

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 27 January 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr L Bowers-Flint
Cllr A Sheldon	Cllr R Moore
Cllr I Grundy	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr B Aspinell	

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

Apologies were received from Cllr J Fleming, for whom Cllr A Sheldon substituted, and from Cllr M Garnett for whom Cllr I Grundy substituted.

Councillor Steptoe declared an interest in item 5.1 of the agenda (Minute 79) concerning the Report on the programme of Periodic Review of Planning Permissions as Barling Quarry was in his division and he was a Barling Manga Parish Councillor.

Councillor J Jowers declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall as he was the Cabinet Member for Minerals and Waste when the site was initially proposed. Cllr Jowers 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.

Councillor P Thorogood declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall as he was a Braintree District Councillor and had objected to the A12. Cllr Thorogood considered that as he had previously expressed a view on the A12 widening scheme, he would withdraw from the debate and not vote on the item.

### 2. Minutes

The minutes of the meeting held on 25 November 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 were identified for the following items:

- 1) Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall  
To consider report DR/01/23 relating to:
  - Proposed western extension to the current site using existing approved facilities (site access, plant site, mineral processing plant and other ancillary facilities); including for the diversion of the Burghey Brook;

with restoration to arable land using imported inert restoration materials, and on-site materials in advance of the A12 road widening and improvement national infrastructure project

- Continuation of mineral extraction and ancillary use without compliance (for a temporary period ceasing upon the working and restoration of the western extension) with conditions 12 (HGV movements), 25 (mineral handling), 27 (restoration materials importation), and 35b (restrictions on permitted development rights) of planning consent ESS/40/18/BTE that was an earlier variation of conditions under planning consent ESS/10/18/BTE to now enable the importation of as raised sand and gravel from a proposed western extension to the site; the importation of inert materials (for use in the restoration of the proposed western extension); the inclusion of additional water lagoons on site; and a temporary increase in HGV movements to enable accelerated progression of proposed western extension restoration scheme to return the land to formation level in advance of the A12 road widening and improvement national infrastructure project
- Continuation of mineral extraction without compliance with: Conditions 4 (Approved Details); 11 (Plant Site Layout) and 55 (Restoration and Landscaping) and the Ecological Management Plan under the attendant Section 106 Agreement of Planning permission ESS/40/18/BTE that itself was a Variation of Condition permission that enabled increases in both annual throughput and HGV activity to now allow for re-phasing of the working and restoration; changes to the approved restoration concepts and management plans; and the establishment of an inert materials recycling facility, in advance of the A12 road widening infrastructural project

**Location:** Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall, Witham, Essex, CM8 3EX

**Refs:** ESS/36/21/BTE, ESS/51/21/BTE and ESS/98/21/BTE

Public speakers:

- On behalf of the applicant: Mr Oliver Brice – speaking for

#### **4. Land at Colemans Farm Quarry, Little Braxted Lane, Rivenhall**

The Committee considered report DR/01/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 34 for ESS/98/21/BTE.

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:

- Appropriateness for the “western extension” activities

- Implications With the County Landbank/Status Of The Western Extension Land Parcel
- A12 Road Realignment Implications
- Infilling Implications
- Retention of Recycling Facility; Revised Phasing; Associated Traffic Implications and Changes To The Restoration Scheme
- Environmental – Noise; Dust and Air Quality
- Ecology
- Landscape
- Community Gain

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

- If approved, the applications would allow for an extension to the quarry bringing forward a 265,000-tonne mineral reserve. These tonnes would otherwise be sterilised by the construction of the A12 widening scheme.
- Secondly, approving the applications would allow for the delivery of more than 1.1 million cubic metres of void space for the management of inert waste arisings, helping to meet the identified shortfall in such capacity within the county. Significant new capacity for construction, demolition and excavation waste recycling would also be delivered.
- Thirdly, an enhanced and improved restoration plan would deliver increased biodiversity net gain, as well as the continued delivery of over 19 hectares of Priority Habitats alongside arable and open water landforms.
- Fourthly, the applications would support the continued employment of 25 personnel, as well as the creation of an expected 20 new roles.
- Finally, by restoring the relevant areas of the quarry to pre-extraction levels using inert waste, these applications would also support the delivery of the A12 widening scheme between Chelmsford and Marks Tey. The proposals had been developed in collaboration with National Highways.
- There had been a number of variations since the granting of the first planning consent in 2016. These had taken account of changing circumstances on the site and in relation to the emerging plans for the realignment of the A12.
- If approved, the applications would enable the working and restoration to pre-extraction levels of the affected areas of the quarry site ahead of the construction of the new A12.
- If approved, the applications would enable the support of National Highways by delivering the most sustainable and cost-effective means to build the A12 where it crosses the site.
- The date of cessation of operations of Colemans Quarry would not be affected by these applications.

