be more appropriate. If a roundabout is constructed at Chatham Green screening and noise reduction measures should be put in place for residents.
- Consider the single carriageway south of the proposed Chatham Green roundabout is adequate to cater for growth of traffic from Chelmsford Garden Community, Development at Great Leighs and within Braintree.
- It is noted that there would be a junction on the road and this could lead to traffic rat running on narrower single track roads such as residential roads within Channels, use of the RDR and Essex Regiment Way, rather than using the CNEB. If a junction is included then measures to prevent rat running should be included.
- Lack of detail of the impact on PRoW that cross the route.

Officer comment Drawings showing PRoW and how they would be diverted and cross the CNEB were included in the application details.

- There is lack of clarity in relation to the bridges as to whether they will be available for pedestrians and bicycles.

Officer comment The two road bridges and WCH bridge would all be available for

*use by pedestrians and bicycles. The bridge for quarry conveyor would once mineral extraction is completed be incorporated into the CGC and would include pedestrian and cycle way provision.*

- Concerned that the lighting at Chatham Green roundabout will impact the residents of adjacent residents, lighting should be designed to be directional and minimise impact upon surrounding residents.

BOREHAM PARISH COUNCIL: No objection. Disappointed to note that the road will not be a dual carriageway. Pleased to note 3 bridges with no access or egress along the whole route.

Officer comment *While initially there would be no egress or access along the route, in the future RDR2 would be able to connect at the new roundabout to be provided as part of the scheme.*

GREAT & LITTLE LEIGHS PARISH COUNCIL: Raise concern re HGV use within the parish. Request a permanent weight restriction on Boreham Road. Construction traffic should be prohibited from passing through the village and adjoining country lanes.

Officer comment *The imposition of weight restriction is not a matter that could be required through a planning condition. Details of construction traffic routes would be required by condition.*

GREAT WALTHAM PARISH COUNCIL: Supports application subject to the following:

1. Reduce traffic on Essex Regiment Way travelling to Chelmsford, which will in turn reduce traffic using Broomfield Road B1008 through Broomfield.
2. Reduce traffic on the B1008 through the Ford End village. Signage should be clear all along the NE Bypass, that the best route from Stansted/M11 to North Chelmsford/A12 is using the A120, then A131, then NE bypass

Furthermore, Great Waltham Parish Council would like to see signage, not only on the NE Bypass but also on the A120/A131 and Essex regiment way, that discourages the use of the B1008 as the most direct route from Stansted/M11 to Chelmsford:

- Remove any signs on the A120 which point to Chelmsford via the B1008 through Ford End
- Retain any signs on the A120 which show the B1008 as not suitable for HGVs or point to the A131 for HGVs
- From the Boreham Interchange – signage to show direct route to Stansted/M11 is via NE bypass/A131/A120
- Reinstate signage at Sheepscote roundabout, heading North along Essex Regiment Way, when approaching Sheepscote roundabout, that shows route to Stansted/M11 as a right turn onto the A131 Braintree Road, then A120.
- Also reinstate signage at Sheepscote roundabout, heading North along Essex Regiment Way, when approaching Sheepscote roundabout, that shows the straight on route to the B1008 as not suitable for HGVs
- During the construction phase – that is between January 2022 when the advance work commences and the predicted completion date of December 2024 active measures are taken to prevent an increase in traffic using the B1008 between Barnston and Sheepcotes roundabout by drivers avoiding the

- construction works.
- During the same period measures are taken to prohibit the use of the same route by all vehicles involved in the construction works and services associated with the works.
- Any future traffic calming measures proposed for Essex Regiment Way between Chelmsford and Sheepcotes roundabout should extend along Essex Regiment Way beyond Sheepcotes Roundabout on the B1008.

*Officer comment: Signage is not a matter that could be controlled by the planning permission particularly that beyond the boundary of any planning permission, but the comments have been forward to the Highway Authority for their consideration and an informative could be added to any permission, if granted.*

BOREHAM PARISH COUNCIL: No objection, but disappointed that the road will not be a dual carriageway, but encouraged to see over bridges and no access along the whole route.

*Officer Comment For clarification there is a proposed roundabout to enable future access to RDR2, such that there is an access point along the route.*

LOCAL MEMBER- CHELMSFORD – Chelmer: Any comments received will be reported.

LOCAL MEMBER- CHELMSFORD – Springfield: Any comments received will be reported.

LOCAL MEMBER- CHELMSFORD - Chelmsford North (adjacent division): Any comments received will be reported.

LOCAL MEMBER- CHELMSFORD - Broomfield and Writtle (adjacent division): Any comments received will be reported.

## 6. REPRESENTATIONS

198 properties were directly notified of the application. 32 letters of representation have been received have included letters from Vicky Ford MP highlighting concerns raised by Marriage's Flour, Countryside Properties, Hanson UK, Terling and Fairsted Parish Council and the Local Essex Access Forum and the points raised are summarised in below.

Marriage's Flour: Objection: the proposals do not provide the infrastructure that is required by the community and a badly thought-out scheme is likely to be a costly long-term disaster for local people, resulting in years of chaos, views of local residents and businesses, including those of Barnston, North Springfield, Boreham, Great Leigh etc have not been considered.

The scheme does also not provide a connection to Cranham Road which would serve businesses of Drakes Lane Industrial area despite there being a roundabout 300m away.

*Officer comment: There is potential in the future upon development of the CGC and phase 2 of the CNEB for a connection to Cranham Road to the CNEB. Planning permission for the new Marriages Mill on Cranham Road was given planning permission in 2018 on the basis of the existing road infrastructure with no requirement for connection to the CNEB.*

Agent on behalf of Countryside Properties and Ptarmigan Land (primary

developers of CGC): Support the CNEB but raised a holding objection on the following matters.

- Safeguarded corridor. The proposals include land outside the safeguarded corridor for the CNEB, the area of land is not quantified and the application does consider alternatives.
- The roundabout which would become the connection to RDR2 makes no provision for pedestrians and cyclists, this connection provides access to areas to the east including residential and commercial development as well and the allocated Country Park and therefore is not LTN1/20 compliant.

*Officer comment: While a master plan for the CGC is currently under development at this time it's not clear whether the RDR2 roundabout would be the appropriate location for cycle/pedestrian access and if required at this location the junction could be modified.*

- The conveyor bridge width is inadequate to provide for a cycle path on both sides and therefore not LTN1/20.

*Officer Comment: The conveyor bridge has been designed such in the future it could accommodate both pedestrian and cycle provision, which would meet LTN1/20 standard.*

- Extinguishment of PRow 213 FP7. This path provides a link between two areas allocated for development in the CGC, is unacceptable and against sustainable planning policies. The connections should not be required as part of the CGC and should include being suitable for Phase 2 of the CNEB development, rather road closures being necessary in the future to provide this connection.
- EIA Baseline Assessments, should include all areas of the Beaulieu Park development including residential zones X, Y & W.

*Officer Comment Baseline noise assessment included zone W as representative of residential areas likely to be developed after completion of the CNEB. Such zones would not experience a change in noise as a result of the CNEB, as they are planned to be constructed after the CNEB. However, it recognised that development phasing and programming could change and reassessment would be required as part of the EMP, prior to construction of the CNEB and would be required as part of the CEMP.*

Hanson UK: No objection to the scheme, but wish to see the following issues addressed to minimise any impacts on the quarry operations:

- Cutting off the existing direct access to slit lagoons and denying their use
- Crossing the planned route of the Park Farm field conveyor
- Using construction traffic access routes which go through operational areas and our own haul road routes
- Impacting upon established drainage patterns during and after construction.

Terling and Fairstead Parish Council: Objection due to concern that potentially Longfield Solar Farm proposal and the A12 widening from Boreham to Marks Tey junction could all occur at the same time and it doesn't appear the CNEB has addressed this possibility and doesn't provide a comprehensive infrastructure proposal.

*Officer comment The EIA is required to consider all permitted development, the Longfield Solar Farm and A12 widening projects have not gained planning permission at this stage. Any highway mitigation would be required to form part of those proposals and take account (if approved) of the CNEB development. The*

*Highway Authority is aware of potential for construction overlap of the CNEB and Longfield Solar Farm and has required co-ordination by the two developing contractors.*

Local Essex Access Forum: Welcome WCH bridge at Chatham Green, but raise the following concerns

- Connection to the WCH both sides of road should be for all users including horses.
- The link south to Whitbreads Farm Lane and Chatham Green Lane should be for all users and the Toucan crossing suitable for all users.
- All crossings of the CNEB should be able to be safely used by all users, as a minimum all crossings at grade should be signalised, particularly Little Waltham footpath 8.
- Additional crossing signalised crossing should be provided at Scurvy Hall Lane
- The footway over Leighs Bridge Road welcomed but the footway should extend to Little Waltham FP14 on west side and Little Waltham FP 53 on east side and be wide enough for horses and cyclists.
- The Cranham Road/Drakes Lane bridge should be wide enough for safe use by walkers/cyclists and horses.

Matters raised by other representees, summarised as follows:

Observation

Comment

**Comments in support**

Bypass needed to remove traffic from north-east of Chelmsford making it a lot easier for local residents to get to amenities.

Support the proposals and the improved road safety that would arise.

The Bypass is desperately needed.

Support CNEB as will reduce HGV traffic on White Hart Lane allowing safer and easier access by school pupils to Beaulieu Park School.

Support proposals would reduce traffic on A131 and support toucan crossings making it safer for Chatham Green residents to access bus stops.

**Objections/concerns**

Consider the proposed road is inadequate as a single carriageway, dual carriageway is necessary to link A12 to A131

See appraisal



The original plan was a dual carriageway bypass, designed to keep local traffic off of it. Now as it's linking up with access roads to the housing developments, only single carriageway, with parts having a 40mph limit and pedestrian crossings, it's going to be inadequate as a bypass before it's even started/completed.	See appraisal
Welcome the bypass, but no justification for new roundabout at Chatham Green road could have just linked to Deres Bridge Roundabout, saving additional expense.	See appraisal
Consider loss of the countryside and impact on wildlife is not justified to enable further development	See appraisal
Consider as the road would link to dual carriageways it should be dual carriageway as well to relieve minor roads	See appraisal
CNEB would facilitate more housing in Great Leighs, but the village does not have the facilities to support more houses, the facilities would need to be expanded	Chelmsford Local Plan policies seek to ensure that community facilities are provided as part of housing proposals.
Support proposals but what measures will be taken to traffic calm White Hart Lane.	Upon completion of the CNEB, consideration will be given to traffic calming on White Hart Lane, but they do not form part of these proposals.
2m high bunding should be provided along the embankment section of the road to minimise impact from view of moving traffic and headlights at night. Landscaping welcomed but consider increased bunding should be provided in addition.	See appraisal
Consider the bypass would encourage traffic on the M11 to cut across to the A12 via the new road bringing more traffic closer to Chelmsford and particularly Springfield, with associated pollution and not reducing CO2 as identified necessary by COP26.	See appraisal

The proposals should include a weight restriction on Boreham Road to stop HGVs using this country lane and push them onto the Bypass.

This cannot be required as part of the planning process, but the comment has been passed to the Highway Authority.

Proposals not in line with aims of COP26 to reduce CO2. The money should be sent on better cycle, pedestrian and public transport. The proposals will result in loss of trees, flora and fauna, agricultural land and loss of countryside having a negative impact on the mental and physical health and wellbeing of local people. No provision at all has been made for cycling or walking or improved public transport.

The CNEB is not intended as a route for pedestrians and cyclists, these would be encouraged to use the A131 and improvements are proposed for pedestrian and cyclists from Chatham Roundabout to the Deres Bridge roundabout.

The CNEB will result in dissecting of agricultural land to determinant of local farmers.

See appraisal

The CNEB will result in adverse impact to nearby properties, both in term of impact on heritage assets, noise, vibration and visual impact

See appraisal

The cycleway along the west and east side of the CNEB from Chatham Green to Deres Bridge will create greater accessibility for the public into this area of the countryside creating a security risk to adjacent landowners. The costs are not considered justified for the benefits it will deliver.

Planning policy seeks to encourage modal shift towards walking and cycling, it is considered these benefits outweigh potential security issues.

More bunding should be provided from Leighs Road northwards where the road is on an embankment, to screen, noise, and light from nearby properties.

See appraisal

Consider the noise modelling is inadequate as insufficient receptor points were considered particularly for properties on Leighs Road.

The noise assessment chose receptors that represented the worst-case scenario for a number of nearby properties. The receptors were agreed with the County's noise consultant prior to the assessment.

The proposed roundabout at Chatham Green is raised and the lighting of the roundabout will give rise to significant

See appraisal

adverse light impact.

Traffic during the construction phase, will result in construction traffic and traffic avoiding construction using minor as was the case when then Sheepscote Roundabout was improved.

Any permission would be subject to the requirement for Construction Management Plan.

The impacts of noise and light pollution should be taken into consideration

See appraisal

That appropriate fencing is provided to screen access tracks to drainage ponds.

Access tracks to drainage ponds are for maintenance only and therefore usage would not be regular.

There would appear to be no assessment of the potential impact of vibration on property's near the construction works and thus not mitigation

Vibration was considered as part of the EIA and the nature of piling etc is to be specified to minimise vibration. Impact from vibration was considered not give rise to structural damage.

It is acknowledged that the construction noise will result in major adverse/significant adverse impact and yet no mitigation is proposed which will result in physical and mental health impacts for residents of nearby properties

See appraisal

North of Leighs Road minimal bunding is provided to screen the road, bunds heights should be increased to

See appraisal

Not supportive of the single bridge to provide access to maintain connectivity for Drakes Lane and Cranham Road. It will make access between Boreham Road and Wheelers Hill more circuitous whether using Drakes Lane or Cranham Road, increasing travel times, creating more hazards for road users, introducing unnecessary additional road junctions and, as a direct result, encouraging drivers to use Leighs Road as a more direct route between Boreham Road and Wheelers Hill. Leighs Road is a single track road and is not suitable for additional traffic nor for heavy vehicles, both of which would be an inevitable outcome of the proposed new Drakes Lane/Cranham

A single bridge minimises landscape impact and costs of the scheme. The layout of the junction was revised following comments from landowners to minimise the disruption to agricultural land.

Road bridge design. This plan requires urgent reconsideration and redesign.

## 7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Traffic Assessment
- C. Public Rights of Way
- D. Minerals
- E. Landscape & Visual Impact
- F. Ecology/Biodiversity
- G. Heritage
- H. Amenity,(including noise and vibration, air quality and lighting)
- I. Geology and soils
- J. Population and Human Health
- K. Road Drainage and Water Environment
- L. Climate Change
- M. Cumulative effects

### A PRINCIPLE OF DEVELOPMENT

As explained previously, the concept of the CNEB has been in consideration for a number of years. A safeguarded route was first allocated in the Chelmsford North-East Area Action Plan adopted in 2011.

The Chelmsford Local Plan (adopted in 2020) identifies Growth Areas in the Chelmsford administrative area. Specifically related to the Proposed Scheme is Growth Area 2 – North Chelmsford and in particular Strategic Growth Site Policy 6 – Northeast Chelmsford which gives specific reference to the need for the proposed scheme to assist in delivering new strategic neighbourhoods and employment opportunities with the transport infrastructure to support this. The proposed scheme, alongside the future delivery of the Beaulieu Railway Station, unlocks the potential delivery for new homes and connects these new neighbourhoods to Chelmsford City Centre and Braintree.

Other relevant Strategic Growth Sites include 7a – Great Leighs - Land at Moulsham Hall; 7b – Great Leighs - Land East of London Road; 7c – Great Leighs – Land North and South of Banters Lane; 8 – North of Broomfield which are expected to make financial contributions to delivery of the CNEB within their '*Site infrastructure requirements*'. Policy LPP 18 Strategic Growth Location - Land East of Great Notley, south of Braintree in the Braintree 'Section 2' Local Plan is also required to contribute to the strategic road network in the vicinity of the site which could include the A120 and A131 corridor.

In addition, Strategic Policy S9 - Infrastructure Requirements states that '*New development must be supported by the provision of infrastructure...that are identified as necessary to serve its needs*'. Strategic Policy S9 continues and states...'*New highway infrastructure should help reduce congestion, link new development and provide connections to the strategic road network*'...

The route of the CNEB has been secured as a safeguarded route and is identified on Policies Maps 1 and 3 of the Chelmsford Local Plan (May 2020). Strategic Policy S9 (Infrastructure Requirements) identifies the proposed scheme as an important infrastructure requirement to help reduce congestion and provide important links to new developments and the strategic road network.

The North-East Chelmsford area is expected to deliver significant housing and development growth, including the future CGC and residential developments in Broomfield and Great Leighs, as referenced above and in nearby Braintree District. It is expected that the proposed scheme and the future Beaulieu Railway Station will help unlock approximately 9,000 new homes in this area up to 2036 and provide the potential for a further 5,000 new homes in the longer term.

The CNEB will provide a strategic highway link between the A120 (via the A131) and the A12 (via the new Beaulieu Park highway network). The existing road network does not provide an effective link around the north-east edge of Chelmsford, or easy access to the proposed new railway station at Beaulieu. The bypass would also provide an important connection with surrounding existing communities and in turn would unlock the land available for the delivery of the future CGC. It will also help to relieve the high level of traffic congestion in Chelmsford and enabling existing routes into the city centre to become sustainable transport corridors.

The development of the proposed scheme has evolved over a number of years with several alternatives and options considered. The proposals have been subject to several opportunities for public involvement both through the consultation on various iterations of the Chelmsford Local Development Plan and accompanying policy documents, as well as pre-application consultation and statutory consultation as part of this application. Walk-in exhibitions planned for 2020 had to be cancelled, due to the pandemic and moved to an online virtual exhibition which ran for 6 weeks in 2020. The scheme has taken on board comments received where possible and through the Environmental Impact Assessment process to minimise its environmental impact avoiding sensitive environmental receptors where possible.