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

- The closure of the Secretary of State examination was set for July 2023, following which the inspector would put together their report.
- Appropriate assessments and translocations would take place before the diversion of the brook.

There being no further points raised, the resolution, including the amendments to the proposed condition 34 for ESS/98/21/BTE, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a unanimous vote, it was

### **Resolved**

- A. The prior completion of an appropriate planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) including imposing the extant obligations in the Section 106 agreement dated 21<sup>st</sup> June 2016 (as varied) for the Colemans Farm site originally granted under planning reference number ESS/39/14/BTE and:
- i) Provision for the carrying forward of such subsequently approved scheme as required by Condition 13 of ESS/98/21/BTE of the Biodiversity Enhancement Plan including provision for the on-site and off-site habitat requirements.
  - ii) Provision of the evidenced number of Skylark nest plots within the land area of ESS/36/21/BTE being secured on nearby agricultural land, prior to commencement of mineral extraction and for the plot areas to be protected for the life of the development provided for under permission reference number ESS/98/21/BTE.
  - iii) No change to the occupation or ownership of Colemans' Farmhouse until after such time as the recycling plant has permanently ceased operation.
  - iv) No infilling to take place under planning permission ESS/36/21/BTE until a suitably agreed maintenance regime/contribution mechanism to cover the repair of any damage caused to the section of Little Braxted Lane between the site access and the main road network has been agreed by the Minerals and Waste Planning Authority in consultation with the Highway Authority.

Following completion of the planning obligations referred to in A above, that planning permission be granted for planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE subject to the conditions set out below:

### **For ESS/36/21/BTE**

#### **NOTIFICATION DATES**

1. The Mineral Planning Authority shall be notified in writing 7 days prior of:
  - (a) the intention to start soil stripping within any area/Phase.
  - (b) the commencement of infilling within each Phase.
  - (c) National Highways taking control of the land.

For clarity the evidence of National Highways taking control of the land shall be either written confirmation to the Mineral Planning Authority of such evidence as land transfer; the date that National Highways took up physically

occupation or signing of licence or similar

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; 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 Policies S1, S6; S10, S12, DM1 and DM2 of the Essex Minerals Local Plan 2014 (Adopted July 2014).

## DURATION

2. The development hereby permitted shall be completed within 3 years of the date of notification of start of soil stripping as required by Condition 1 or the land being taken control of by National Highways whichever is the sooner by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the restoration scheme set out in Condition 28 or as may be approved under Condition 30.

For clarity the evidence of National Highways taking control of the land shall be either written confirmation to the Mineral Planning Authority of such evidence as land transfer; the date that National Highways took up physical occupation or signing of licence or similar

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1, DM2, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

## APPROVED DETAILS

3. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details submitted by way of the Planning Application (ESS/36/21/BTE) comprising

- a) David L Walker Ltd covering letter dated 19<sup>th</sup> March 2021.
- b) Application form from Brice Aggregates Limited dated 19<sup>th</sup> March 2021.
- c) Drwg No: C45/09/04 entitled "Burghley Brook Diversion" dated February 2021
- d) Drwg No: C45/09/05 entitled "Detailed Phasing Plans for Phases 5, 6 and 7" dated January 2021.
- e) Drwg No: C45/09/07 entitled "Site Cross Sections" dated February 2021.

1. Email from Dan Walker to Terry Burns dated 8<sup>th</sup> April 2021 at 16:36 and accompanying
  - i. Drwg No: C45/09/01 entitled "Western extension – Location Plan" dated 02/21.

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- ii. Drwg No: C45/09/02 entitled "Western extension – Site Plan" dated 01/21.
  2. E mail from Dan Walker to Terry Burns dated 4<sup>th</sup> November 2021 at 09:06 and accompanying:
    - a) Phoenix Consulting a r c h a e o l o g y l i m i t e d specifications for a Programme of Archaeological Investigation Western Extension Coleman's Farm Quarry Witham PC 397f" dated 25<sup>th</sup> October 2021.
    - b) SES report entitled "Arboricultural Impact Assessment" dated 23<sup>rd</sup> September 2021.
  3. E mail from Dan Walker to Terry Burns dated 26<sup>th</sup> May 2022 at 13:14 and accompanying:
    - a) Undated "Burghey Brook Stream Diversion – Method Statement".
      - b) SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022.
  4. E mail from Dan Walker to Terry Burns dated 27<sup>th</sup> June 2022 at 15:15 and accompanying:
    - a) Drwg No: C45/09/03b entitled "Proposed Working Plan" dated June 2022.
  5. E mail from Dan Walker to Terry Burns dated 17<sup>th</sup> November 2022 at 16:27 and accompanying:
    - a) Brice Aggregates statement entitled "Colemans Farm Quarry Witham, Essex Planning Application For Proposed Western Extension To The Current Site Using Existing Approved Facilities (Site Access, Plant Site, Mineral Processing Plant And Other Ancillary Facilities); Including For The Diversion Of The Burghey Brook; With Restoration To Arable Land Using Imported Inert Restoration Materials, And On-Site Materials In Advance Of The A12 Road Widening And Improvement National Infrastructure Project. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited March 2021 Update as at November 2022."
  6. E mail from Dan Walker to Terry Burns dated 30<sup>th</sup> November 2022 at 10:11 and accompanying:
    - a) Drwg No: C45/09/06C entitled "Western Extension Proposed Restoration Plan" dated Nov 2022.
    - b) Drwg No: 418/01E entitled "Detailed Landscape proposals" dated Nov 2022
  7. E mail from Dan Walker to Terry Burns dated 2<sup>nd</sup> December 2022 at 15:57 and accompanying:
    - a) David Jarvis Associates "Landscape Restoration Scheme" dated 30<sup>th</sup> November 2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

#### AVAILABILITY OF PLANS

4. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### TREE PROTECTION SCHEME

5. No soil stripping shall take place until a scheme for the protection of trees to be retained has been submitted to and been approved in writing by the Mineral Planning Authority. The scheme shall include (include those that are pertinent):
  - a. A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS5837 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
  - b. Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS5837
  - c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 1989, 'Recommendations for Tree Work'.
  - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS5837.
  - e. Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

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- f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
  - g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS5837.
  - h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
  - i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS5837.
  - j. Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
  - k. Details of the working methods to be employed for the installation of drives and paths within the root protection areas of retained trees in accordance with the principles of “No-Dig” construction.
  - l. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, pumps etc) on site.
  - m. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
  - n. Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.
  - o. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS5837.
  - p. The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites and advice for landscaping strategy's to address mineral working related impacts.

## ECOLOGICAL REQUIREMENTS



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6. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. No soil stripping shall take place within the western extension land parcel as provided for under ESS/36/21/BTE a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on Construction Environment Management Plan (Biodiversity) (SES, 10<sup>th</sup> February 2021) Appendix 14 of Environmental Statement.

The CEMP (Biodiversity) shall include the following.

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

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site approved under Planning Ref. ESS/36/21/BTE and ESS/98/21/BTE.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

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## ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

## BIODIVERSITY ENHANCEMENT PLAN (BEP)

9. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity

- Validation Checklist, a Biodiversity Offsetting Metric Calculation that expresses habitat losses and gains in Biodiversity Units;
- iv. A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;
  - v. A description of the specific techniques and practices for establishing each Priority Habitat;
  - vi. A description of the sources and provenance of seeds or other plant material to be used;
  - vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
  - viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
  - ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
  - x. A description of the personnel or management body responsible for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
  - xi. A full breakdown of costs for implementing the BEP; and
  - xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g. requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

## SKYLARK MITIGATION STRATEGY

10. No soil stripping shall take place until a scheme for a Skylark Mitigation Strategy to compensate the loss of any Skylark territories has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as approved and shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark plots;
- b) detailed methodology for the Skylark plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;

d) persons responsible for implementing the compensation measure. The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.”

To allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

#### LANDSCAPING ALONG A12 BOUNDARY IF NO ROAD IMPROVEMENT SCHEME TAKES PLACE.

11. Within 5 years of the date of this permission if the A12 road widening scheme is not undertaken a scheme for additional planting along the northern site boundary parallel to the A12 carriageway shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall then be implemented. The scheme shall include, but not limited to:

- Planting species, size, numbers and location.
- A programme of implementation to include the provision for planting during the first available season following restoration.
- Boundary treatment.
- A programme of maintenance.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites and advice for landscaping strategy's to address mineral working related impacts.

#### ARCHAEOLOGY

12. No development or preliminary groundworks of any kind shall take place until the submission and approval of a Method Statement/Project Design to accompany the approved WSI (Phoenix, 2021) for archaeological excavation which details the excavation strategy, post excavation analysis, reporting and archiving.

Reason: To ensure that provision is made for the archaeological potential of the site being fully investigated and to preserve by record any archaeological features that will be destroyed by the proposed development. Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

13. No development or preliminary groundworks of any kind shall take place until the submission and written approval has been received in writing from the Mineral Planning Authority of a Written Scheme of Investigation for geoarchaeological monitoring during the mineral extraction process which includes details of the monitoring methodology, sampling and recording strategy, analysis, reporting and archiving.

Reason: To ensure that provision is made for the archaeological potential of the site being fully investigated and to preserve by record any archaeological features that will be destroyed by the proposed development having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

14. 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, and which has been approved in writing by the Mineral Planning Authority.