Concern has been raised by consultees and a representation has been received from Marriages (A local flour producing company) expressing concern that the proposals are not for the full dual carriageway originally envisaged in 2008 and that there has not been clear communication of the changes. As explained above the current proposals have been subject to non-statutory and statutory consultation, giving opportunity for comment. It has also been explained how the scheme has evolved over time and the current proposals represent the best approach to deliver an improved connection between the A131 and the A12, with design able to accommodate the existing and proposed traffic until 2036 - the life of the current Chelmsford Local Plan. The proposals have also specifically been designed to enable the potential for the CNEB to be made into a dual carriageway in the future.

The Department of Levelling-Up, Housing and Communities has notified the County Planning Authority that it wishes to have the opportunity to consider calling in this application for determination by the Secretary of State.

Pre-application consultation highlighted the desire for Green Infrastructure enhancements beyond the planning application area and as a result a Green Infrastructure Legacy Report has been prepared and submitted setting out the opportunities to be delivered through existing initiatives and commitments for green infrastructure improvements within the County, including funding via the Essex Forest Initiative and Essex Climate Action Commission.

The CNEB would largely be within the safeguarded route allocated within the CLP with some departures and extensions to the planning application site for additional structures to allow for the CNEB to be delivered. These changes and departures were unknown during the original consultation to secure the CNEB within Chelmsford Local Plan and have arisen mainly from necessary design changes as the proposals have evolved. These include a conveyor bridge to allow for the continued operation of the Bulls Lodge Quarry, the relocation of settlement lagoons at Bulls Lodge Quarry and slight alterations to the proposed side road bridge configuration. Other departures include areas required for site compounds, which are only temporary and areas to allow necessary flood mitigation.

The agent on behalf of Countryside Properties and Ptarmigan Land have raised concern that these departures impinge on land allocated for mixed use development in the CGC. The flood mitigation proposed is essential to meet the requirements of both the LLFA and the Environment Agency. The additional settlement lagoon is essential to maintain the effective working of Bulls Lodge Quarry and is only a temporary use of the land, but it is acknowledged would delay release of this land for development. The additional land take for the conveyor bridge would have only been a temporary loss of land for development had it just been for the life of the quarry. The larger footprint is to future proof the bridge so that it can provide a bridge for all users, providing a west-east connection within the CGC. It is likely that such a bridge would have been required in any event as part of the CGC to maximise sustainable mode movements consistent with Garden City Principles and resulted in a similar loss of the land for development.

The NPPF contains a range of policies specifically designed to encourage and enable the planning process to assist with economic growth and regeneration. Paragraph 81 emphasises the Government's focus on ensuring economic growth and states that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.

Paragraph 8 part a) places emphasis on *'an economic objective...to help build a strong, responsive and competitive economy'*...with the right types of land available... *'to support growth, innovation and improve productivity'*.

Paragraph 20 of the NPPF encourages focused plan making and the development of strategic policies to address strategic issues in areas. The paragraph states that *'Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for...infrastructure for transport'*.

Paragraph 20 under part d) also places emphasis on strategic policies promoting *'conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address*

*climate change mitigation and adaptation’.*

Paragraph 23 states that *‘broad locations for development should be indicated on a key diagram, and land use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area’.*

Whilst paragraphs 20 and 23 relates to planning policy development, it is considered relevant to highlight the importance of encouraging the necessary infrastructure to come forward through the decision-making process in line with the NPPF. As highlighted above, the proposed scheme is secured as a safeguarded route and the relevant Strategic Policies within the Chelmsford Local Plan addresses the need for the proposed scheme to ensure the economic and housing growth potential of North-East Chelmsford is unlocked and improves connections to the strategic road network for stronger connections to Chelmsford City Centre and wider areas in Essex.

Both the Chelmsford City Council Local Plan and the NPPF encourage housing and economic growth that is supported by essential infrastructure. There is strong support for the proposed scheme in strategic planning policy terms and it is therefore considered that the Proposed Scheme accords with Strategic Policy S9 and Strategic Growth Site Policy 6.

## **B TRAFFIC ASSESSMENT**

Policy S2 (Addressing Climate Change and Flood Risk) of the CLP seeks to reduce the need to travel and provide sustainable transport modes. Policy S9 (Infrastructure Requirements) seeks to encourage sustainable transport by walking, cycling and public transport, but also recognises the new highway infrastructure is required to help reduce congestion, link new development and provide connections to strategic road network and specifically references the need for the CNEB and RDR2 which the CNEB accommodates a connection to in the future. The need for CNEB is reiterated in the Strategic Growth Site 6 (SGS6 - North-East Chelmsford).

A traffic assessment accompanied the planning application.

The proposed scheme provides significant relief to the existing north-south routes between Braintree and Chelmsford. This includes A131 south of the new roundabout at Chatham Green; A130 Essex Regiment Way, White Hart Lane and Colchester Road; B1008 between Sheepcotes Roundabout and A1016 Parkway (this includes Braintree Road, Basford Hill, Main Road, and Broomfield Road); A1016 Chelmer Valley Road, Boreham Road and Waltham Road, and B1018 between Tye Green and Witham. Some of these benefits are due to the beneficial displacement of strategic traffic onto the A12 as traffic that would previously have driven through the town centre diverts around Chelmsford to use the CNEB to and from Braintree.

Furthermore, the CNEB would provide enhanced access to the proposed new Beaulieu Rail Station and the new CGC development with 4,350 homes currently consented in Beaulieu and Channels, and a further 3,000 homes allocated in the Local Plan to be delivered by 2036.

The A131 from the A120 Braintree bypass to the new junction would experience increased traffic that is displaced from other north-south corridors between A120 and A12. The dualling of the carriageway between the new Chatham Green and Deres Bridge roundabouts would increase capacity to accommodate this traffic. There is a significant increase in traffic predicted to use the RDR between roundabout 4 (the proposed connection with the scheme) and the A12 Boreham Junction 19. This section of the RDR is constructed, while works to the new Generals Lane bridge over the railway line and A12 eastbound on-slip are ongoing.

The operation of RDR Roundabout 4 in the opening year 2024 is adversely affected by the traffic from the scheme. This is mainly due to an additional arm on the roundabout and more up to date traffic forecasts since the RDR Phase 2 was approved. It is proposed to improve this junction so that the southern arm (RDR south of this Junction) operates within acceptable capacity in 2024 and within acceptable limits in 2036. The proposed mitigation is described below.

The following mitigation is proposed for RDR roundabout 4:

- Widen northbound approach to Roundabout 4;
- Improve flare to northbound approach;
- Re-instate western path and pedestrian approach to crossing; and
- Diversion of utilities.

This mitigation would be required by condition to be delivered prior to the opening of the CNEB.

Additional microsimulation traffic modelling has been undertaken to provide extra rigour and confidence behind evidence and decision-making relating to predicted junction queueing and traffic impacts as a result of CNEB and Beaulieu Station in future years. This modelling demonstrates that the proposed scheme would operate within capacity in both 2024 and 2036. However, delays are expected at the Beaulieu Rail Station access roundabout on the RDR at the busiest times of day, towards the end of the Chelmsford Local Plan period (2036). The additional incremental 'stress test modelling' indicates that the network operates adequately up until 2033. From 2033 onwards, with reduced levels of local development trip generation or minor mitigations (such as two-lane exits or widened approach widths as examples of the scale of a potential physical solution), it shows that acceptable levels of performance can be obtained. Therefore, no mitigation is proposed for the RDR Roundabout 5.

The proposed scheme, once operational, would result in some permanent footpath and bridleway closures. However, all closure would be mitigated by diversions to new and improved facilities, particularly the new segregated cycleways and footpaths on each side of the new dual carriageway between Chatham Green and the Deres Bridge roundabout, and a new dedicated overpass on the A131 to



provide a safe passage for walkers, cyclists, and horse riders. This is supplemented by improved pedestrian and cycle crossing on the southern arm at the Chatham Green roundabout. In addition, all footpaths bisecting Section 1A and 1B of the Proposed Scheme would be grade-separated crossings except for Little Waltham Footpath 8 which would be at grade.

Though the proposed scheme results in an increase in the number of accidents in 2024, these accidents are associated with the traffic diverted onto the new road and junctions and the increased traffic on the roads connecting the scheme with A120 in the north and A12 in the south. This includes the existing junctions on A131 (such as Deres Bridge, Moulsham Hall, London Road, Cuckoo Way, Queenborough Lane and A120 Junction) and RDR (Junctions 4 and 5 between the scheme and the A12 Boreham Junction).

One of the key objectives of the Scheme is to improve safety on the existing transport network north of Chelmsford. A reduction in accidents is predicted on the existing parallel routes in the vicinity of the scheme. The reduction in accidents is evenly spread across the network while any increases in predicted accidents are focused on the new length of highway developed by the scheme and on its approaches. The proposed scheme also provides the opportunity for Chelmsford to potentially implement road safety improvements and traffic calming on A131 White Hart Lane south of A2016 Chelmer Valley Road when strategic traffic is removed from this section of road. The Safer Essex Roads Partnership will also continue to promote road safety and casualty reduction through a number of activities, interventions, programmes and products which involve a combination of education, engagement, engineering and enforcement. Overall, the disbenefits are considered minor when compared to the significant benefits that the proposed scheme would bring.

Overall, the Transport Assessment concluded that the significant traffic benefits of the scheme far outweigh the disbenefits. It is therefore the CNEB delivers the necessary infrastructure required by S9 and SGS6 with respect Northeast Chelmsford. The improved walking, cycling routes and crossing on the A131 will support modal shift in transport. In addition, the new highway will reduce congestion, particularly on Essex Regiment Way and White Hart Lane and provide connections to strategic road network, namely between the A120 (via the A131) and the A12. It is therefore considered the proposed scheme would be in accordance with S9 and SGS6

## C PUBLIC RIGHTS OF WAY

The proposed scheme maintains connection of all public rights of way either through crossing or diversions. The WCH on the A131 and the connecting footpath, cycle and horse routes would improve accessibility in this area. Further improvements have been requested by the Ramblers, Essex Local Action Forum and British Horse Society and the scheme has been revised in response to these comments. However, some improvements relate to PRow unaffected by these proposals.

Chelmsford City Council raised concern that it considered more east/west connections across the CNEB should be provided. Agents for the developers of

the CGC have objected to the lack of crossing point for Boreham Footpath 8, considering a bridge or an underpass should have been provided. Boreham footpath 8 lies between RDR roundabout 4 and the proposed conveyor bridge and currently the PRoW is a dead end and does not currently provide onward connection to the west. The PRoW is to be diverted such that it does not require to cross the CNEB. An additional east west connection to the north of this existing PRoW would be provided by the mineral conveyor bridge which when no longer required for mineral extraction, would provide crossing point for vehicles, cycle and pedestrians. The diverted route of the footpath could at a later be connected to the conveyor bridge as part of the network of connections within the CGC. . It is considered the new bridge would adequately mitigate against the lack of crossing for this dead-end PRoW. Should an additional crossing be required in this location when the Masterplan for CGC is finalised this could be provided as part of the CGC development. The Highway Authority has raised no objection to this approach.

## D MINERALS

The entirety of the project area is located within land which is designated as a Mineral Safeguarding Area (MSA) and accordingly policy S8 of the Essex Minerals Local Plan 2014 applies. In addition, the proposals cross the area of Bulls Lodge Quarry a permitted and an active sand and gravel extraction site and thus the application sits crosses a Mineral Consultation Area (MCA), as well as lying within the MCA for Sheepcotes Irrigation reservoir, which includes sand and gravel extraction.

Policy S8 of the Minerals Local Plan with respect to an MCA seeks to protect the effective working of a permitted mineral reserve and oppose any non-mineral development which would unnecessarily sterilise mineral reserve.

Bulls Lodge quarry consists of two main areas and one smaller area. The two main areas, areas are the former Boreham Airfield and the other being an area to west surrounding Park Farm. The proposed CNEB would pass through the Boreham Airfield, however, the alignment of the road is such that the area crossed has already been worked for sand and gravel and in part restored to agriculture. However, the route alignment passes between existing silt and water lagoons connected by pipework which would be severed by the CNEB. In addition, the CNEB would sever access from the Boreham Airfield part of the quarry to the Park Farm area of the quarry.

Crossing the CNEB with the required pipework to maintain the use of the silt and water lagoons was considered but concluded to be impractical. Thus as part of the proposals two lagoon lagoons on the west side of the CNEB would be replaced by one silt lagoon to the east side as part of the advance works for construction of the CNEB. The second main area of extraction is that around Park Farm which lies to the west of the CNEB. Park Farm is to be worked utilising infrastructure located to the south of the Boreham Airfield, therefore it is necessary to maintain an access road and quarry conveyor route between the Park Farm area, west of the CNEB and the existing quarry east of the CNEB. This is proposed to be achieved by a bridge to also be constructed as part of the advanced work. Work in Park Farm is planned to occur earlier than originally envisaged when Bulls Lodge Quarry was

permitted to facilitate the land around Park Farm being released earlier for development as part of CGC. By incorporating these elements into the proposals, the effective working of Bulls Lodge Quarry and the exploitation of the permitted mineral within Park Farm can be secured.

It should be noted that the application site includes 3 potential access routes to allow works in advance to construct the conveyor bridge. Two would require access through Bulls Lodge quarry itself. The mineral operator (Hanson) has indicated that the routes through the quarry are less favoured, for practical reasons as they would impact upon the effective working of the quarry, particularly with regards to health and safety. The final route for the advanced works would be subject to the agreement of the contractor delivering these works in discussion with the adjoining mineral operator.

The conveyor bridge to be constructed would only be required for the period of mineral working and restoration within Park Farm. During pre-application discussions it was agreed that the design of the bridge should be such that when no longer required by the quarry it could be converted to serve as a road, cycle and pedestrian route for the CGC. With financial support from Chelmsford City Council (which will be recuperated later through CIL payments as part of the CGC) the additional cost of future proofing of the bridge has been secured.

The application site also lies in close proximity to Sheepcotes Reservoir, however the proposals do not directly effective the working of the site.

With regards to the need to safeguard existing and allocated mineral extraction operations, it is accepted that the proposed scheme as proposed would not compromise the operation of existing, allocated or permitted mineral and waste development at Bulls Lodge or Sheepcotes Farm

With respect to the MSA policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a minerals resource assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This would ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource. A Mineral Resource Assessment (MRA) has been submitted with this application and considers that prior extraction ahead of the implementation of the CNEB is not practical.

The MRA finds that the mineral present under the site, equating to up to 3.565mt depending on the scenario employed to derive volume, is of sufficient quality to be capable of an economic use and in addition has the potential to be extracted on a commercial basis. As such, it is considered that by not prior extracting the mineral, a significant amount of locally import mineral resource would be sterilised by the proposed development. This places the scheme in conflict with NPPF Paragraph 206 which requires that *'Local Planning Authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.'*

However, the MPA acknowledges the points raised in the Executive Summary of the MRA that the proposed road scheme is essential infrastructure required to

deliver the proposed CGC, and that the scheme is part funded through a grant from the Housing Infrastructure Fund (HIF). A current condition of that grant being awarded is that the scheme is completed by 2024.

The MRA notes that prior extraction would impact significantly on the construction programme of the CNEB. The construction of the CNEB is anticipated to commence in 2023, which would leave under a year to complete prior extraction and restore the ground such that construction of the bypass could be completed ahead of the 2024 deadline. This would not be feasible.

This would create a significantly detrimental impact on the viability of not just the scheme itself, but any development associated with the future CGC. It is also noted that for mineral extraction to be practical, it would likely require the extraction of land outside of that covered by the planning boundary for the infrastructure scheme.

Taken together, these requirements are not considered to be practical, which is a key test of the appropriateness of the prior extraction of mineral ahead of the implementation of non-mineral development. On that basis, the MPA accepts that the sterilisation of mineral beneath the proposal is acceptable as part of the planning balance and that therefore the requirements of Policy S8 of the Essex Minerals Local Plan have been appropriately addressed.

## E LANDSCAPE AND VISUAL IMPACT

Chelmsford Local Plan policies S1 (Spatial Principles), S2 (Addressing Climate Change and Flood Risk), S4 (Conserving and Enhancing the Natural Environment), S9 (Infrastructure Requirements), S11 (The Role of the Countryside), DM8 (New Buildings and Structures in the Rural Area), DM17 (Trees, Woodland and Landscape Features), DM23 (High Quality and Inclusive Design) and DM24 (Design and Place Shaping Principles in Major Developments) seek to encourage good design and seek to protect and enhance green infrastructure, landscape character and the intrinsic character and beauty of the countryside. They also seek to conserve landscape features that contribute to landscape character, such as ancient woodland, hedgerows and veteran trees.

The landscape surrounding the application site is predominantly flat and low-lying, comprising intensively farmed arable land. Fields are medium to large-scale, irregularly shaped and separated by native hedgerows, fences, ditches and narrow lanes. Areas of mineral extraction are present, including Bulls Lodge Quarry, to the south of Cranham Road. There is limited woodland cover in the southern part of the study area, where quarry activities and arable farmland dominate. Further north, there are species-rich hedgerows, trees, small, scattered copses and a number of woodland blocks.

The majority of the study area (application site and within 1km) is within two local landscape character areas: B21 Boreham Farmland Plateau south of Cranham Road and B17 Terling Farmland Plateau north of Cranham Road. Two other landscape character areas fall within the 1 km study area. B16 Felstead Farmland Plateau, extends into a small area to the northwest and a relatively small part of A6 Upper Chelmer River Valley extends into the western part of the study area.

The southern part of the study area is covered by LCA B21 Boreham Farmland Plateau. This area is made up of a mixture of arable and pastoral fields that are predominantly medium scale and irregularly shaped. Woodland blocks and tree copses are frequent, which creates structure in the landscape. Isolated farmsteads are scattered amongst the farmland and are linked by narrow, winding lanes. However, site appraisal has noted that the character of this LCA is changing due to housing development on the north-eastern periphery of Chelmsford, as well as extraction of sand and gravel at Bulls Lodge Quarry which is altering the landform and introducing large lagoons into the otherwise relatively flat landscape. The sense of tranquillity is eroded by the housing developments and quarrying, as well as the presence of traffic on the A12 dual carriageway just south of the study area.

To the north of the Boreham Farmland Plateau, the majority of the study area is covered by LCA B17 Terling Farmland Plateau. The landscape comprises gently rolling arable farmland with irregularly shaped, medium to large-scale fields. There is a scattered settlement pattern of isolated residential properties, farms and small hamlets, linked by a network of narrow, winding lanes. The farmland is tranquil in character away from the A131. However, site appraisal noted that, due to the influence of existing traffic along the A131, the tranquillity of the Terling Farmland Plateau is eroded within the northern extent of the study area. Other notable features identified within LCA B17 Terling Farmland Plateau include large woodland blocks that often are identified as allocated open spaces in the Chelmsford Local Plan and to the north; woodlands and belts of trees along the meandering River Ter, willow plantations along Straw Brook, as well as linear settlement associated with the A131.

The north-western part of the study area is covered by LCA B16 Felsted Farmland Plateau. The landscape consists of predominantly arable fields, which are gently undulating and bounded by fragmented hedgerows. Scattered small woods, copses and hedgerow trees combine in the landscape to create the illusion of a wooded horizon. Villages and clusters of farmsteads are located along the local winding road network. The area is tranquil in character away from the A131. Other notable features identified within the Felsted Farmland Plateau include tree belts and willow plantations associated with Straw Brook.

A relatively small part of LCA A6 Upper Chelmer River Valley extends into the western part of the study area. This is a narrow valley with a small meandering river channel, an enclosed character and restricted views framed by trees and small wet woodlands. Pasture fields are common on the western valley side, with large open arable fields to the east. Scattered settlements are present on the upper valley sides linked by roads running parallel to the valley. Within the river valley there is a sense of tranquillity away from Chelmsford. However, site appraisal has noted that the tranquillity along the eastern fringe of the LCA is reduced due to the influence of existing traffic on the A130 Essex Regiment Way, in particular at the A131/A130 roundabout.

There are also a number of historic landscape types within the study area. Key features within the landscape include: four ancient woodland blocks; a likely ancient woodland, Stonage Wood; six likely veteran trees; a number of Tree Preservation Orders; Listed Buildings and one Registered Park and Garden (New

Hall School). An extensive network of Public Rights of Way crosses the study area with recreational routes including the Centenary Circle Long Distance Path in the south and Essex Way Long Distance Path in the north, although neither of these are directly impact by the proposals. There is also a series of Protected Lanes.

The landscape sensitivity is established by assessing the value attached to a receptor and its susceptibility to the particular form of change likely to result from the development, the sensitivity with respect to each local landscape character area was assessed as medium.

Extensive recent housing construction at the Beaulieu Park and Channels developments lie immediately adjacent to the southern boundary of the application site and approximately 1 km to the west, respectively. Built development throughout the remaining study area largely comprises scattered farms, small clusters of houses, Cranham Hall Gypsy and Travellers Site and small settlements.

The countryside to the northeast of Chelmsford has a moderate level of tranquillity (as described by the Council for the Protection of Rural England) relative to other areas of England. There are small pockets of higher tranquillity within the farmland areas to the north. The area south of Cranham Road and the northernmost extent of the study area is affected by higher levels of night-time light pollution compared to the more rural area north of Cranham Road.

With respect to visual impact the application sites in an area which is generally flat and low lying, with gentle undulations towards watercourses such as Straw Brook and the River Ter. Using a zone of theoretical visibility (ZTV) it was demonstrated there is no theoretical visibility between the application site and parts of the River Ter and River Chelmer valleys due to the low-lying topography. There is higher ground to the south near Little Baddow and to the east near Terling; however, intervening buildings, settlements and vegetation restrict views towards the application site.

There are several large woodland blocks within the study area such as Lyonshall Wood (ancient woodland) and Sheepcotes Wood (ancient woodland), which limit views towards the application site. Similarly, buildings amongst the farmland, and in settlements such as Little Leighs and Great Leighs, limit views. There are also several tree groups and hedgerows throughout the study area, which contain views towards the application site. Due to the flat topography, the tree groups and hedgerows combine together in views to form effective screening. Views towards the application site are most open amongst the arable fields, where hedgerows tend to be clipped and provide lower levels of screening. However, even in these areas, views tend to be close range or middle distance. The existing A131 is lined by tree belts and hedgerows. As a result, the road is well screened in the surrounding landscape in summer apart from high-sided vehicles, which are visible above hedgerows. In winter, there are filtered views of car traffic through gaps in hedgerows and narrower tree belts due to an absence of foliage. Views towards the application site from the north-eastern edge of Chelmsford, Chatham Green, Little Leighs and Great Leighs tend to be screened by intervening vegetation, except for residential properties on the edge of these settlements such as those along the A131. There are several isolated residential properties and PRoW

amongst the arable fields that have open or filtered views towards the application site, with some views from close range.

24 viewpoints representative of views from residential properties and public rights of way were assessed for visual impact.

Concern has been raised by local residents in the area near and north of Leighs Road as to the visual impact of the proposals and the County's Landscape adviser also raised concerns with respect to this area. North of Leighs Road the road would be on an embankment, while a 1m high bund is proposed along this section of both sides, this would not screen the tops of vehicles particularly HGV. Consideration had been given by the applicant to higher bunds, but these in themselves would have given rise to adverse landscape impact. However, as a result of the comments planting along this section has been increased and heavy standards introduced to provide more initial screening.

Adverse short-term (approximately two years) construction effects on landscape and visual receptors are likely to arise as a result of removal of vegetation, changes to landform, and disruption to land use and landscape pattern. The presence of construction compounds, material, equipment and lighting would also affect the landscape character of the area, reducing tranquillity and affecting views.

Operational effects on landscape character result from the absence of vegetation; permanent changes to the landform due to embankments, cuttings, flood compensation areas, attenuation ponds and bunds; and severance of the landscape. In addition, the proposals would introduce new bridges, highway infrastructure, lighting on the roundabouts and the presence of traffic in what is generally a rural landscape. The views of visual receptors would also be impacted by these changes.

Mitigation has been incorporated into the design to minimise these impacts. During construction measures include temporary storage bunds and hoarding and fencing around construction compounds. During operation mitigation would include: extensive native planting, including hedgerows, hedgerows with trees, shrubs and trees, and woodland to soften embankments, cuttings, bunding and ditches; gapping up of poor-quality hedgerows; individual tree planting, hedgerows with trees and parkland style tree and shrub planting to the south of Cranham Road to link in with the urban development at Beaulieu Park and the Beaulieu Park RDR, and reflect the future CGC and country park; a mosaic of woodland planting and species rich grassland glades adjacent to Stonage Wood; climbers on environmental barriers, where there is insufficient space for other planting, to soften their appearance; sensitive design of attenuation ponds and flood compensation areas including slackening slopes where practicable; and creation of species rich grassland with locally appropriate seed mixes, to provide seasonal interest for visual amenity and contribute to the sense of place.

In the short-term, during the construction period and the opening year of operation (2024), the proposals are predicted to have significant adverse effects on local landscape character and on some views from Public Rights of Way and adjacent open spaces, as well as residential properties. However, by the summer of Year

15, established mitigation planting would generally offset the effects of vegetation removed during construction and help integrate the proposals into the surrounding landscape. Some permanent effects would remain, though the long-term significance of effect would have reduced considerably.

Overall, it is likely that there would be a noticeable change in landscape character due to the large-scale construction works, resulting in alteration of the fabric of the landscape and its aesthetic characteristics. The construction works within the B21 Boreham Farmland Plateau would not be wholly uncharacteristic of the area, due to the influence of construction works for adjacent developments and earthwork movements within Bulls Lodge Quarry.

As planting establishes and the proposals becomes more integrated into the landscape, it is predicted that residual effects on the landscape character areas would be reduced. As such, after 15 years of operation, the impacts on B21 Boreham Farmland Plateau, in the southern section of the Proposed Scheme, are predicted to be not significant. However, significant residual effects would remain for the landscape character area in the north of the Proposed Scheme (B17 Terling Farmland Plateau), partially due to the loss of a likely veteran tree. The effect on this landscape character area would be relatively localised within 500 m of the proposals. The overall effect on the wider B17 Terling Farmland Plateau would not be significant. No significant effects are expected on the other two landscape character areas, B16 Felstead Farmland Plateau and A6 Upper Chelmer. The construction works for the Straw Brook Flood Compensation Area would only directly affect a small area on the eastern fringe of the B16 Felstead Farmland Plateau. For A6 Upper Chelmer, there would be limited impact due to the distance and lack of visibility of the construction works.

In terms of visual impact users of Public Rights of Way including adjacent open spaces and residential receptors, with close-range (up to 150 m) or middle-distance (150 m to 1 km) views of the proposals, are predicted to experience significant visual effects during construction and operation of the Proposed Scheme during Year 1. Visual effects would generally be more dominant where receptors have views of the bridges, embankments, flood compensation areas, roundabouts, bunds or where construction works and compounds, or hauls road are in close proximity. For these receptors, the impact on views is considered as significant, even with filtered views from existing vegetation.

During construction, there are likely to be significant visual effects for users of Public Rights of Way, adjacent open spaces and residential dwellings at twenty viewpoints. During Winter Year 1 of operation, all related construction infrastructure would have been removed, and temporary land-take restored to agricultural use. Mitigation planting would generally not yet be effective, though grass seeding would soften earthworks and attenuation ponds in views. Significant visual effects would be experienced at seventeen viewpoints.

Visual receptors with likely significant effects during construction and Winter Year 1 operation include:

- Section 1A: footpaths at the north-eastern edge of Chelmsford and residential dwellings along Generals Lane, including Mount Maskall in the south, and northern edge of Beaulieu Park Development (Zones R, U & W)



- Section 1B: users of footpaths or residential dwellings along or near Leighs Road, Drakes Lane, Cranham Road, Domsey Lane and Longs Lane. Footpaths to the west and east of the Proposed Scheme and residential properties including Long's Barn, and Great Stonage Farm. Residential dwellings on Braintree Road near Chatham Green.
- Section 2: users of the Public Rights of Way and the Essex Way Long Distance Path to the east of the A131, residential dwellings along the A131, The Crescent, Straw Brook Hill, Goodman's Lane and Main Road, Great Leighs.

By the summer of Year 15 of operation, adverse visual effects for most users of Public Rights of Way and adjacent open spaces, and for residents, would have reduced notably due to the establishment of mitigation planting. The number of receptors likely to experience significant visual effects would be reduced. Moderate adverse significance of effect would remain for six representative viewpoints: on footpaths between Leighs Road and the A131; nearby residential properties in the vicinity of Great Stonage; Evergreens and Buck Cottage and Chestnuts, residential properties on A131 south in Chatham Green; and The Chimneys, Daffodil Cottage and Rickstones, residential properties along the A131 in Chatham Green.

Some residual significant adverse impact from operation of the development would remain even after establishment of mitigation planting and these adverse impacts would need be weighed in the planning balance.

The County's Landscape advisor is satisfied with the methodology and conclusions of the LVIA and has raised no objection to the proposals subject to suitable conditions to ensure the delivery and long-term management of the proposed mitigation.

The CPA requested the applicant took the development proposal, at pre-application stage, to the Essex Quality Review Panel (EQRP). Officers as part of this were keen to ensure that the design and landscape principles being suggested as part of this development were appropriate and sufficiently aspirational. The conclusion summary of the Panel's report is provided below:

*Overall, the Panel are fully appreciative of the site constraints and numerous challenges faced and understand that significant work has already been put into developing this scheme to its current state. Despite this, it is considered that this scheme should not be viewed solely as a new road, but as an opportunity of creating a connection of new communities in which this road will become a part of delivering. With the emergence of the garden villages and new country park, this is a rapidly changing landscape where this road will be a key contributor to delivering this continued evolution, and further consideration is required to ensure that it will provide the best opportunities for placemaking and future narrative of movement into and out of Chelmsford.*

*From the overarching landscape objectives and aspirations that have been put forward for this site, the Panel feel that they are not dynamic or creative enough to achieve the overall ambitions mentioned in the paragraph above. There is a general consensus that much more could be achieved within the objectives and*

*should not be constrained to the retainment of degraded landscape and ecological elements resulted from intensive agriculture and quarried zones. Subsequently, it is believed that more should be done in terms of improving and enhancing the experience for users and identifying how this road will be able to contribute to society, deriving from the baseline landscape narrative and objectives that need to be set out from the beginning.*

*In summary, it is considered that changing the design aspirations to consider work outside the red line boundary are possibilities that should be explored, which leads to concerns surrounding the phasing and timing of developments in this area. New residents within the garden communities will quickly establish their life patterns based on the provision of infrastructure that they are afforded to, and therefore considerations towards the modal shift of cycling, walking and healthy aspirations are needed to ensure that they are firmly in place for this new catchment of communities in Chelmsford. It is considered that these are the main challenges faced for this scheme, with the similar notion that this link road will emerge first then so should other important elements such as cycle routes, orchard trails, safe walking and playable landscape pieces that will be vital for the emergence of the Garden Village. Subsequently, it is vitally important that conversations are held with external stakeholders regarding the garden communities to ensure that the development phasing is better aligned and brought forward in the most appropriate way, allowing further aspirational landscape pieces such as the land bridge and dedicated routes to the country park are in place for new residents.*

Following these comments, the proposals were amended as follows

- The landscape, environmental design and related sustainability objectives have been developed further to form a more comprehensive set of landscape, environmental design and related sustainability objectives, along with a set of underpinning principles. The objectives and principles have been incorporated into the *Outline Environmental Management Plan* for the Proposed Scheme. Reference to both placemaking and enhancements have been incorporated into the objectives.
- The proposals for planting to the south of Cranham Road have been amended to reflect the likely future urban context of the bypass in this area, due to the future CGC. This is to ensure that the planting would provide a transition between the future urban and rural landscapes, and that the planting to the south would be distinctly different in character to the planting to the north, which largely comprises belts of trees and shrubs, woodland and hedgerows with trees for screening and landscape integration. To the south of the RDR 2 Roundabout, the planting would be more open, with hedgerows with trees, scattered trees and swathes of shrubs selected for their amenity value, as well as species rich grassland for seasonal interest. The amenity tree and shrub species reflect the recent planting at the Beaulieu Park Development in the vicinity of the RDR Roundabout 4, as well as the future urban context of the bypass, in order to contribute to the sense of place in this area, which currently is strongly influenced by the quarry workings.
- Opportunities for landscape enhancement have been reviewed and

additional areas of woodland planting or natural regeneration have been incorporated within the Planning Application Area. Existing hedgerows to be retained that are in poor quality are also proposed to be gapped up. This would enhance the landscape character locally.

- To address the Panel's comments and recommendations for the wider landscape beyond the Planning Application Boundary, the *Green Infrastructure Legacy Report* sets out suggested enhancements to the wider green infrastructure network that Essex County Council will explore in conjunction with the implementation of their commitments for The Essex Forest Initiative and The Essex Climate Action Commission.

Both County's Landscape and ecological advisors have requested that landscape and biodiversity enhancements should be sought in the surrounding area of the application site. However, this requires the corporation of adjacent landowners, who may or may not be willing to allow such improvements and the tight timescales for delivery of the CNEB to meet with the requirements of the HIF bid, and the time required to negotiate such enhancements could result in unacceptable impact upon the delivery of the CNEB. Therefore, the proposal that such off-site enhancement should be achieved through implementation of the Green Infrastructure Legacy through the Essex Forest Initiative and Essex Climate Action Commission, is considered acceptable in these specific circumstances.

It is considered subject to conditions the proposed landscaping would mitigate the impacts of proposals and in the long-term deliver enhancements, therefore the proposals are considered to be in accordance with CLP policies S1, S2, S4, S9, S11, DM8, DM17, DM23 and DM24.

## F ECOLOGY/BIODIVERSITY

Chelmsford Local Plan Policies (S1 – Spatial Principles), S4 (Conserving and Enhancing the Natural Environment), S9 (Infrastructure requirements), S11 (Role of the Countryside), Strategic Growth Site 6 (Northeast Chelmsford), DM16 (Ecology and Biodiversity) and DM24 (Design and Place Shaping Principles in Major Developments) seek protect and enhance natural habitats and biodiversity. The policies set out criteria that are to be met for a development to be permitted, establish the need for protection of biodiversity, encourage enhancement of natural resources and contribute to net gains in biodiversity.

The NPPF at paragraph 180 states:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats*

*(such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

There are no statutory or non-statutory designated nature conservation sites within the application boundary. However, there are 3 cross-designated European sites, Blackwater Estuary (Ramsar Site), Blackwater Estuary (SPA) and Essex Estuaries (SAC), which are hydrologically connected downstream of the proposals. The application site is also within the Impact Risk Zone of the River Ter SSSI, however this for its geological interest rather than biodiversity. As part of the air quality assessment on sensitive ecological receptors, habitats sensitive to changes in air pollution resulting from changes in traffic flows were identified.

The application site is primarily formed of cultivated arable fields interspersed by hedgerows, many of which feature standard trees. The other main habitats present within each section of the proposals are described below (from south to north).

Section 1A of the proposals principally comprises arable fields and quarry land at Bulls Lodge Quarry. Large expanses of open water, settlement lagoons, are present within the quarry land; these are located within the application area but to the east and west of the CNEB route alignment. The arable fields are interspersed with few hedgerows and lines of trees, a small number of scattered broadleaved trees, a minor watercourse, the Boreham Brook Tributary, and ditches.