Reason: To ensure the archaeological and geoarchaeological potential of the site is fully investigated and mitigation measures as required within the Written Scheme of Investigation can be implemented having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

15. The applicant will submit to the Mineral Planning Authority a post excavation assessment and updated project design to include details for publication of results (to be submitted within 6 months of the completion of the archaeological excavation fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

16. The applicant will submit to the Mineral Planning Authority archaeological advisor a geoarchaeological monitoring assessment for each fieldwork visit (to be submitted within two weeks of the completion of the fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

17. The applicant will submit to the Mineral Planning Authority a final geoarchaeological report (to be submitted within 4 months of the completion of the fieldwork phase, unless otherwise agreed in advance with the Mineral Planning Authority).

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

#### DEPTH OF WORKING/STANDOFFS

18. No extraction shall take place below 6 metres Ordnance datum.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with Policies S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ENVIRONMENTAL PROTECTION

##### DUST

19. No soil stripping shall take place until a scheme to address dust monitoring around Burghley Cottages has been approved in writing with the Mineral Planning Authority. The scheme shall include, but is not inclusive of, such areas as:
- (i) A dust control plan based on the draft Dust Action Plan as set out in .
  - (ii) Location(s) of dust monitoring points.
  - (iii) The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.

- (iv) A programme of implementation to include for monitoring to commence two months prior to the commencement of any site operations to provide a baseline against which to compare future monitoring.
- (v) The results of dust monitoring over each three month period
- (vi) A log of complaints from the public and a record of the measures taken to be kept and submitted to the Mineral/Waste Planning Authority on request.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

## MINERAL OUTPUT

- 20. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

## SOIL HANDLING

- 21. No soil stripping shall take place until the provision for soil bund locations within the site boundary has been confirmed on a plan submitted to the Mineral Planning Authority with details of locations; heights and management and maintenance provisions prior to the stripping of soils.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

- 22. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/09/03B dated June 2022 and used in the restoration scheme as indicated on drawing reference C45/09/06C dated June 2022, unless amended by the scheme approved under Condition 20 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

23. Topsoil shall be stripped to the full depth 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 reuse.

Subsoil shall be stripped to full depth 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 reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### SOIL HANDLING AND RESPREADING IF A12 ROAD SCHEME DOES NOT PROGRESS

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To ensure the restored land is (agriculturally versatile), (agricultural) operations are not impeded and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

27. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/09/06C dated June 2022.

Reason: To ensure proper restoration of the site and compliance with Policies



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S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## RESTORATION

28. The provision for restoration and landscaping shall be in accordance with the details of the scheme comprising the David Jarvis Associates "Landscape Restoration Scheme" dated 30 November 2022 and accompanying Drwg No: 418/01E entitled "Details Landscape Proposals" dated November 2022.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

29. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 27 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## REVISED RESTORATION PLAN IF A12 ROAD SCHEME DOES NOT PROGRESS

30. Within 2 years of the date of this permission and the A12 Road Realignment Scheme not going ahead a revised restoration and landscaping plan based on Drwg No: 418/01E entitled "Details Landscape Proposals" dated November 2022 shall be submitted to the Mineral Planning Authority. The scheme shall make provision for:

- a) Additional planting up of the Boundary with the A12 carriageway.
- b) Provision for additional biodiversity and/or green infrastructure.
- c) Programme of implementation.
- d) Programme of management.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014

## AFTERCARE

31. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use shall be submitted to and approved in writing by the Mineral Planning Authority prior to the placement of soils on site. The submitted Scheme shall:

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

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity/woodland and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### COMPLIANCE WITH OTHER PERMISSIONS

32. Except as specifically required by the conditions of this permission the development shall be carried out in compliance with the following conditions of the principal Planning permission Ref no: ESS/98/21/BTE:

- i) Condition 4 (Approved Details)
- ii) Condition 15 (HGV Movements)
- iii) Condition 16 (HGV Movement Recording)
- iv) Condition 17 (Sheeting).
- v) Condition 19 (Importation Secondary Access)
- vii) Condition 21 -23 (Archaeology) as it relates to the previously approved Land. For land outside this coverage then Conditions 10 - 15 of this present permission apply.
- viii) Condition 27 (Mineral Handling)
- ix) Condition 28 (Hours of Operation)
- x) Condition 29 – 33 (Noise)
- xi) Condition 34 – 35 (Dust)
- xi) Condition 36 – 37 (Permitted Development Rights).

- xii) Condition 38 - 39 (Storage aspects).
- xiii) Condition 40 (Lighting)
- xiv) Condition 41 -42 (Surface and Groundwater)
- xi) Condition 43– 55 (Soil Handling)
- xii) Condition 60 (Cessation)

Reason: To ensure that the development takes place in accordance with an existing planning approval for the development and restoration of the site which controls certain aspects of the development subject to this permission and is a factor in the Mineral Planning Authority's assessment of its acceptability having regard to the Essex Minerals Local Plan Adopted July 2014 Policies DM1, DM3, S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

### **FOR ESS/51/21/BTE**

#### **NOTIFICATION DATES**

1. The Mineral Planning Authority shall be notified in writing 7 days prior of:
  - (a) the intention to start soil stripping within any area.
  - (b) commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; 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 Policies S1, S6; S10, S12, DM1 and DM3 of the Essex Minerals Local Plan 2014 (Adopted July 2014).

#### **COMMENCEMENT AND DURATION OF PERMISSION**

2. The development hereby permitted shall be completed by 19th September 2034 by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 55 (restoration and landscaping) and shall be the subject of agricultural aftercare for a period of 5 years in accordance with a scheme approved under Condition 57 (Aftercare) of this planning permission.

For clarity the commencement of development was notified as around 19th September 2016 as set out in the email from Dan Walker dated 7th March 2018 at 10:49.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise

the duration of disturbance from the development hereby permitted and to comply Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

3. Any building, plant, machinery, foundation, hard standing, access, gate, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the date specified in Condition 2 of this permission, following which the land shall be restored in accordance with the restoration scheme approved under condition 33 of this permission. Both access points (Little Braxted Lane and Braxted Park Road) shall be re-instated for agricultural use only.

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 Policies S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

#### APPROVED DETAILS

4. The development hereby permitted shall be carried out in accordance with the details submitted by way of the following. (For clarity those references in italics have been superseded by subsequent decision notices):
  - A.
    - (i) the 'Planning Application' (ESS/39/14/BTE) dated 18th July 2014 as amended by the
    - (ii) email from David L Walker Limited dated 25th July 2014
    - (iii) cover letter dated 18 July 2014, together with drawing numbers:
    - (iv) *C45/01/01 entitled "Location Plan" dated July 2014;*
    - (v) *C45/01/02A entitled "Existing Situation" dated August 2015;*
    - (vi) *C45/01/05a entitled "Indicative Restoration Concept" dated August 2015;*
    - (vii) *C45/01/06 entitled" dated August 2015;*
    - (viii) C45/01/08 entitled "Proposed Cycle path West of Little Braxted Lane" dated August 2015;
    - (ix) 15057-02 entitled "Proposed Site Access" dated May 2013;
    - (x) 15057-05 entitled "Access Tracking and Visibility Splays" dated December 2014;
    - (xi) 15057-04 Rev A entitled "Visibility Splays" dated November 2014;
    - (xii) 15057-07 entitled "Artic Track and Turning Area" dated March 2015;
    - (xiii) 15057-11 entitled "Artic Turning Area" dated August 2015;
    - (xiv) 15057-12 entitled "Proposed Junction Improvements" dated August 2015; together with the following documentation:
      - a. *Supporting Planning Statement by David L Walker Limited dated July 2014;*
      - b. Non-technical summary by David L Walker Limited dated July 2014;

- c. Environmental Statement and Appendices 1-9 by David L Walker Limited dated 'Final 12/07/14';
- d. Water Framework Directive and Hydrogeological Impact Assessment by Hafren Water, Report ref: 1666/HIA-01, Version 2 dated October 2014;
- e. Addendum to Witham Quarry Hydrological Impact Assessment: Report ref: 1666/HIA-01, Version 2, October 2014 by Hafren Water dated 21st November 2014;
- f. Geoarchaeological investigation by Martin R Bates dated September 2014;
- g. Archaeological Investigation by Headland Archaeology dated November 2014;
- h. Response to Councillor Abbott's comments by Hafren Water dated 22nd December 2014;
- i. 'Radii of influence (Northern area)' dated November 2013;
- j. *Essex Field Club Datasearch Report Ref EFC1205 dated 20 Feb 2013;*
- k. *Ecological Management Plan by David L Walker Limited dated January 2015;*
- l. *January Bird Survey by Whitcher Wildlife Ltd. dated 21 January 2015;*
- m. *Ecological Impact Assessment by Whitcher Wildlife Ltd. Ref 140210/EclA/Final/Rev1 dated 10th February 2015;*
- n. *Schedule of Habitats: Table 1 ref DW/CEW - C45/1.1/Rev1;*
- o. *Schedule of Habitats: Table 2 ref DW/CEW – C45/1.1/Rev1;*
- p. Response to S Baileys comments by Hafren Water dated 15 May 2015;
- q. Response to Queries dated 14/05/15;
- r. Letter from Hafren Water to Essex C Flood and Water Management dated 26 May 2015
- s. *Addendum to EclA dated 7th June 2015;*
- t. Email from David L Walker Limited to ECC 9 June 2015 Points 1 and 2;
- u. Built Heritage Assessment prepared by Phoenix Consulting dated 10 June 2015;
- v. Letter from David L Walker Limited to ECC dated 25 August 2015;
- w. Specification for Archaeological Works Phoenix Consulting dated 27 July 2015;
- x. Letter from David L Walker Limited to ECC dated 25 August 2015;