Section 1B of the proposals predominantly comprises arable fields with semi-improved grassland margins bordered by hedgerows, which are a combination of species-rich and species-poor, with scattered broadleaved trees and scattered scrub. There are a number of small to moderate sized woodland blocks located to the immediate east and west of the CNEB; none of these are located within, but two are located directly adjacent to, the application site including Stonage Wood. A cluster of ponds present to the north of Drakes Lane and to the north and south of Leighs Road include three ponds within, or partly within, the application site, and four ponds that are directly adjacent to the application site. To the north of Stonage Wood, there is another pond located partly within the application site.

Section 2 of the proposals comprises arable fields, areas of broadleaved plantation woodland and scrub, a small area of semi-improved neutral grassland, and the existing A131 between Chatham Green and Deres Bridge Roundabout, which crosses the watercourse of Straw Brook. The arable field margins comprise semi-improved grassland and the fields are interspersed with lines of trees and hedgerows, which are a combination of species-rich and species-poor, and dry ditches.

Habitats and species of particular interest include likely veteran trees, important hedgerows, badgers, breeding and overwintering birds, bats, great crested newts, reptiles and terrestrial invertebrates.

There are a number of non-statutory sites, designated for their nature conservation value, in the vicinity of the Proposed Scheme, including 32 Local Wildlife Sites, of which ten comprise ancient woodland and six Special and Potential Special Roadside Verges. Stonage Wood, which is directly adjacent to the Proposed Scheme, and Grove Wood, are also likely ancient woodland sites.

There are no ancient or veteran trees on the Ancient Tree Inventory, but surveys have identified six trees likely to qualify under veteran status.

The route selection and siting of compounds has been designed to avoid features of biodiversity interest. Best practice ecological protection measures would be employed during construction to reduce any harm to habitats and species. This would include the supervision of a qualified ecologist during vegetation clearance and site establishment, method statements for the safe removal of habitat features with the potential to support wildlife and adherence to best practice concerning the prevention of pollution.

In addition, specific mitigation has been incorporated into the proposals including:

- Creation of three ecological habitat areas with replacement ponds. One habitat area would be located near Drakes Lane (0.6 ha), and the other two habitats, totalling approximately 2.4 ha, would be located either side of the Proposed Scheme east of Stonage Wood (see extract below) . The Drakes Lane habitat (shown on the extract below) would be used for creation of two replacement great crested newt ponds, and great crested newts would be moved to this area under licence from Natural England. Newt fencing would be installed along this section of the Proposed Scheme to prevent access to the road by great crested newts. See extracts below from the General Arrangement drawings showing the location of these new habitats.



Drakes Lane – habitat area



Stonagewood extensions

- Compensatory planting, including woodland habitat, species-rich grassland, species-rich hedgerow and marginal habitat along an unnamed tributary of Boreham Brook in the south of the application site
- Retaining suitable dead wood material from the likely veteran ash tree as habitat for invertebrates, amphibians and reptiles
- Removal of an ash tree with a confirmed bat roost to be carried out under licence from Natural England
- Provision of artificial bat roosts and bird boxes within retained areas of woodland and trees
- Retaining and restoring topsoil and turf within a Potential Special Road Verge near Deres Bridge Roundabout
- Provision of temporary vegetation, such as a line of potted shrubs/trees, or an artificial linear hedgerow replacement to breach the gaps at key bat crossing points during construction
- Badger setts that cannot be avoided would be permanently closed under licence from Natural England. If no suitable naturally occurring alternative sett has been identified, an artificial sett would be constructed in a suitable location.
- Provision of a large box culvert, to the northwest of Leighs Road, to encourage low-flying bats to pass beneath the Proposed Scheme
- A number of bat 'hop-overs' (tall vegetation planted close to the road) would be incorporated into the landscape planting at the key commuting features/crossing point locations.

Following implementation of the mitigation, the adverse impacts on bats and great crested newts, including terrestrial habitat loss, would be reduced resulting in effects which are not significant.

There would be one residual significant effect due to the loss of the likely veteran ash tree which cannot be mitigated. Despite the implementation of measures which would help to partly compensate for this loss, it cannot be fully compensated for as veteran trees are considered irreplaceable.

All other habitats impacted as a result of construction, including broadleaved plantation woodland, neutral grassland, hedgerows, ponds, the unnamed tributary of Boreham Brook, the River Ter, treelines and scattered trees would be fully compensated for through the habitats created within the ecological habitat creation areas and the landscape planting along the length of the Proposed Scheme. Once these habitats have fully established there would be no residual significant adverse effects, with the proposals achieving positive gains in biodiversity. However, the proposals can be considered to deliver net gain due to the loss of the veteran which is considered irreplaceable. Setting aside the veteran tree a calculation using the Defra Metric demonstrates a 31.51% increase in Habitat Units and a 10.02% % increase in Hedgerow Units as part of the development.

Chelmsford City Council has raised the importance of maintaining connectivity for wildlife across the proposed route, it is considered that the proposed culverts and bat hop overs would maintain connectivity for these species and animal fencing has been proposed along the A131, including narrow mesh at a lower level to prevent smaller mammals crossing and mortality. A green bridge has been suggested but financial and time constraints prevented the inclusion of such a bridge within the proposals.

The County's ecological adviser has raised no objection to the proposals subject to conditions to ensure the proposed mitigation measures and features are delivered and that there is long-term management of such.

Overall, it is considered that the proposals deliver net biodiversity gain, however, the loss of veteran tree is an unavoidable consequence of the proposal. That said, it is noted that if there are wholly exceptional reasons for this and give a suitable compensation strategy exists, then the loss of such an irreplaceable habitat - in this case a single veteran tree – is acceptable. Infrastructure projects where the public benefit would clearly outweigh the loss of a habitat is suggested within the NPPF as potentially being representative of wholly exceptional reasons and it is considered that such a case could be made that this proposal represents such a development.

It is considered that adequate mitigation has been provided for protected species and the proposed areas of new habitat and other enhancement measures would conserve and enhance biodiversity in accordance with CLP policies S1, S4, S9, S11, SGS6, DM16 and DM24.

## G HERITAGE

Chelmsford Local Plan policies S3 (Conserving and enhancing the historic environment), DM 13 (Designated Heritage Assets) DM14 (Non designated Heritage Assets and DM15 (Archaeology) seek to protect and enhance cultural heritage elements and set out the local planning authority requirements regarding the assessment of impacts, preparation of assessments and undertaking archaeological investigations.

From the outset route option alignment and iterative design development has sought to minimise the impacts upon cultural heritage. A total of 209 cultural heritage elements were identified by the applicant within the Environmental

Statement, comprising 91 within the actual red line boundary, 60 within the 300m study area and 58 additional elements within a 1km study area – albeit archaeological remains and historic hedgerows were not counted in the extended 1km study area.

The footprint of the application also has the potential to contain unknown archaeological remains given that parts of the application site contain known archaeological remains and the A131 Braintree Road follows the alignment of a former Roman Road.

The construction of the proposals is predicted to have significant effects on five known archaeological remains, seven historic buildings and 34 historic landscapes including 32 historic hedgerows. The known archaeological remains located within the application site would be directly impacted through either partial or total removal/damage. In the north, along the A131 and south of Goodman's Lane, two assets would be directly impacted by the widening of the A131. The creation of the Chatham Green Flood Compensation Area, west of the A131, would partially impact one asset. In Section 1B, two assets in the vicinity of Leighs Road and Cranham Road/Drakes Lane would be impacted by the earthworks associated with the carriageway and the new bridges at these two locations.

Significant effects on historic buildings would result predominantly from temporary impacts on their setting from either construction noise and vibration and/or visual intrusion. No physical change to the assets or adverse effect to their integrity as functioning buildings is predicted. There is the potential loss of one historic building, Asset 61 Milestone, an 18th to 19th century sandstone milestone that records the distance between Braintree and Chelmsford. This is located at the junction of the A131 and Whitbreads Farm Lane. Temporary loss of this asset may occur during construction; however, it is expected that this asset can be reinstated following construction works, with no residual impact to its function. A condition has been suggested to secure the safe removal, storage and reinstatement of this asset. The other affected historic buildings are located in the south, Mount Maskell (Listed Building), 100 m east of the proposed CNEB; four assets in the vicinity of Leighs Road Bridge (Listed Buildings Wilderness, Sparigans, Alstead's Farmhouse and archaeological remains); and two assets (Historic buildings Evergreens and Buck Cottage and archaeological remains) along the A131 near the new Chatham Green Roundabout.

Two historic landscape types would be partially impacted during the construction of the proposals, through the loss of historic hedgerows. Permanent loss of part of these features would result in significant effects. The impact to historic hedgerows throughout the application site is considered significant as a result of the partial or complete loss of 17 and 15 historic hedgerows, respectively.

No significant effects on the structural integrity or function of historic buildings are expected during the operation of the proposals. Operational significant effects on historic buildings would predominantly arise due to noise and visual intrusion on their settings. Impacts would result from the loss of vegetation and opening up of views to Long's Farmhouse in Section 1B and Evergreens and Bucks Cottage (south of Chatham Green Roundabout on the A131), creation of bunds (in close proximity to Mount Maskell in the south) and new infrastructure associated with



Leighs Road Bridge (Wilderness, Spartigans and Alstead's Farmhouse).

All other cultural heritage effects associated with the proposals would arise from construction impacts except for the impact on the Protected Lane, Goodmans Lane. A slight adverse effect, as a result of visual intrusion during the opening year of the proposals Goodmans Lane, is predicted. This is not considered significant. The impact would be further reduced upon establishment of landscape planting.

No significant operational or construction effects are predicted on designated assets within the wider 1 km study area.

Conditions have been requested by the County Archaeologist to secure the proposed archaeological investigations to confirm the presence or absence of unknown archaeological remains and the results would inform further site-specific mitigation.

During operation of the CNEB landscape mitigation design (including planting of trees and shrubs, planting of woodland blocks, gapping up of hedgerows) and provision of noise barriers would reduce the significance of effects on the setting of historic buildings and the effect on historic landscapes.

The permanent impact on the settings, in particular visual intrusion, on the six historic buildings (Mount Maskall, Wilderness, Spartigans, Alstead's Farmhouse, Longs Farmhouse, Evergreen and Buck Cottage) would decrease gradually as the landscape planting establishes and matures over time, providing visual screening of the CNEB. The magnitude of impacts would reduce, resulting in slight adverse effects which are not significant. The County's Historic Building advisor considers these impacts to be "of less than substantial harm" but notes that while the harm may be less than substantial, the NPPF requires "*great weight should be given to the asset's conservation*" (Paragraph 199) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 200). As explained the harm relates to visual impacts arising from the proximity of the Listed Buildings to the proposed CNEB, the proposals would not result in harm through alteration or destruction and in the long-term planting will lessen the impacts upon the setting of these Listed Buildings. The public benefits of the scheme in terms of unlocking growth in north-east Chelmsford and improving strategic highway links are considered to outweigh the impacts upon setting which will reduce in time.

Landscape planting and gapping up of existing hedgerows would help offset some of the visual and historic landscape impacts due to the loss of historic hedgerows. However, the removal of the historic fabric of these hedgerows cannot be fully mitigated and, therefore, significant residual effects remain from the partial or complete loss of 32 historic hedgerows.

The assessment submitted in support of this proposal in terms of heritage, similarly to the position formed with regard to ecology, has identified significant effects. These significant effects are the visual impacts upon the settings of Listed Buildings, which do decrease over time and significant effects predicted to 32 historic hedgerows, through partial or complete loss and as part of the overall consideration of whether this proposal represents sustainable development or not

need therefore to be weighed in the balance in terms of the significance of the asset, the harms identified and public benefits to the scheme as detailed within paragraphs 201, 202 and 203 of the NPPF. This will be considered further.

## H AMENITY

CLP policy DM29 (Protecting living and working environments) seeks to ensure development does not give rise to *“unacceptable levels of pollution emission by reason of noise, light, smell, fumes, vibration or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.”*

### Noise and vibration

In addition to CLP policies, the Noise Policy Statement for England (2010) seeks 3 main aims to avoid significant adverse impacts on health and quality of life, to - mitigate and minimise other adverse impacts on health and quality of life; and - where possible, contribute to the improvement to health and quality of life.

The proposed scheme has been designed to minimise adverse noise impacts incorporating embedded mitigation measures, such as situating the road alignment in cutting where feasible to provide a natural noise barrier, provision of Low Noise Road Surfacing and planted bunds, with a visual screening and noise attenuation function, at specific sections along the alignment.

The potential impact of construction noise and vibration was assessed for a number of sample receptors (representative of worst-case locations closest to the proposed construction works). A total of eight out of 17 sample receptors are likely to experience significant adverse effects from construction noise during the daytime. No night-time significant effects are anticipated. These affected receptors are located along Generals Lane (4 properties) in the south, Leighs Road (8 properties), and in the north A131 Braintree Road (2 properties), Strawbrook Hill (2 properties), The Crescent (18 properties) and Goodmans Lane (3 properties). Effects are generally due to the proximity and duration of the construction works and the type of construction activities at these locations.

Significant effects from construction vibration were identified for three of the 11 sample receptors, located in the north of the Proposed Scheme along Strawbrook Hill, A131 Braintree Road and Goodmans Lane. Effects are likely due to the proximity to specific construction vibrational activities, such as soil compaction.

Construction mitigation measures have been included in the proposals including the installation of temporary noise barriers around particularly noisy construction activities. These were identified for a number of locations but may be subject to change depending on the final construction programme. Mitigation measures proposed to minimise vibrational effects include specification of low-vibratory plant. The appointed contractor would be required to update the construction noise and vibration assessment once working methods and the construction programme have been finalised.

It should be noted that effects from noise and vibration from the construction phase would be temporary, subject to the duration of the construction works, and transient in nature.

No significant effects are anticipated as a result of construction road traffic noise.

The effects of noise change from the operation of the proposed scheme, were reassessed with the addition of noise barriers. Within the operational study area, 108 noise sensitive receptors are predicted to experience significant adverse effects, of these, 21 are rural receptors in close proximity to the proposed scheme. The other receptors are along existing roads, primarily to the north of Deres Bridge Roundabout, along the A131, and include 13 receptors within two Noise Important Areas. Conversely, as a result of the proposed scheme diverting traffic from the two bypassed routes, 411 sensitive receptors are predicted to experience significant beneficial effects, three of which are in close proximity to the proposed scheme. Beneficial effects would also be experienced by receptors on the bypassed roads (Boreham Road and the A130/A131) and along Main Road, Great Leighs.

The noise increases also occur at receptors near affected routes connecting to the proposed scheme where there is a redistribution of traffic. These are to the south of the Proposed Scheme from Beaulieu Park Radial Distributor Road Roundabout 4 connecting to the A12 Boreham Interchange and, to the north of the Proposed Scheme at the section of A131 between Deres Bridge Roundabout to the London Road/Moulsham Hall Lane Roundabout.

To minimise the operational effects, noise barriers, in addition to the bunds and low noise road surfacing, have been considered where adverse impacts have been identified. A number of factors have influenced the provision of these barriers, including visual and ecological impacts, the benefit of reduced noise impacts, and safety and economic considerations. A total of seven noise barrier sections, 2-3 m high, have been proposed.

In Noise Important Areas, noise decreases were predicted for the majority of the dwellings within these areas in the short-term, with the exception of the Noise Important Areas north of Deres Bridge Roundabout, where minor impacts (noise change of 1.0-2.9 dBA) were predicted.

The Proposed Scheme was also assessed against the Noise Insulation Regulations (1975 as amended), which concluded that no dwellings are likely to be eligible for noise insulation.

In terms of noise effects, overall, the Proposed Scheme is considered to contribute to improvements to health and quality of life with the Proposed Scheme resulting in considerably more beneficial significant effects than those which are adverse, thus complying with the objectives and aims of the Noise Policy Statement for England (2010).

The Proposed Scheme is predicted to result in more operational significant beneficial effects than adverse. However, for receptors located adjacent to the Proposed Scheme within a currently quiet rural environment, significant adverse effects are predicted, and the associated magnitude of change is generally higher and the outstanding adverse impacts resulting from the development need to be weighed in the planning balance in this instance.

The County's Noise Consultant has raised no objection and is satisfied with the methodology and conclusion of the noise assessment and has required a number of conditions and highlighted matters to be addressed in the Construction and Environmental Management Plan.

### Air quality

The potential effects of construction and operation of the proposed scheme on air quality at sensitive human health and ecological receptors was assessed. A compliance risk assessment for the Proposed Scheme was also undertaken to determine whether limit values for nitrogen dioxide are likely to be exceeded. Baseline conditions and the assessment were informed by a desk-based study, project-specific air quality monitoring, traffic modelling results and air dispersion modelling software.

The operational study area was defined, in line with relevant guidance and all sensitive receptors within 200 m of roads (known as the Affected Road Network) were assessed. The study area for assessing the impact of construction dust included human receptors and ecological receptors. Emissions from construction plant and traffic were not assessed as part of the air quality assessment due to the relatively low construction traffic flows, in terms of impacts to air quality, anticipated to be generated by the Proposed Scheme.

There are two Air Quality Management Areas, that is areas where UK Air Quality Objectives for specific pollutants are likely to be exceeded, occur within the operational study area for the Proposed Scheme. These are within the Chelmsford City Council administrative boundary and have both been declared as Air Quality Management Areas due to exceedances of the annual mean nitrogen dioxide Air Quality Objective.

There are both human and ecological receptors within 50 m of roads that could be affected by traffic changes associated with operation of the Proposed Scheme. During construction, there are potentially sensitive dust receptors located in close proximity to the Proposed Scheme including residential properties, commercial premises and ecological receptors.

No impacts on the two local Air Quality Management Areas are expected, as changes in traffic due to the Proposed Scheme are not predicted to extend to these areas. A total of 180 human health receptors were assessed in the modelling for operational air quality impacts. The results for the opening year of the Proposed Scheme, 2024, indicate no human health receptors would experience pollutant concentrations above the UK Air Quality Objectives for all assessed pollutants (nitrogen dioxide and particulate matter). Therefore, the effect of the Proposed Scheme on human health was assessed to be not significant.

As part of the air quality assessment on sensitive ecological receptors, habitats sensitive to changes in air pollution resulting from changes in traffic flows were identified. These habitats included three Local Nature Reserves, 16 local wildlife sites (four of which are ancient woodlands), two ancient trees, 11 veteran trees and four likely veteran trees. Further assessment was undertaken as part of the

biodiversity assessment. Potential effects were not considered significant due to the lack of nitrogen sensitive species, the existing integrity and value of each designated site or off-setting of the impacts due to landscape planting adjacent to the designated site.

There is the potential for dust nuisance during the construction phase of the Proposed Scheme at sensitive receptors without location/scheme specific additional (essential) mitigation or enhancements. The construction dust assessment concluded that the construction of the Proposed Scheme would result in a low to high-level risk of dust soiling impacts at sensitive receptors, a negligible to low-level risk of human health impacts, and a negligible to low-level risk of ecological impacts.

It is considered that there are no potential dust generating activities proposed that could not be managed using industry standard good practice, secured through the CEMP, to prevent significant effects at any off-site human or ecological receptors.

The EIA has assessed that there would be no significant environmental effects and the County's Air Quality Consultant considers the ES conclusions with respect to air quality are acceptable. The County's Air Quality Consultant has recommended that a Dust Management Plan should be secured by condition.

It is considered subject to this condition; the proposals are in accordance with CLP policy DM29.

### Lighting

Whilst the CNEB in its majority is not proposed to be lit, lighting is proposed at RDR roundabout 4, the roundabout to form the junction with the future Radial Distributor Road 2, the new Chatham roundabout and Deres Bridge roundabout although this is already subject to street lighting.

While a preliminary lighting scheme was submitted, the County's Lighting Consultant has advised that there is insufficient detail to assess whether there would be lighting impact on residential properties particularly near the Chatham Green roundabout. Accordingly, in the event that planning permission is granted, it is considered that a condition requiring a blanket restriction on all external fixed lighting should be imposed. This is not seeking to state that external lighting on the CNEB is unacceptable, just that the package of lighting is not detailed enough to allow consideration. The condition would allow the applicant to submit necessary details and provide assessment of any lighting impact and how this would be mitigated and to comply with policy DM29.

## I GEOLOGY AND SOILS

The majority of the application site crosses grade 2 (very good quality), there are also areas to the north and south which are grade 3 (assumed to be 3a as worst case) such that all are considered Best and Most Versatile agricultural land. The development would therefore result in the loss of agricultural production across the land in question, with the agricultural land take approximately 66ha (excluding known temporary land requirements and land already developed). However, it

should be remembered that approximately a quarter of the route lies within the area allocated for CGC strategic allocation. The applicant has sought to suggest that the soils excavated would be treated as a resource and re-used as part of the development landscaping were appropriate. The loss of best and most versatile agricultural land can be partially offset by the reinstatement of temporary land-take with the highest grade of soil. In addition, this soil could enhance landscaping planting, where relevant. However, a significant effect would remain as the loss of soils cannot be fully mitigated and a residual significant effect would remain for soil resources, contrary to Chapter 15 of the NPPF.

The implementation of mitigation measures during construction in relation to land contamination impacts is expected to reduce residual effects to slight adverse which are not considered significant,

## J POPULATION AND HUMAN HEALTH

CLP policy DM30 (Contamination and Pollution) seeks “where an air quality assessment has been provided” there will be no unacceptable impact on air quality and health and wellbeing of people. Policies of the CLP seek to encourage healthy living.

For the purpose of assessment, a detailed study area comprising the red line application area plus a 500m buffer was considered. Together with a wider study area used to understand the health profiles of the communities living in proximity to the proposed development. The impact on population primarily looked at elements of land use such as agricultural holdings and accessibility into the area.

There would be some temporary and permanent severance of land holdings, but with proposed mitigation such as alternative access routes, no significant impact on land use is expected. There would be some disruption to public rights of way both temporary and permanent closes and through disturbance such as noise and visual intrusion. However, with the addition of crossings including signalised and the WCH bridge upon operation some slight benefits would be expected.

The Proposed Scheme would have both adverse and beneficial effects on human health. Access to green space and open countryside would be maintained or improved. As part of the Air Quality Assessment, the levels of annual mean nitrogen dioxide and particulate matters (PM2.5 and PM10) for sensitive human health receptors along the affected road network were modelled to assess the impact of the Proposed Scheme. The model identified that though there would be some increase in pollutant levels there would be no exceedance of the Air Quality Objective levels at any of the receptors in the opening year (2024) as a result of the Proposed Scheme. The impact on air quality, as a result of the Proposed Scheme, is therefore assessed to not have a significant effect on the human health of receptors.

Construction noise and construction vibration would have a significant effect on six receptors and one receptor, respectively; however, these would be temporary effects and are not considered significant in terms of a change in health status at a population (ward) level. In terms of operational noise effects, there would be a greater number of receptors experiencing noise benefits compared to disbenefits.

Overall, the Proposed Scheme is considered to contribute to improvements to health and quality of life.

It is acknowledged there would be some impact on agricultural holdings, but not such to make them unviable and overall accessibility was considered to improve, such that impact upon population was slight positive. There would be some increase in pollutants, but these would not give rise to significant health impacts effects. Therefore, the proposals are considered to be in accordance with CLP policy DM29.

## K DRAINAGE AND WATER ENVIRONMENT

Chelmsford Local Plan policies S1 (Spatial Principles), S2 (Addressing Climate Change and Flood Risk), S4 (Conserving and Enhancing the Natural Environment), S7 (Protecting and enhancing the Natural and Historic Environment, and the Green Belt), S9 (Infrastructure Requirements), DM18 (Flooding/SuDS), and DM30 (Contamination and pollution) seek to enhance the natural and local water environment by promoting safeguarding and improvement measures as part of new developments and minimising the potential for flooding.

The area to which this application has areas within Flood Zone 1 and 2 (medium and high probably of flooding) according to the Environment Agency's Flood Map. The majority of the study area, with some exceptions, has been designated as an area at very low risk of flooding from surface water and low risk of flooding from rivers. Areas at higher risk of flooding from both surface water and rivers have been identified in the southern section around Boreham Brook Tributary and in the northern section near the River Ter and Straw Brook. There are also several significant overland surface water flow routes which are crossed by the Proposed Scheme. The risk of groundwater flooding is predominantly very low to low across the study area. There are some areas designated as having potential for groundwater flooding of infrastructure or properties below ground level or at the surface, primarily those areas close to Boreham Brook in the south and near Straw Brook in the north.

The existing A131 Braintree Road benefits from an existing drainage system. Although there are no known water quality treatment measures, it is considered that the combined filter drains may provide some water quality treatment.

A number of settlement lagoons within Bulls Lodge Quarry would be bisected by the Proposed Scheme. As part of the advanced works, two settlement lagoons west of the Proposed Scheme would be backfilled and a new settlement lagoon created on the eastern side. The backfilled lagoons would be restored by the quarry operator in accordance with the quarry's restoration plan.

The design of the proposals incorporates embedded mitigation measures to avoid, minimise and manage potential impacts on water resources and the surrounding environment. The drainage system has been designed in compliance with the highway standards and ECC Essex County Council's *guidance on sustainable drainage schemes*. Drainage treatment includes a series of filter drains, swales, vegetated ditches and attenuation ponds. Flood mitigation measures include underground storage at Chatham Green, two proposed flood compensation areas,

one near Chatham Green and one near Straw Brook, and culverts which have been sized to accommodate for a 1 in 100-year flood event with a 40% climate change allowance. Maintenance tracks are designed to be permeable to minimise impact on surface water overland flows.

Good practice construction methods would be implemented to protect surface water and groundwater from pollution and other adverse impacts. Measures include surface water and sediment management plans, pollution incident response plans, and appropriate storage and disposal of non-hazardous and hazardous materials. These would be secured through condition.

The impact assessment identified that there may be minor adverse impacts with slight adverse effects on water resources including, but not limited to, loss of bankside vegetation, changes to flows in Boreham Brook and Boreham Brook Tributary and potential increases in suspended sediments. With the implementation of the design and construction embedded mitigation measures, these potential impacts are not predicted to have a significant effect on water resources.

The Environment Agency have reviewed the hydraulic modelling of flood risk and overall satisfied with the modelling, a number of clarifications are required and therefore a condition has been requested in order that finalise the hydraulic modelling and submission of a final Flood Risk assessment, this could be secured by condition

The LLFA has raised no objection subject to appropriate conditions, to secure appropriate measures in terms of flood risk, water management and a drainage the scheme. It is considered subject to the suggested conditions the proposals would provide the necessary management of the water environment and would not give rise to flooding in accordance with national policy and CLP policies S1, S2, S4, S9, DM18 and DM30 (Contamination and pollution)

L

## CLIMATE CHANGE

Chelmsford City Council declared a Climate and Ecological Emergency in July 2019.

The Essex Climate Action Commission has also been set up by Essex County Council, as an independent body to advise the Council on how best to tackle the climate challenge and become a net zero emissions county. And, in this regard published in July 2021 Essex Climate Action Commission – Net Zero: Making Essex Carbon Neutral.

Chelmsford Local Policy S2 (Addressing Climate Change and Flood Risk) seeks that new development should mitigate and be adaptive to climate change, through for example reducing greenhouse gas emissions, efficient use of water and minimise flooding.

The NPPF at paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and



improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The Environmental Statement submitted in support of the application includes 'climate' as a chapter of consideration. The EIA has assessed impacts on climate change both firstly with respect greenhouse gas emissions related to construction, land use change, maintenance and operation and secondly with respect to vulnerability of the scheme to the effects of climate change.

The EIA sought to predict the likely impacts or increase greenhouse gas emission against baseline date and do-minimum scenarios. Greenhouse gas emissions were calculated for the construction and operation of the Proposed Scheme using design/construction data and industry standard guidance. The majority of greenhouse gas emissions are associated with the operational phase of the proposed scheme (considered as a 60-year period for estimating greenhouse gas emissions). The greenhouse gas emissions from operational road users, with and without the Proposed Scheme in place, were calculated for the opening year (2024), the design year (2036) and the 60-year operational period. In the opening year, the Proposed Scheme would result in approximately a 2 % increase in the total road user emissions for the study area. For the design year and the 60-year operational period, the greenhouse gas emissions were estimated as an approximate 1 % increase over the study area. The reduction in greenhouse gas emissions from the Proposed Scheme between 2024 and 2036 and over the 60-year operational period is attributed to improvements in vehicle technology with lower emitting vehicles.

Though the Proposed Scheme would result in increased greenhouse gas emissions, the magnitude of impact is considered negligible when compared to the UK carbon budgets (that is <0.003 % change).

The County's Climate Change Consultant was satisfied with the methodology and conclusions of the climate change assessment and recommended that a condition be required with respect to the submission of an EMP in line with OEMP submitted with the application and the climate changes measures proposed in the ES. It is not considered that granting this permission would fundamentally undermine the declared climate emergency and or unduly hinder the meeting of legislated and/or aspirational emission targets set, and is in accordance with CLP policy S2, subject to the mitigation as identified in the OEMP and ES.

## M CUMULATIVE EFFECTS

Committed development and major schemes were established. The number of developments/schemes was refined to a short list of six developments for which potential inter-project cumulative effects are considered likely. These include the Beaulieu Park Development, Bulls Lodge Quarry, Sheepcotes Reservoir, the A12 Chelmsford to A120 widening scheme, Longfield Solar Energy Farm and a Strategic Growth Site north of Broomfield. The following inter-project cumulative effects were identified:

- Minor operational cumulative effects on views from Public Rights of Way near the

Beaulieu Park development, which would gradually reduce with the establishment of mitigation planting, and from some of the dwellings within future residential zones X and Y of Beaulieu Park.

- Permanent loss of Grade 3a/b and Grade 2 best and most versatile agricultural land for the Chelmsford North East Bypass, Beaulieu Park and the allocated residential development in North Broomfield. As these are all developments allocated within the Local Plan, effects have already been assessed as part of the planning process and are deemed acceptable (i.e. agricultural land loss is unavoidable).

No permanent impacts were considered to be of more than minor significance.

The conclusions of the EIA with respect to cumulative impacts are accepted and the proposed mitigation could be secured by condition through requirements to submit a CEMP and LEMP.

## **8. CONCLUSION**

It is noted that the principle of this development coming forward is clearly supported in planning policy, the route being safeguarded and allocated in the adopted Chelmsford Local Plan and Policies Map, as being a necessary part of the infrastructure required to deliver the CGC (CLP policy Strategic Growth Site 6 and S9 – Infrastructure requirements). In conjunction with the Beaulieu Railway station the CNEB unlocks the potential delivery for new homes and connects these new neighbourhoods to Chelmsford City Centre and Braintree. The CNEB would provide a strategic link between the A120 (via the A131) and the A12, the existing network does not provide an effective link around north-east Chelmsford, the CNEB would reduce congestion on existing roads and provide important links to new development. It will also help to relieve the high level of traffic congestion in Chelmsford and enabling existing routes into the city centre to become sustainable transport corridors. The recognition of the need for this infrastructure to support growth north-east of Chelmsford is demonstrated by the award of over £218 million pounds from Housing Infrastructure Fund for the CNEB and Beaulieu station.

In respect of the proposed alignment and design of the link road, residual significant adverse effects from ecology, heritage, soils and amenity (noise) perspective have however been predicted.

With regard to this the ecology impact, resulting from the loss of a veteran tree is unfortunate and while it is considered irreplaceable, substantial planting is proposed as part of the proposals.

In terms of identified significant adverse impacts to noise levels, receptors located adjacent to the proposed scheme are predicted to experience significant increases in noise levels which are simply either not possible or feasible to further mitigate. However, this has to be balanced against considerable number of properties which would benefit from reduced traffic on other roads.

The proposed scheme would result in significant visual impact upon the setting of nearby Listed Buildings namely Mount Maskall, Wilderness, Spartigans, Alstead's

Farmhouse, Longs Farmhouse, Evergreen and Buck Cottage, although the visual impact would lessen as screen planting matures. The harm was considered less than substantial harm, in accordance with Para 202 of the NPPF *“this harm should be weighed against the public benefits of the proposal”* Long-term significant heritage impact arises from the loss or partial loss of 32 historic hedges, but the new hedges proposed and gapping of existing hedges would partly offset this loss.

Overall, whilst there is strong policy support for the CNEB, it is considered that the need for the CNEB and the public benefits which would realised need to be weighed in context of the significant impacts which are not able to be mitigated or offset.

On balance, it is considered that the benefits to the scheme do outweigh the harms and accordingly the development does represent sustainable development, subject to the securement of appropriate safeguards, mitigation and enhancements by way of planning conditions.

## **9. RECOMMENDED**

That, subject to there being no intervention by the SoS, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the condition set out in Appendix C:

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### **BACKGROUND PAPERS**

Consultation replies  
Representations

---

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

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

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### **EQUALITIES IMPACT ASSESSMENT**

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

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

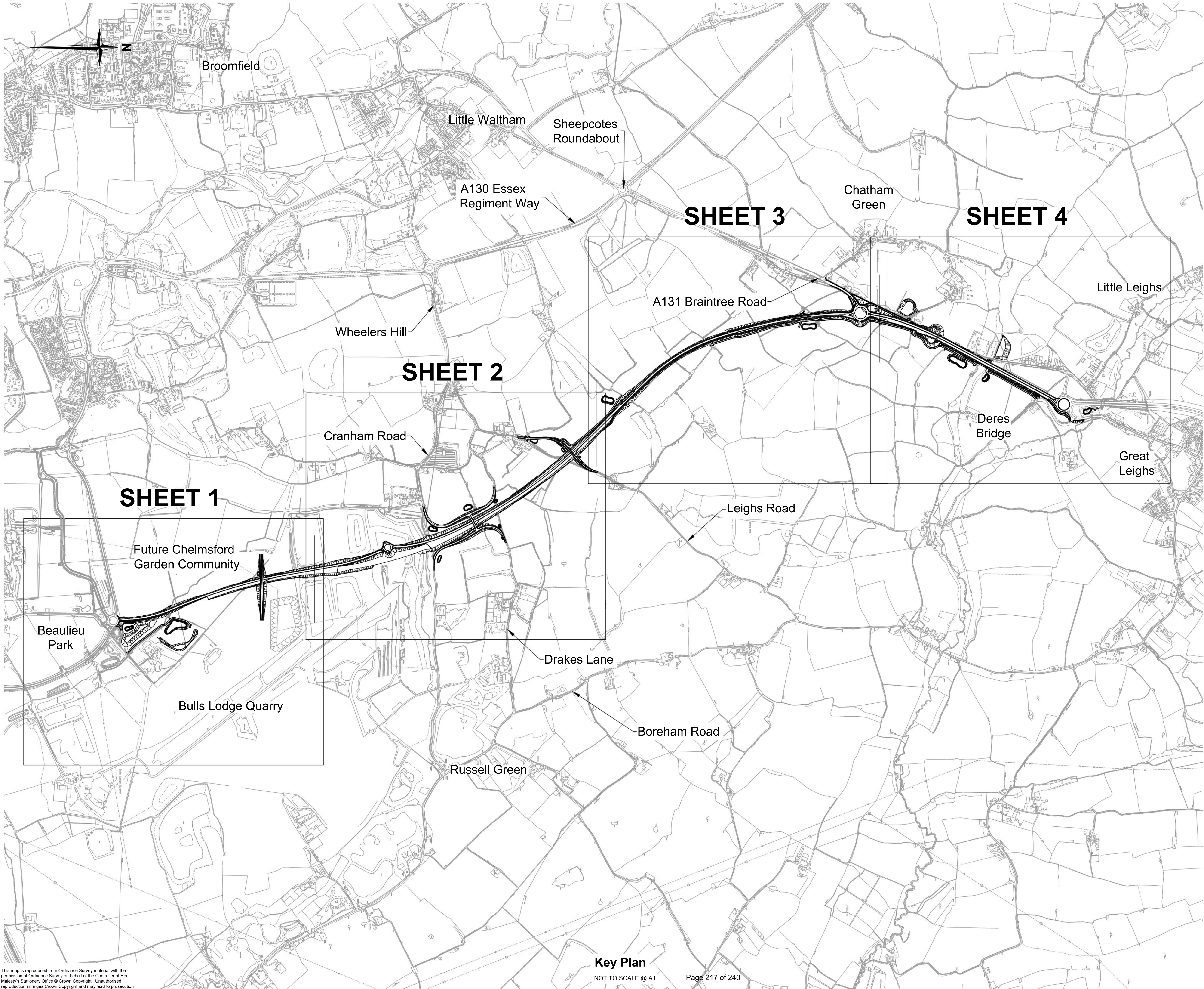
In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent 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**