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/39/14/BTE addressing:

- a) For Condition 6 (Plant Site Layout) – The layout of the plant site shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising the following details:

Drawings:

- i. WTM/001/A Layout and Traffic Management
- ii. WTM/002 Elevations of Weighbridge and Offices
- iii. WTM/003 Elevations of Workshop
- iv. WTM/004 Elevations of Messroom
- v. DUO16-017 Elevations of Main Plant;

The details specified on page 5 of Submission 4 document prepared by

David L Walker, received on 26/07/2016.

It is noted that details of the bagging plant are not proposed at this time as it is not anticipated to be implemented for another 2-3 years.

It is noted that a further submission will be required in due course.

As amended by the revised scheme following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- (i) The Application form from Brice Aggregates Limited dated 08/09/17,
- (ii) Letter from David L Walker Limited dated 13/09/17,
- (iii) Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

For Condition 18 (Signage) shall be carried out in accordance with the details of the scheme approved on 27th July 2016 comprising those details as set out in:

- i. Drawing 15057-12 received on 28/06/2016 indicating proposed signage for Little Braxted Lane Exit.
- ii. Drawing C1135-001 received on 19/10/2016 indicating proposed sign at Braxted Road (secondary access).

For Condition 21 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 24 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 25 (Wheelwash) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in:

- i Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

For Condition 28 (Geoarchaeology) shall be carried out in accordance with the

details of the scheme approved on 14th July 2016 comprising those details as set out:

- i Geo-archaeological Evaluation and Mitigation Written Scheme of Investigation, prepared by Dr. Martin Bates dated January 2016.

For Condition 29 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the:

- i. Application form from Brice Aggregates Ltd dated 22nd July 2016,
- ii. Accompanying report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015).

The geo-archaeological fieldwork carried out to satisfy this condition is sufficient and no further fieldwork will be required. The report has provided an adequate assessment of the potential of the gravels for Palaeolithic artefacts however the report submitted does not contain an adequate or agreed post-excavation assessment of the paleoenvironmental potential of the lake sediments.

The lake deposits present are considered to be of regional if not national significance and have been found in association with Palaeolithic archaeological remains. Their assessment has not been completed to a standard which meets the aims of the fieldwork and will need to be completed to satisfy the condition.

In addition, the report does not provide adequate information on the potential for the development to impact on predicted unmapped lake deposits and provide a suitable mitigation strategy should they be encountered during the extraction process or disturbed through operations relating to the extraction process.

A post-excavation assessment should be submitted which contains:

- i. A proposal for the analysis of paleoenvironmental samples to satisfy the aims of the geoarchaeological fieldwork;
- ii. An impact analysis of the development on the potential extent of the lake deposits and potential lake edge margins; and
- iii. A suitable mitigation strategy should it be demonstrated that these deposits may be impacted upon during the course of mineral extraction."

For Condition 30 (Archaeological Mitigation) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

For Condition 32 (Groundwater Monitoring) – Monitoring of groundwater shall be carried out in accordance with the details of the scheme approved on 1st September 2017 comprising those details as set out in:

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

*For Condition 33 (Landscape and Restoration) – Landscaping and Restoration shall be carried out in accordance with the details of the scheme approved on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.*

For Condition 35 (Arboricultural Survey) – The Arboricultural survey shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), and dated May 2016.

For Condition 38 (Dust Mitigation) – Dust Mitigation shall be carried out in accordance with the details of the scheme approved on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

For Condition 40 (Soil Stripping) – Soil Stripping shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the 'Protected Species Walkover' report, prepared by Southern Ecological Solutions, dated 12/08/2016.

- i. The report covers the area indicated in Appendix 1, pre-extraction phase.
- ii. A further report will be required if development at this location does not take place before 31 March 2017.
- iii. A report will also be required before commencement of work on Phase 1.

*For Condition 41 (Construction Environmental Management Plan) shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016.*



*This document shall be read in conjunction with the following:*

- i. Landscape and Habitat Management Plan, approved under Condition 33.*
- ii. Arboricultural Method Statement, approved under Condition 35.*
- iii. Biodiversity Enhancement Plan, agreed under clause 1.1 of Schedule 1 of the s.106 legal agreement dated 21/06/2016.*

*The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development approved under Planning Ref. ESS/39/14/BTE.*

*For the avoidance of doubt, the lake outlines shall be as shown on drawing no 418/01B rather than C45/01/05a.*

For Condition 42 (Soil Movement) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016.