CHELMSFORD - Broomfield and Writtle  
CHELMSFORD - Chelmer





- Notes
1. Do not scale.
  2. Refer to the below drawing for notes and key information:  
General Arrangement Notes & Key  
(CNEB-JAC-GEN-XXX-DR-Z-0001)

Rev	Date	Description of revision	Drawn	Checked	Reviewed	Approved

DRAWING STATUS  
**S9 - FOR PLANNING APPROVAL**



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SCHEME TITLE  
**CHELMSFORD NORTH  
EAST BYPASS**

DRAWING TITLE  
**GENERAL ARRANGEMENT  
KEY PLAN**

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
LS	LS	MA	GB	TR
DATE	DATE	DATE	DATE	DATE
AUG 21	AUG 21	AUG 21	AUG 21	AUG 21
DRAWING UNITS U.N.O. DIMENSIONS IN METRES LEVELS IN METRES			SCALE AT A1 (841X594mm) N/A	

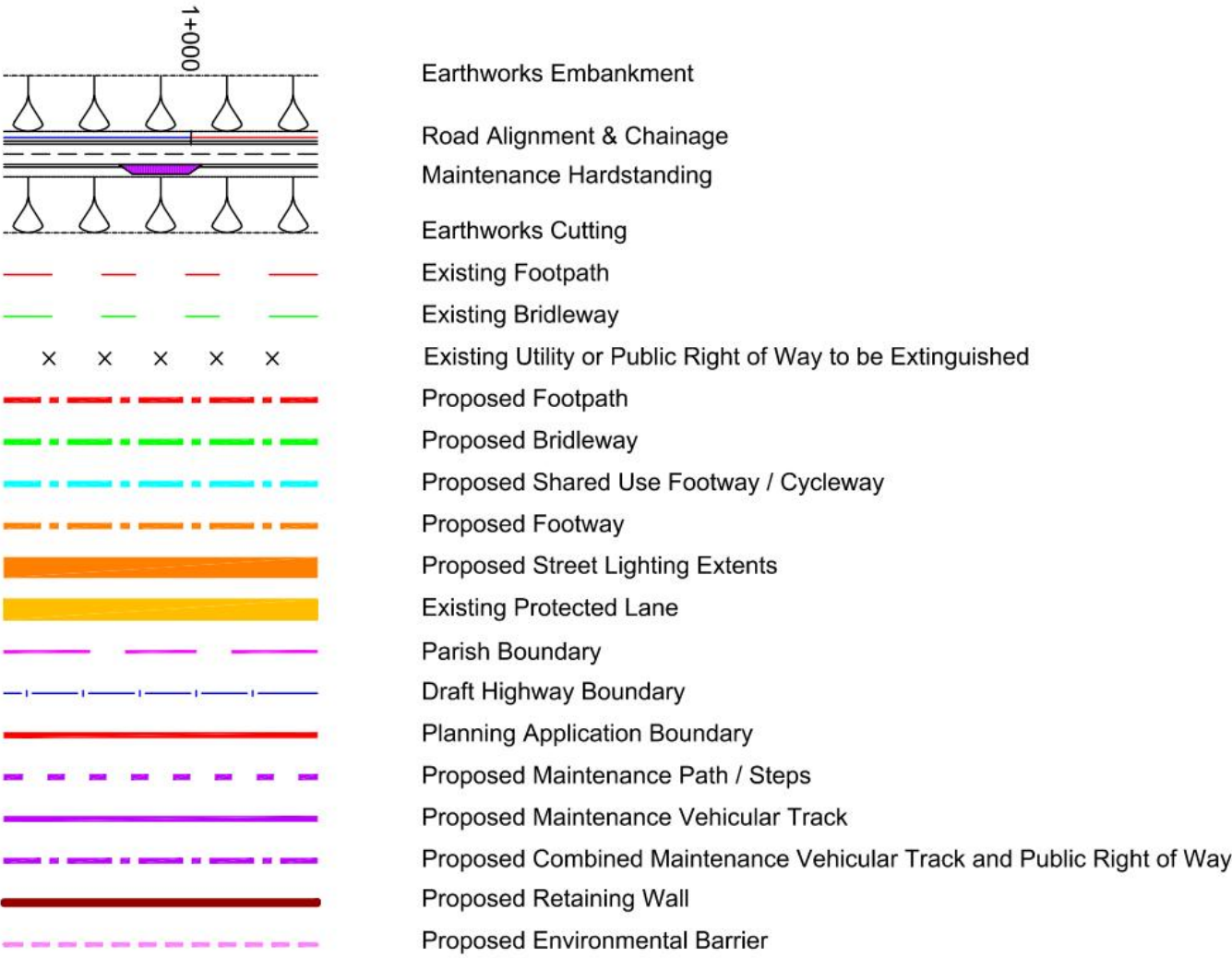
DRAWING No.	REV.
<b>CNEB-JAC-GEN-XXX-DR-Z-0002</b>	<b>P00</b>



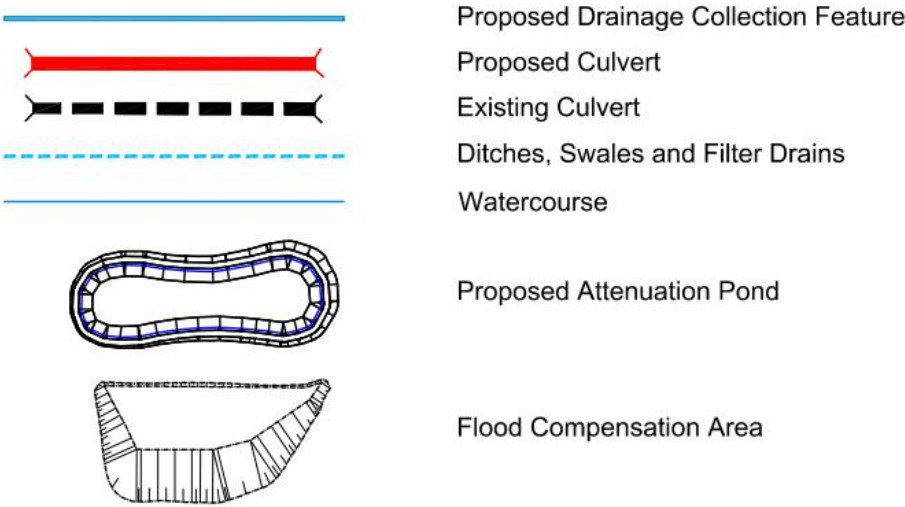


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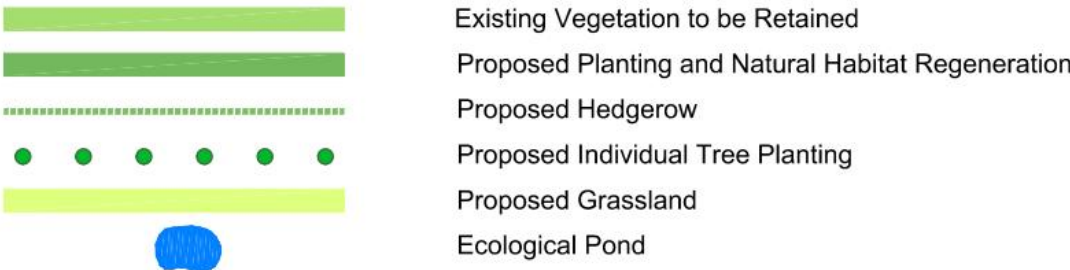
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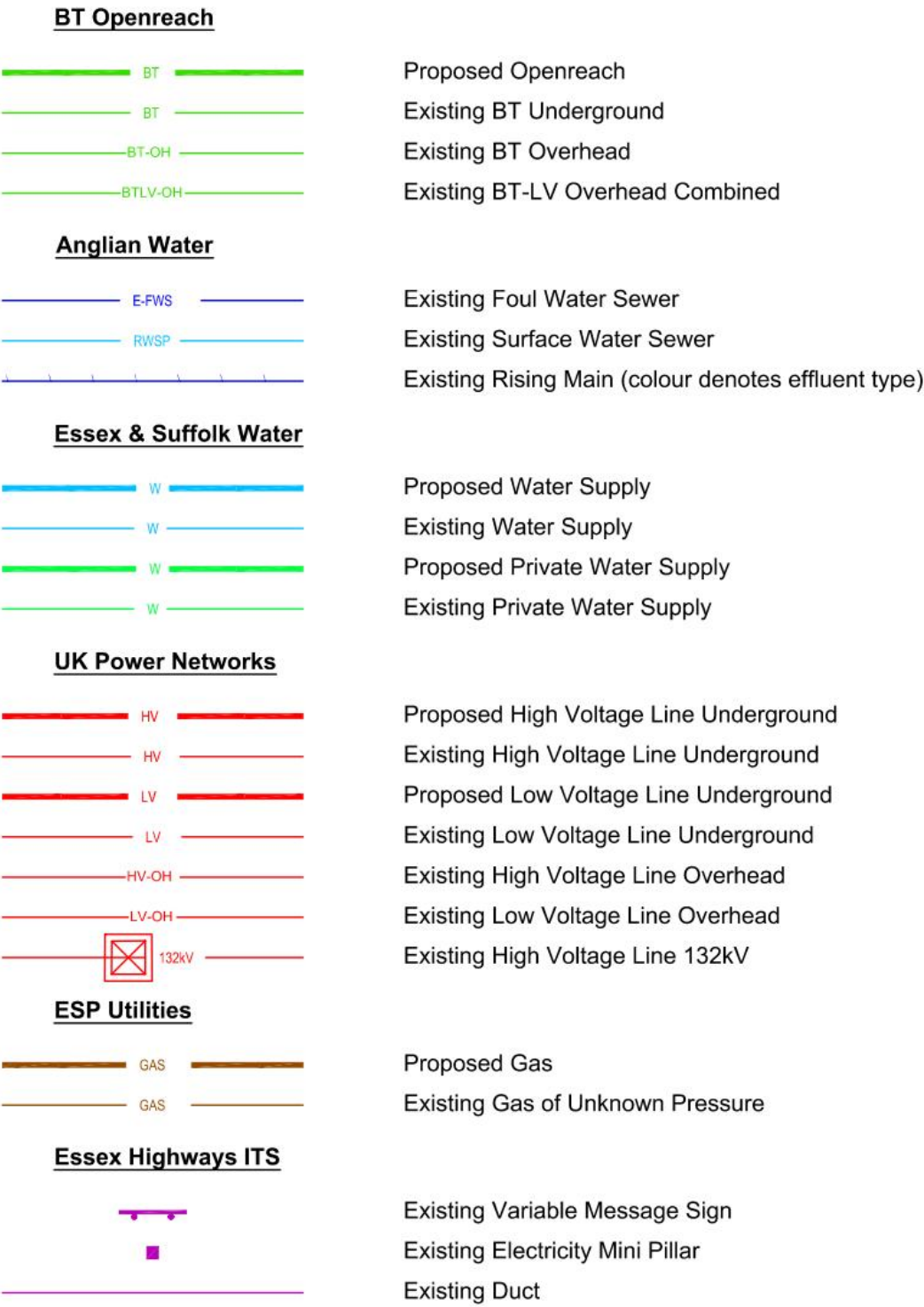
Drainage Details



Indicative Landscape and Environmental Design  
(See Note 11)



Utilities Key\*



\*Grey Linetype Indicates Utility Is Abandoned

Notes:

General

- Do not scale from the drawings.
- This drawing has been prepared for the submission of planning application. The design and construction of the Chelmsford North East Bypass (CNEB) is subject to planning approval as well as detailed design.
- Information for Beaulieu Park Radial Distributor Road has been provided by AECOM and Countryside Zest.
- Existing ground levels have been determined though a combination of site survey and agreed assumptions with the Bulls Lodge Quarry operator where backfilling is still required.
- Typical earthworks are modelled at a slope which provides a suitable gradient for planting and to undertake maintenance.
- Drainage infrastructure has been developed in collaboration with the Lead Local Flood Authority and the Environment Agency.
- Proposed street lighting extents are shown for the purposes of planning only. The spacing, heights and locations of lighting columns will be determined during future design stages. Existing street lighting systems are not shown.
- The alignment and form of the Highway Boundary is draft and subject to ongoing landowner negotiations.
- Extinguishing of footpaths to be formally agreed with Essex County Council Public Rights of Way Officers and subject to SRO approval.
- Location of existing utilities is indicative only and subject to site confirmation prior to construction. All cabled utilities are assumed to be direct buried and overhead cabling is shown indicative of routing.
- Refer to figure 2.4 of the Environmental Statement for further detail regarding the Indicative Landscape and Environmental Design, including the types of planting, seeding and natural habitat regeneration proposed. The Indicative Landscape and Environmental Design is submitted as part of the planning application for information only and will be developed further during detailed design.
- Additional information on the height of acoustic fencing and bunding can be found on drawing:
  - Proposed Mitigation Bunding and Environmental Barrier Sheet 1 of 2 (CNEB-JAC-LSI-P1\_000-SK-Z-0001)
  - Proposed Mitigation Bunding and Environmental Barrier Sheet 2 of 2 (CNEB-JAC-LSI-P1\_000-SK-Z-0002)
- Additional information on the extinguishment and creation of Public Rights of Way can be found on drawing:
  - Public Rights of Way Phase 1 Sheet 1 of 2 (CNEB-JAC-LSI-P1\_000-DR-Z-0010)
  - Public Rights of Way Phase 1 Sheet 2 of 2 (CNEB-JAC-LSI-P1\_000-DR-Z-0011)
- Refer to the below drawings for Phase 1 Plan and Profiles and location of Typical Cross Sections:
  - Plan and Profile Phase 1 Section 1A Sheet 1 of 2 (CNEB-JAC-HGN-P1\_S1A-DR-C-0001)
  - Plan and Profile Phase 1 Section 1A Sheet 2 of 2 (CNEB-JAC-HGN-P1\_S1A-DR-C-0002)
  - Plan and Profile Phase 1 Section 1B Sheet 1 of 3 (CNEB-JAC-HGN-P1\_S1B-DR-C-0001)
  - Plan and Profile Phase 1 Section 1B Sheet 2 of 3 (CNEB-JAC-HGN-P1\_S1B-DR-C-0002)
  - Plan and Profile Phase 1 Section 1B Sheet 3 of 3 (CNEB-JAC-HGN-P1\_S1B-DR-C-0003)
  - Plan and Profile Phase 1 Section 2 Sheet 1 of 1 (CNEB-JAC-HGN-P1\_S2-DR-C-0001)
  - Plan and Profile Phase 1 Side Roads Conveyor Bridge Crossing (CNEB-JAC-HSR-P1\_S1A-DR-C-0001)
  - Plan and Profile Phase 1 Leighs Road Sheet 1 of 1 (CNEB-JAC-HSR-P1\_SR-DR-C-0001)
  - Plan and Profile Phase 1 Cranham Road/Drakes Lane Sheet 1 of 3 (CNEB-JAC-HSR-P1\_SR-DR-C-0002)
  - Plan and Profile Phase 1 Cranham Road/Drakes Lane Sheet 2 of 3 (CNEB-JAC-HSR-P1\_SR-DR-C-0003)
  - Plan and Profile Phase 1 Cranham Road/Drakes Lane Sheet 3 of 3 (CNEB-JAC-HSR-P1\_SR-DR-C-0004)
- Refer to the below drawings for Typical Cross Sections:
  - Typical Cross Section Phase 1 Section 1A (CNEB-JAC-HGN-P1\_S1A-DR-C-5001)
  - Typical Cross Section Phase 1 Section 1B (CNEB-JAC-HGN-P1\_S1B-DR-C-5001)
  - Typical Cross Section Phase 1 Section 2 (CNEB-JAC-HGN-P1\_S2-DR-C-5001)
- Refer to the below drawing for the Site Location Plan:
  - Site Location Plan (CNEB-JAC-GEN-P1\_000-DR-Z-0100)
- Refer to the below drawing for the sheet location Key Plan:
  - Key Plan (CNEB-JAC-GEN-XXX-DR-Z-0002)

Rev.	Date	Description of revision	Drawn	Checked	Reviewed	Approved
P05	27/08/21	Stage 3A Planning Update	LS	MA	GB	TR
P04	23/09/20	Interim fix for EIA	PT	MA	GB	MM
P03	14/04/20	Interim fix for Road Safety Audit	PT	MA	GB	CC

DRAWING STATUS

S9 - FOR PLANNING APPROVAL

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SCHEME TITLE

**CHELMSFORD NORTH EAST BYPASS**

DRAWING TITLE

**GENERAL ARRANGEMENT NOTES AND KEY**

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
PT	PT	MA	GB	CC
DATE	DATE	DATE	DATE	DATE
JUL 19	JUL 19	JUL 19	JUL 19	JUL 19

DRAWING UNITS U.N.O.  
DIMENSIONS IN METRES  
LEVELS IN METRES

SCALE AT A1 (841X594mm)  
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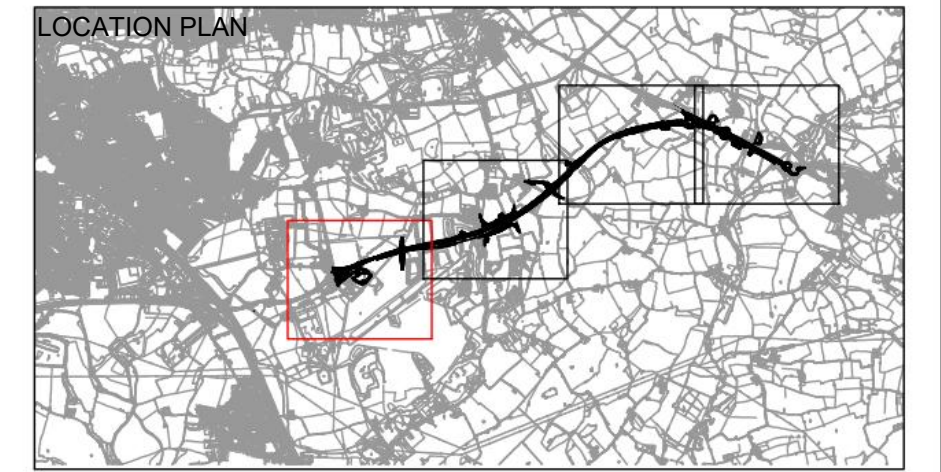
DRAWING No.	REV.
CNEB-JAC-GEN-XXX-DR-Z-0001	P05







- Notes
- Do not scale.
  - Refer to the below drawing for notes and key information:  
General Arrangement Notes & Key  
(CNEB-JAC-GEN-XXX-DR-Z-0001)



Rev.	Date	Description of revision	Drawn	Checked	Reviewed	Approved
P05	27/08/21	Stage 3A Planning Update	LS	MA	GB	TR
P04	23/09/20	Interim fix for EIA	PT	MA	GB	MM
P03	14/04/20	Interim fix for Road Safety Audit	PT	MA	GB	CC

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SCHEME TITLE

**CHELMSFORD NORTH  
EAST BYPASS**

DRAWING TITLE

**GENERAL ARRANGEMENT  
PHASE 1  
SHEET 1 OF 4**

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
PT	PT	MA	GB	CC
DATE	DATE	DATE	DATE	DATE
JUL 19	JUL 19	JUL 19	JUL 19	JUL 19

DRAWING UNITS U.N.O.  
DIMENSIONS IN METRES  
LEVELS IN METRES

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DRAWING No. **CNEB-JAC-GEN-P1\_000-DR-Z-0001**

REV. **P05**

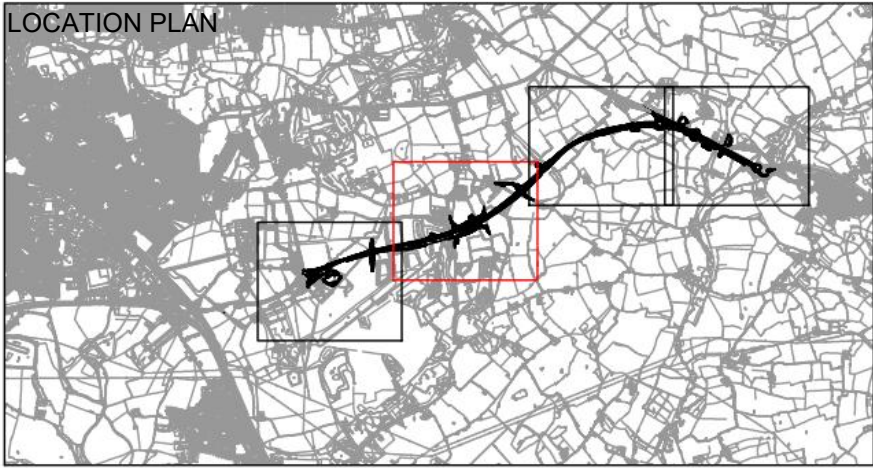






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1. Do not scale.
2. Refer to the below drawing for notes and key information  
General Arrangement Notes & Key  
(CNEB-JAC-GEN-XXX-DR-Z-0001)



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DRAWING TITLE

**GENERAL ARRANGEMENT  
PHASE 1  
SHEET 2 OF 4**

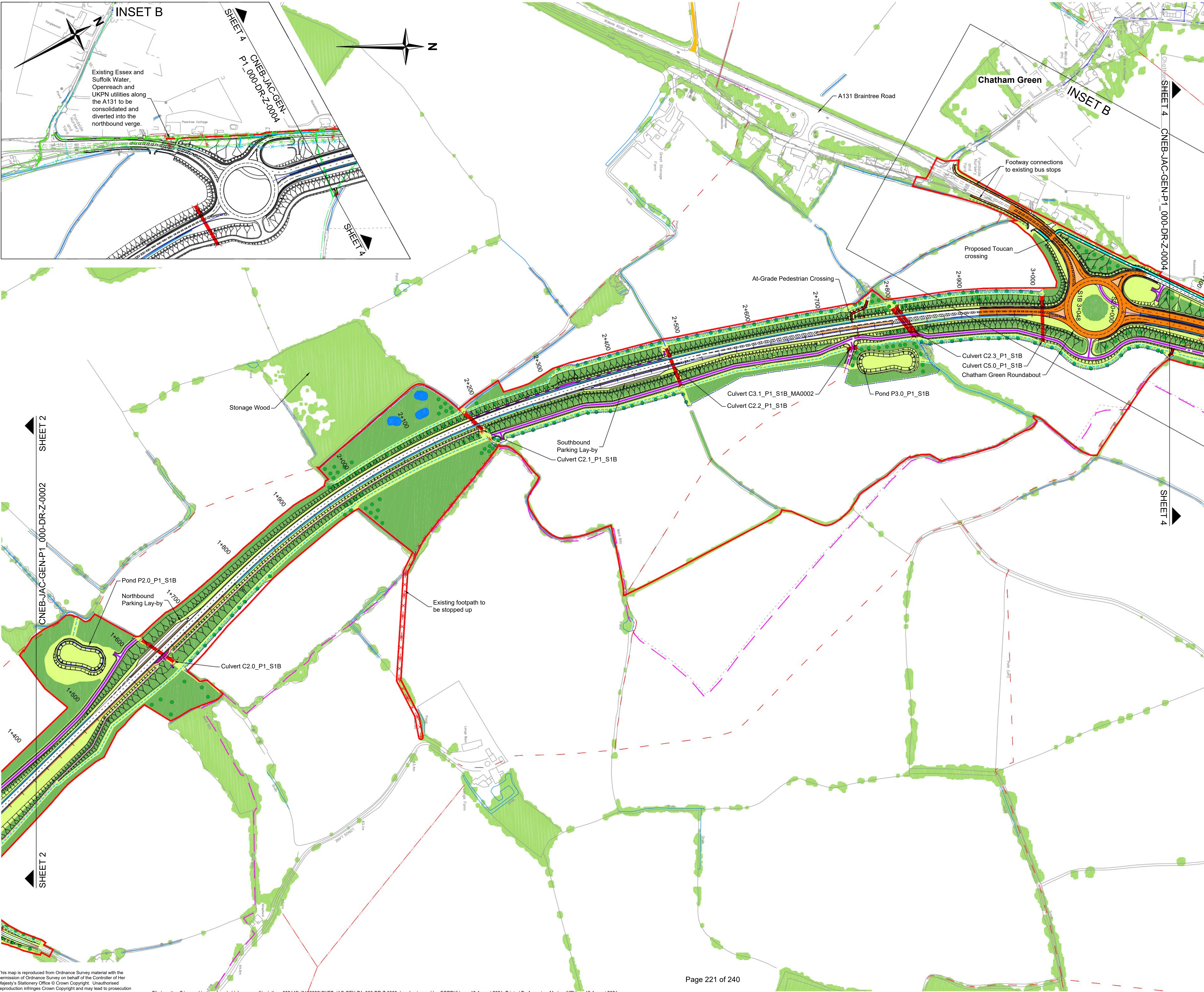
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**RINGWAY  
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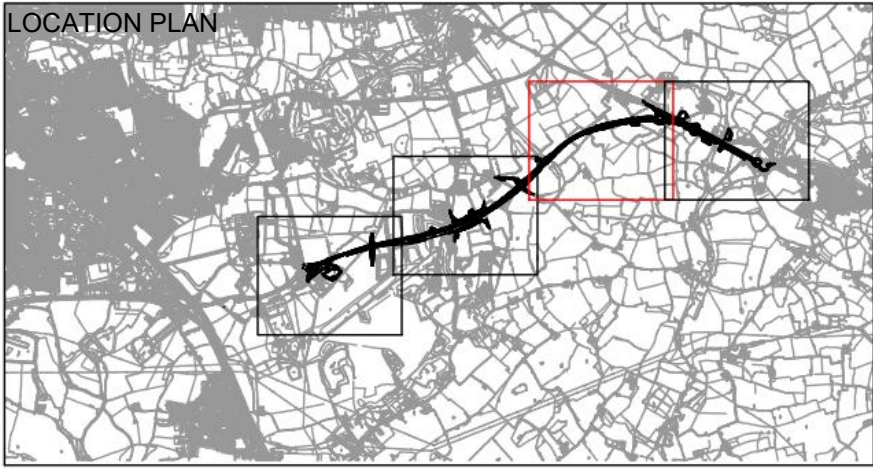
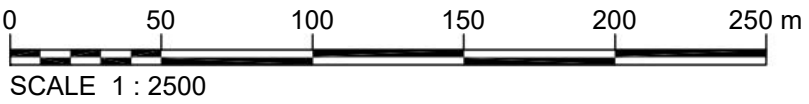






Notes

1. Do not scale.
2. Utilities being extinguished or diverted along the existing A131 Braintree Road are highlighted in Inset B. This is to provide clarity of their route and to avoid drawing clutter.
3. Refer to the below drawing for notes and key information: General Arrangement Notes & Key (CNEB-JAC-GEN-XXX-DR-Z-0001)



Rev	Date	Description of revision	Drawn	Checked	Reviewed	Approved
P05	27/08/21	Stage 3A Planning Update	LS	MA	GB	TR
P04	23/09/20	Interim fix for EIA	PT	MA	GB	MM
P03	14/04/20	Interim fix for Road Safety Audit	PT	MA	GB	CC

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SCHEME TITLE  
**CHELMSFORD NORTH  
EAST BYPASS**

DRAWING TITLE  
**GENERAL ARRANGEMENT  
PHASE 1  
SHEET 3 OF 4**

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
PT	PT	MA	GB	CC
DATE	DATE	DATE	DATE	DATE
JUL 19	JUL 19	JUL 19	JUL 19	JUL 19

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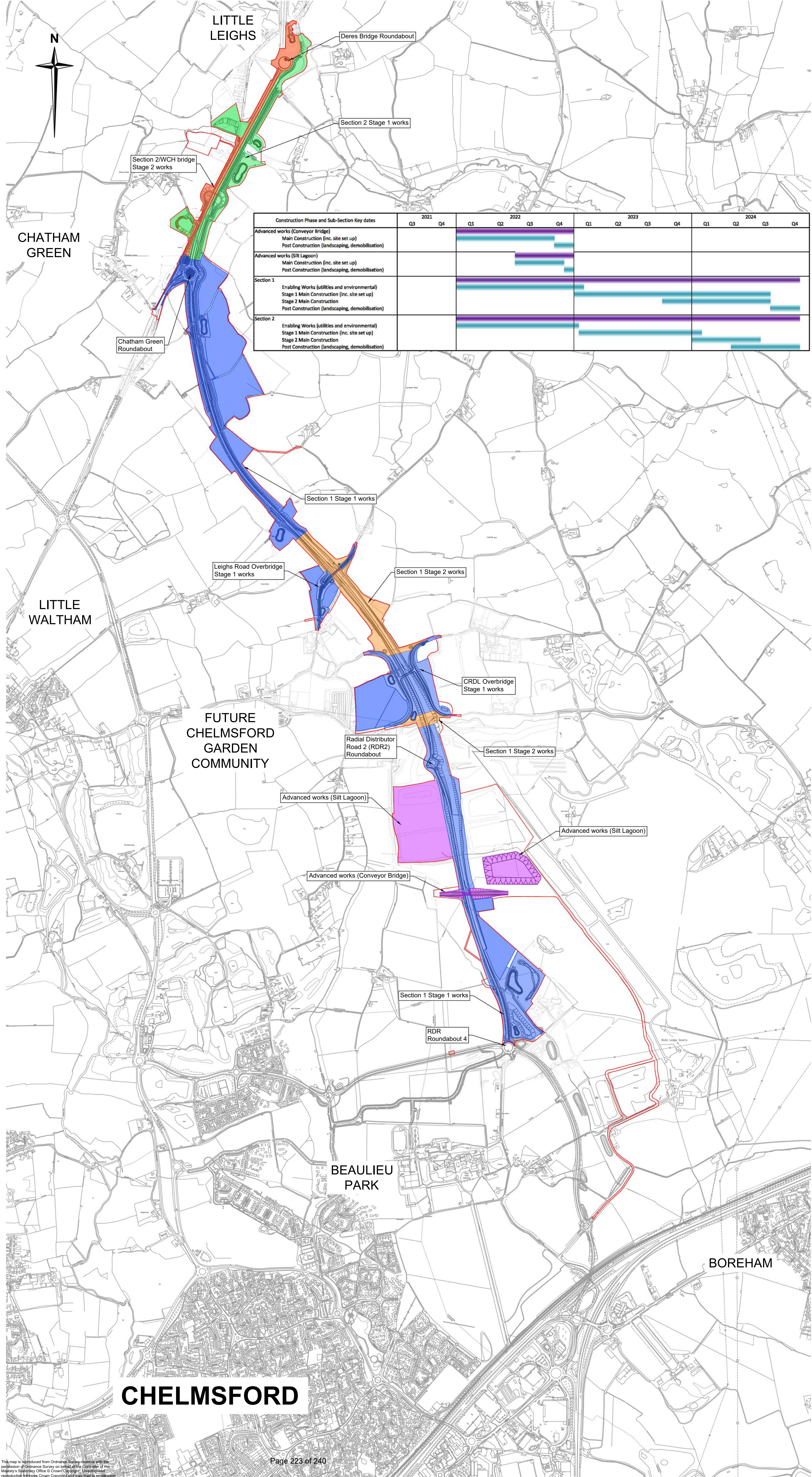
DRAWING No.  
**CNEB-JAC-GEN-P1\_000-DR-Z-0003**  
REV.  
**P05**





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Construction Phase and Sub-Section Key dates	2021		2022				2023				2024			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Advanced works (Conveyor Bridge)														
Main Construction (inc. site set up)														
Post Construction (landscaping, demobilisation)														
Advanced works (Silt Lagoon)														
Main Construction (inc. site set up)														
Post Construction (landscaping, demobilisation)														
Section 1														
Enabling Works (utilities and environmental)														
Stage 1 Main Construction (inc. site set up)														
Stage 2 Main Construction														
Post Construction (landscaping, demobilisation)														
Section 2														
Enabling Works (utilities and environmental)														
Stage 1 Main Construction (inc. site set up)														
Stage 2 Main Construction														
Post Construction (landscaping, demobilisation)														

Notes

1. Do not scale.

2. Drawing to be read with Chapter 2 of the Environmental Statement (CNEB-JAC-EGN-P1\_000-RP-LE-0002)

Key

Advanced Contract Works

Section 1 Stage 1 Works

Section 1 Stage 2 Works

Section 2 Stage 1 Works

Section 2 Stage 2 Works

Planning Application Boundary

01002003004005006007008009001000

SCALE 1 : 10,000

Rev.	Date	Description of revision	Drawn	Checked	Review'd	Approv'd

DRAWING STATUS

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SCHEME TITLE

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EAST BYPASS

DRAWING TITLE

PHASE 1  
CONSTRUCTION PHASING

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
BM	TS	RO	ST	TR
DATE	DATE	DATE	DATE	DATE
AUG 21	AUG 21	AUG 21	AUG 21	AUG 21

DRAWING UNITS U.N.O.

DIMENSIONS IN METRES

LEVELS IN METRES

SCALE AT A1 (841X594mm)

1:10000

DRAWING No.

CNEB-JAC-GEN-P1\_000-SK-W-0003

REV.