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

For Condition 43 (Machine Movements) shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

For Condition 45 (Soil Bunds) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

For Condition 47 (Phased Plan for soil types, bunds etc.) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the following details:

- 
- i. Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
  - ii. Drawings Numbers:
  - iii. C45/01/09 Soils Bunds location plan – Plant site and Phase 1
  - iv. C45/01/10 Bund location plan whole site

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

As amended by the Non Material Amendments under ESS/39/14/BTE comprising:

- 1. For Condition 14 (Importation Restriction) to accommodate Importation of stockpiled mineral to be carried out in accordance with the details of the scheme approved on 18th October 2017 comprising:
  - a) The Application form from Brice Aggregates Limited dated 18/09/17,
  - v) Letter from David L Walker Limited dated 18/09/17,
  - vi) Drwg No: C45/02/02 entitled "Site Plan" dated 06/17.
- 2. For Condition 2 (Approved Details) to accommodate amendments to site compound layout to be carried out in accordance with the details of the scheme approved on 31st October 2017 comprising:
  - i. The Application form from Brice Aggregates Limited dated 08/09/17,
  - ii. Letter from David L Walker Limited dated 13/09/17,
  - iii. Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

- 3. To accommodate amendments to the site access layout to be carried out in accordance with the details of the scheme

approved on 16th January 2018 comprising:

- i. The Application form from Brice Aggregates Limited dated 09/11/17,
- ii. Letter from David L Walker Limited dated 09/11/17,
- iii. Drwg No: C45/C6/02 entitled "Site Access Facilities – Little Braxted Lane" dated 11/17,
- iv. Drwg No: C45/C6/03 entitled "Site Access Facilities – Braxted Road" dated 11/17,
- v. Two A4 drawings of the gated access arrangement layout entitled "Coleman's Farm Gated Access Off Little Braxted Lane – Proposed Elevation"
- vi. "Coleman's Farm Gated Access Off Braxted Road – Proposed Elevation"
- vii. Technical specifications for "HIKVISION" DS-2CD4A26FWD-1Z (H) (S) 2MP Low Light Smart Camera.

subject to:

- (i) These amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.
- (ii) Removal off site of the solar panel structure and fenced enclosure which is situated behind the hedge line near the weighbridge within 1 month of the date of this decision letter.

B. As amended by planning application ESS/10/18/BTE comprising:

- (i) Letter from David L Walker Limited dated 4th May 2018.
- (ii) Planning Application form from Mr Oliver Brice dated 4th May 2018.
- (iii) Supporting Statement entitled "Planning Application to Vary Approved Documents Approved under Conditions 2, 6 and 47 of Planning Consent ESS/39/14/BTE to enable the re-phasing of the working and restoration of the site, changes in soils bunds configuration and to provide car parking for visitors in the ancillary plant site area. Environmental and Supporting Statement" dated June 2018.
- (iv) *Drwg No: C45/01/03D entitled "Proposed Working Plan" dated April 2018.*
- (v) *Drwg No: WTM/001/E entitled "Plant Site Layout Plan" dated 27/04/18.*

For Condition 17 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th June 2019 comprising those details as set out in the following details:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and accompanying scheme as detailed in the:

- (ii) Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

C. As amended by Planning application ESS/40/18/BTE comprising:

- i. Letter from David L Walker dated 4th December 2018.
- ii. Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii. Email from Dan Walker to Terry Burns dated 25th January 2019 at 15:51hrs.
- iv. Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
- v. Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.
- vi. 2 Emails from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs and 13:47hrs.
- vii. Email from Dan Walker to Terry Burns dated 17th May 2019 at 09:53hrs.

D. As amended by Planning application ESS/51/21/BTE and accompanying:

- i. David L Walker Ltd covering letter dated 20<sup>th</sup> April 2021.
- ii. Application form from Brice Aggregates Limited dated 20<sup>th</sup> April 2021.
- iii. E mail from Dan Walker to Terry Burns dated Brice Aggregates statement entitled "Planning application for the continuation of mineral extraction and ancillary use without compliance (for a temporary period ceasing upon the working and restoration of the western extension) with conditions 12 (hgv movements), 25 (mineral handling), 27 (restoration materials importation), and 35b (restrictions on permitted development rights) of planning consent ESS/40/18/BTE that was an earlier variation of conditions under planning consent ESS/10/18/BTE to enable the importation of as raised sand and gravel from a proposed western extension to the site; the importation of inert materials (for use in the restoration of the proposed western extension); the inclusion of additional water lagoons on site; and a temporary increase in HGV movements to enable accelerated progression of proposed western extension restoration scheme to return the land to formation level in advance of the a12 road widening and improvement national infrastructure project supporting statement (including a planning statement) prepared by: Prepared By: David L Walker Limited April 2021".