P00

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## Appendix C - Conditions

### CC/CHL/85/21

1. The development hereby permitted shall be begun before the expiry of 5 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 06/10/2021, together with the following drawings:

Drawing No	Description	Date
CNEB-JAC-GEN-P1_000-DR-Z-0100 Rev P00	Site Location Plan	Aug 2021
CNEB-JAC-GEN-XXX-DR-Z-0002 Rev P00	General Arrangement Key Plan	Aug 2021
CNEB-JAC-GEN-XXX-DR-Z-0001 Rev P05	General Arrangement Notes and Key	Aug 2021
CNEB-JAC-GEN-P1_000-DR-Z-0001 Rev P05	General Arrangement Phase 1 Sheet 1 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0002 Rev P05	General Arrangement Phase 1 Sheet 2 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0003 Rev P05	General Arrangement Phase 1 Sheet 3 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0004 Rev P05	General Arrangement Phase 1 Sheet 4 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-SK-W-0003 Rev P00	Phase 1 Construction Phasing	Aug 2021
CNEB-JAC-HGN-P1_S1A-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 1A Sheet 1 of 2	27/08/2021
CNEB-JAC-HGN-P1_S1A-DR-C-0002 Rev P04	Plan and Profile Phase 1 Section 1A Sheet 2 of 2	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 1 of 3	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0002 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 2 of 3	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0003 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 3 of 3	27/08/2021
CNEB-JAC-HGN-P1_S2-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 2 Sheet 1 of 1	27/08/2021
CNEB-JAC-HSR-P1_S1A-DR-C-0001 Rev P01	Plan And Profile Phase 1 Side Roads Conveyor Bridge Crossing	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0001 Rev P01	Plan and Profile Leighs Road Sheet 1 of 1	27/08/2021

CNEB-JAC-HSR-P1_SR-DR-C-0002 Rev P01	Plan and Profile Cranham Road/Drakes Lane Sheet 1 of 3	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0003 Rev P01	Plan and Profile Cranham Road/Drakes Lane Sheet 2 of 3	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0004 Rev P00	Plan and Profile Cranham Road/Drakes Lane Sheet 2 of 3	August 2021
CNEB-JAC-HGN-P1_S1A-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 1A	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 1B	27/08/2021
CNEB-JAC-HGN-P1_S2-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 2	27/08/2021
CNEB-JAC-LSI-P1_000-DR-Z-0010 Rev P00	Public Rights of Way Phase 1 Sheet 1 of 2	August 2021
CNEB-JAC-LSI-P1_000-DR-Z-0011 Rev P01	Public Rights of Way Phase 1 Sheet 2 of 2	06/01/2022
CNEB-JAC-SBR-XXX-DR-S-0016 Rev P01	Leighs Road Bridge General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0015 Rev P01	Cranham Road/Drakes Lane Bridge General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0008 Rev P01	Walkers Cyclists And Horse Riders Bridge General Arrangement	08/09/2021
CNEB-JAC-SRW-XXX-DR-S-0012 Rev P01	Whitbreads Farm Lane General Retaining Wall Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0004 Rev P01	Typical Culvert General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0014 Rev P01	Bulls Lodge Quarry Conveyor Bridge General Arrangement	09/08/2021
CNEB-JAC-LSI-P1_000-SK-Z-0001 Rev P01	Proposed Mitigation Bunding and Environmental Barrier Sheet 1 of 2	27/08/2021
CNEB-JAC-LSI-P1_000-SK-Z-0002 Rev P01	Proposed Mitigation Bunding and Environmental Barrier Sheet 2 of 2	27/08/2021
CNEB-JAC-HDG-P1_000-DR-D-0060 Rev P00	Drainage Layout Plan Phase 1 Sheet 1 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0061 Rev P00	Drainage Layout Plan Phase 1 Sheet 2 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0062 Rev P00	Drainage Layout Plan Phase 1 Sheet 3 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0063 Rev P00	Drainage Layout Plan Phase 1 Sheet 4 of 4	Sept 2021

CNEB-JAC-GEN-P1_000-SK-W-0001 Rev P02	Phase 1 Compounds And Haul Routes Scheme Wide	July 2019
CNEB-JAC-HLG-XXX-DR-EO-0001 Rev P00	Lighting Layout Plan Notes and Key	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0001 Rev P00	Lighting Layout Plan Sheet 1 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0002 Rev P00	Lighting Layout Plan Sheet 2 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0003 Rev P00	Lighting Layout Plan Sheet 3 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0004 Rev P00	Lighting Layout Plan Sheet 4 of 4	Jan 2022

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 Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S5, S9, S10, S11, DM8, DM13, DM14, DM15, DM16, DM17, DM24, DM29, DM30 and Minerals Local Plan adopted 2014 (MLP) policy S8

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) and the areas to which each stage includes 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 project/construction schedule unless a revised schedule is submitted and approved by the County Planning Authority.

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/construction 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 for that stage 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, hours of deliveries, access/haul roads and routes, construction vehicle access and routing, any temporary traffic management/signage, 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 and

groundwater during construction, any temporary mitigation measures proposed during the construction phase to reduce the potential for amenity impacts, wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas, contractor and visitor parking, turning, loading and unloading of plant and materials, 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 Environmental Management Plan', document reference: CNEB-JAC-EGN-P1\_000-RP-LE-0008 | P00, dated 15/09/2021 incorporating the Register of Environmental Actions and Commitments (REAC) and the Climate mitigation and enhancements identified in Chapter 14 of the Environmental Statement Section 14.8

The REAC shall be updated to incorporate the following matters:

- NV2 to be strengthened to ensure that the proposed plan, along with noise limits proposed, will be agreed in advance of the works by County Planning Authority.
- Noise impact of traffic during construction should be reassessed once construction routes have been finalised
- Noise impact of traffic diversions routes during construction, due to full carriageway closures, should be reassessed once details are known
- Noise impact assessment should be undertaken for diversion routes for side roads ( Leighs Road, Cranham Road and Drakes Lane) during construction due to full carriageway closures required for tie in works to the two new bridges.
- Noise impact upon the Beaulieu Park development should be kept under review to take account of changes to the programme of development which may result in delay or coming forward of development in different phases/areas to those assessed as part of the EIA.
- NV25 to be updated to refer to temporary noise barrier" rather than "standard hoardings"
- The exact position and length of temporary noise barrier shall need to be confirmed once the details of construction are known to ensure they deliver the desired level of mitigation
- Use of low vibratory or non-vibratory plant when working within 100m of a vibration sensitive receptor

and 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
- j) Details of the Potential species road side verge (PSRV) protection and reinstatement

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 CLP policies S2, S3, S4, S10, S11, DM13, DM16, DM17, DM29 and DM30

5. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a dust management scheme has been submitted to and approved in writing by the County Planning Authority for that stage.. 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.<sup>1</sup>

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period and in accordance with CLP policies S4, DM29 and DM30

6. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the County Planning Authority for that stage. 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 CLP policy S1, S3, SGS6 and DM15.

7. In accordance with the project/construction schedule approved pursuant to condition 3, prior to commencement of development but following completion of the archaeological work required by condition 6 in each construction stage, 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

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<sup>1</sup> 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.

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 CLP policies S1, S3, SGS6 and DM15.

8. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 6, 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 'preservation by record' of the archaeological sites which will be destroyed by road construction and 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 CLP policies S1,S3,SGS6 and DM15

9. The milestone 78m north of the junction of the A131 with Whitbreads Farm Lane (identified as heritage asset 61 in Chapter 7 – Cultural Heritage of the Environmental Statement) shall only be removed if necessary for its protection. Prior to its removal its location shall be recorded and the milestone shall be safely stored during construction and reinstated post construction. If removal is not required it shall be protected from damage with appropriate fencing during the construction period.

Reason: To ensure protection of heritage assets and in accordance with CLP policies S1, S3,SGS6 andDM13

10. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a detailed surface water drainage scheme for that stage, 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:
  - Levels should be provided in design drawings of the proposed drainage system. Detailed engineering drawings of each component of the drainage scheme
  - A written report summarising the final strategy and highlighting any minor changes to that set out with the Planning Application and Environmental Statement.
  - And supporting information which was included in the Planning Application and Environmental Statement to support the above elements.

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

Reason: To prevent flooding, 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 CLP policies S1, S2 and SGS6.

- 11.** In accordance with the project/construction schedule approved pursuant to condition 3, no works with respect to a stage of construction shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that stage has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved

Reason: To minimise discharge of excess water arising from construction due to dewatering and removal of soils by ensuring the satisfactory storage of/disposal of surface water from the site. To minimise pollution to water. And in accordance with The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with CLP policy S2.

- 12.** Prior to the commencement of development hydraulic modelling for the development supporting the Flood Risk Assessment shall be submitted to the County Planning Authority for approval in writing. Upon approval of the hydraulic modelling the Flood Risk Assessment shall be submitted for approval by the County Planning Authority. The Flood Risk Assessment shall be implemented as approved.

Reason: To verify the hydraulic modelling that forms the basis for assessing the submitted Flood Risk Assessment and to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere, to minimise the risk of flooding and in accordance with CLP policies, S1, S2 and SGS6.

- 13.** Prior to first public use of the CNEB 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. Records of maintenance shall be made and retained and provided upon a written request of the County Planning Authority.

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 CLP policies S1, S2 and SGS6.

- 14.** 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 CLP policies S1, S2, S3, S11 and DM29.

- 15.** The entire length of the CNEB between Dere's Bridge and Roundabout 4 on the Radial Distributor 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 CNEB shall have a Road Surface Influence of -3.5 dB or less for speeds exceeding 75 km/h.

Reason: In the interests of amenity, to reduce the impacts of road noise and to comply with CLP policy DM29.

- 16.** All site compounds (excluding those associated with the advanced works on the Conveyor Bridge and Silt Lagoon ) shall be surrounded with solid 2m (minimum) high temporary noise barriers.

Reason: In the interests of amenity, to reduce the impacts of construction activity and to comply with CLP policy DM29.

- 17.** Noise mitigation measures both during construction and upon operation shall be in accordance with the mitigation described in Chapter 11 of the Environmental Statement, section 11.8.

Reason: In the interests of amenity, to reduce the impacts of construction and operation of the CNEB and to comply with CLP policy DM29.

- 18.** In accordance with the project schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until detailed designs of the footway/cycleway and walker, cyclist and horse rider (WCH) path, the at grade crossing on the CNEB, the Toucan crossing on the A131, hereby permitted as part of this development and part of the stage of construction, 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; 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 CNEB hereby permitted.

Reason: To ensure that the footway/cycleway/WCH is fit for purpose, is delivered in a timely manner and to comply with CLP policies S1 and S9.

- 19.** No development that would obstruct, alter or in any other way affect the definitive lines of the PROW within the site shall be permitted to commence until such time as an Order has been confirmed securing the extinguishment and/or diversion of the existing definitive rights of way, as identified on plans CNEB\_JAC-LS1-P1\_000-DR-Z-0011 rev P01 and CNEB\_JAC-LS1-P1\_000-DR-Z-0010 rev P00, to a route to be agreed with the Local Planning Authority and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way

Reason: To ensure the continued safe passage of pedestrians on the public right of way and in accordance with CLP policies S1, S9 and SGS6.

- 20.** The public's rights and ease of passage over public rights of way shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and in accordance with CLP policies S1, S9 and SGS6.

- 21.** The verges on the Leighs Road and Cranham Road/Drakes Lane bridges are to be hard surfaced.

Reason: To ensure a safe route is provided for pedestrians across the bridges and in accordance with CLP policies S1 and S9.

- 22.** Cycle routes to be LTN 1/20 compliant. Details to be agreed at the detailed design stage.

Reason: To provide high quality cycle routes in the interest of highway safety and accessibility and in accordance with CLP policies S1 and S9.

- 23.** Improvements to the capacity of radial distributor road (RDR) roundabout 4 to be completed prior to the connection of the RDR to the Boreham Interchange and prior to public opening of the bypass. The improvements shall include and not be limited to: widen northbound approach to Roundabout 4; improve flare to northbound approach; re-instate western path and pedestrian approach to



crossing; and diversion of utilities.

Reason: To provide increased capacity at the roundabout to accommodate the predicted traffic movements in the interest of highway safety and in accordance with CLP policies S1, S9 and SGS6.

- 24.** A conveyor bridge for Bulls Lodge quarry to be constructed, as shown in principle on drawing CNEB-JAC-SBR-XXX-DR-S-0014 rev P01. The bridge to allow for future upgrade to accommodate a permanent bridge for the proposed Chelmsford Garden Community, including cycleway and footway provision.

Reason: To facilitate movement of materials associated with the quarry over the CNEB and to allow a future multi-modal connection for the Chelmsford Garden Community and in accordance with CLP policies S1, S9 and SGS6.

- 25.** In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction, shall take place until a detailed hard and soft landscaping scheme (inclusive of all boundary treatments, fencing and gates) for such stage 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 Chapter 2 of the Environmental Statement section 2.8 and the Outline Environmental Management Plan Document no. CNEB-JAC-EGN-P1\_000-RP-LE-0008 Rev P00 dated 21 September 2021 and the following indicative drawings:

<b>Title</b>	<b>Date</b>
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 1 of 4	Sept 21
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 2 of 4	Sept 21
Environmental Statement – Figure 2.4 v1 - Indicative Landscape and Environmental design sheet 3 of 4	Jan 22
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 4 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 1 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 2 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 3 of 4 as amended for Section FF by Figure 2.6	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 4 of 4	Sept 21
Environmental Statement – Figure 2.6 – Indicative Landscape and Environmental Design Cross Section FF Year 1 and 15	Jan 22

and shall include details of areas to be planted with species, sizes, spacing, protection measures (i.e. rabbit/deer shelter guards should be non plastic and in

areas of woodland planting rabbit fencing/netting is required rather than individual shrub shelter guards.); proposed seed mix for grassed areas; and programme of preparation, implementation, materials (Soils and mulch) any management regimes (including watering schedules) to support establishment. *Sorbus aucuparia* (Rowan) should not be used as individual trees when gapping up native hedgerow (see ref. Appendix 4 – Appendix 9.10 Indicative Species Plant Mixes) but instead increase the number of *Quercus spp* (Oaks) or *Carpinus betulus* (Hornbeam). The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The scheme shall include the sensitive design of attenuation ponds to integrate these into the landscape, reduce visual intrusion and enhance visual amenity. 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 and in accordance with CLP policies S1, S4, S11, DM16, DM17, DM24 and SGS6.

- 26.** In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a Landscape and Ecological Management Plan (LEMP) for such stage there has been submitted to and approved, in writing, by the County Planning Authority a Landscape and Ecological Management Plan (LEMP) for a minimum of 25 years.

The Plan shall include but not be limited to, in respect of landscaping:

1. Drawings showing the extent of the LEMP

2. Written Specification detailing:

a) All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.

b) All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.

c) All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.

3. Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

and for ecology:

- a) Description and evaluation of features to be managed, including PSRV;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 25 year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, and to make appropriate provision for conserving and enhancing the natural environment with and in accordance with CLP policies S1, S2, S4, S11, DM16, DM17, DM24 and SGS6. In the interests of the natural environment and biodiversity and to allow the LPA 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 CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

- 27.** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement Volume 2 Chapter 8 – Biodiversity & Environment Statement Volume 4: Appendix 8.1 to 8.16.

Reason: To conserve and enhance protected and Priority species and allow the LPA 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 CLP policies S1, S4, S11, DM16, DM17, DM24 and SGS6.

- 28.** No works shall commence that will impact the breeding/resting place of Great Crested Newt unless the County Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

- 29.** No works shall commence that which will impact the breeding / resting place of Bats unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and 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 s17 Crime & Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

- 30.** The closure of badger setts shall not commence unless the County planning authority has been provided with either a copy of:
- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorising the specified activity/development to go ahead; or
  - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

- 31.** In accordance with the project schedule approved pursuant to condition 3, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Environmental Statement – Chapter 8 – Biodiversity. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The Biodiversity Enhancement Strategy shall be implemented in accordance with the approved details.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

- 32.** The Bulls Lodge Quarry Conveyor Bridge as shown on drawing No. CNEB-JAC-SBR-XXX-DR-S-0014 Rev P01 shall be constructed and be available for beneficial use prior to the CNEB construction works impacting the access route to Park Farm, part of Bulls Lodge Quarry (as permitted by CHL/1890/87 or any subsequently amending permission) and/or the mineral operator requiring to start sand and gravel extraction in the Park Farm area of Bulls Lodge Quarry.

Reason: To ensure no adverse effects on the effective working of Bulls Lodge Quarry and in accordance with MLP policy S8.

- 33.** The replacement silt lagoon to be constructed east of the CNEB alignment shall be constructed and available for beneficial use prior to the proposed development adversely impacting the existing silt and water management regime at Bulls Lodge Quarry.

Reason: To ensure no adverse effects on the effective working of Bulls Lodge Quarry and in accordance with MLP policy S8.

### **Informatives**

Construction traffic to use the proposed haul routes as shown in principle on drawing CNEB-JAC-GEN-P1\_000-SK-W-0001 Rev P02. Where local routes are required to be used for construction vehicle routing Wheelers Hill and Cranham Road should be used rather than Waltham Road to minimize the number of trips through Boreham and Hatfield Peverel . Routing via Waltham Road to be limited to essential construction vehicles if access to the construction compounds from the west is temporarily closed or unsuitable.

No construction traffic to use Drakes Lane, Leighs Road north of the works area, and the protected lane section of Boreham Road between its junction with Cranham Road and Drakes Lane

Cranham Road is to be used as a construction route for the proposed Longfield Solar Far. The construction periods are likely to overlap there will therefore need to be co-ordination between the contractors for both schemes particularly if temporary closures of the construction vehicle routes are required.

The Highway Authority to consider what additional road signage is required on the following routes B1008, A120, A131, Essex Regiment Way to ensure traffic uses the CNEB, particularly to encourage traffic travelling from the M11 to A12" to use the A120, A131 and the CNEB.



Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found here <https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

**DR/17/22****Report to:** DEVELOPMENT & REGULATION (25 March 2022)**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.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of January	40
Nº. Decisions issued in February	3
Nº. Decisions issued this financial year	30
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	97%
Nº. Delegated Decisions issued in February	0
Nº. applications where Section 106 Agreements pending at the end of February	10

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of January	4
Nº. Decisions issued in February	0
Nº. Decisions issued this financial year	26
% 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 February	0

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in February	0
Nº. Committee determined applications issued in February	3
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	205
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of February	40
Nº. of referrals to Secretary of State under delegated powers in February	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of February	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of January	28
Nº. of cases cleared this financial year	45
Nº. of enforcement notices issued in February	1
Nº. of breach of condition notices issued in February	0
Nº. of planning contravention notices issued in February	1
Nº. of Temporary Stop Notices issued in February	0
Nº. of Stop Notices issued in February	0