- iv. Drwg No: C45/08/01 entitled "Application to Vary – Location Plan" dated 04/21.
- v. Drwg No: C45/08/02 entitled "PA to Vary - Site Plan" dated 04/21.
- vi. E mail from Dan Walker to Terry Burns dated 16/11/22 at 11:38 and accompanying:
  - a) DUSTSCAN AQ report entitled "Air Quality Assessment" dated November 2022. Report ref: ZVCF\_AQA date of issue 16/11/2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

#### AVAILABILITY OF PLANS

5. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### WORKS

6. The highway improvement works as provided for under Condition 21 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. The highway improvement works as provided for under Condition 23 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety and to comply with Policies S1, S3,

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S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

8. The highway improvement works as provided for under Condition 24 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ARBORICULTURAL SURVEY

9. The Arboricultural survey of the site shall be in accordance with the details submitted in accordance with Condition 35 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), dated May 2016.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ECOLOGICAL REQUIREMENTS

10. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

11. Within 2 months of the date of this permission a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on that previously approved under Condition 41 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016. The revised CEMP shall also

have regard to the background information based on the western extension land parcel as provided for under ESS/36/21/BTE and its revised Construction Environmental Management Plan (CEMP: Biodiversity) based on Construction Environment Management Plan (Biodiversity) (SES, 10<sup>th</sup> February 2021) Appendix 14 of Environmental Statement.

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site approved under Planning Ref. ESS/36/21/BTE and ESS/98/21/BTE.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled "Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022" Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

#### BIODIVERSITY ENHANCEMENT PLAN (BEP)

13. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of

the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, a Biodiversity Offsetting Metric Calculation that expresses habitat losses and gains in Biodiversity Units;
- iv. A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;
- v. A description of the specific techniques and practices for establishing each Priority Habitat;
- vi. A description of the sources and provenance of seeds or other plant material to be used;
- vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
- viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
- ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
- x. A description of the personnel or management body responsible for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
- xi. A full breakdown of costs for implementing the BEP; and
- xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g., requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral 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 Section of the Natural



Environment and Rural Communities Act 2006 (Priority habitats & species).

## PLANT SITE LAYOUT

14. The layout of the plant site shall be in accordance with the details set out in the following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- i The Application form from Brice Aggregates Limited dated 08/09/17,
- ii Letter from David L Walker Limited dated 13/09/17,
- iii Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13th October 2107.

As amended by:

- i Letter from David L Walker dated 4th December 2018.
- ii Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 2.

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 minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014.

## HGV MOVEMENTS

15. The total number of daily heavy goods (HGV) vehicle movements associated with the development hereby permitted shall not exceed the following limits:

Operation	Maximum Number of Loads	Maximum number of Movements
Graded Aggregate	51	102
Ancillary Minerals Importation	4	8
Ready Mix Concrete inclusive of cement and additive delivery	20	40

Recycling inclusive of Restoration Material delivery	90	180
Total	165	330

- 330 movements (165 in/165 out) (of which no more than no more than 58 movements – 29 in/29 out – shall be through the secondary access on Braxted Road) per working day.

No HGV movements shall take place outside the hours of operation authorised in Condition 26 of this permission.

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### HGV MOVEMENT RECORDING

16. A written record shall be maintained at the site office of:

- all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall state which access point used;
- the nature and quantity of imported material/minerals;

Such records shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policies S1, S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

17. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 50mm in diameter.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

18. No unbound material shall be used in the surface finish of the site access roads at Little Braxted Lane and Braxted Road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

19. No materials/minerals shall be imported into the site through the secondary access on Braxted Road.

Reason: For the avoidance of doubt; in the interests of highway safety, safeguarding local amenity and imposing a restriction on use of the secondary access to minimise environmental disturbance was a determining factor in the acceptability of the application and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### WHEELWASH PROVISION

20. The provision of the wheelwash shall be in accordance with the details submitted in accordance with Condition 25 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising the Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ARCHAEOLOGICAL FIELDWORK

21. The archaeological fieldwork within the phases of mineral extraction based on the report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015) received on 28/06/2016 shall be in accordance with the details submitted in accordance with Condition 10 of planning permission ESS/10/18/BTE dated 11th January 2019 and approved by the Mineral Planning Authority on 14th June 2019. The details comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and
- (ii) Accompanying schemes for Condition 17 as detailed in the Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

Reason: To enable the continued monitoring of any identified areas of high Palaeolithic potential through the mineral extraction process and disseminate findings and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

22. The provision for archaeological mitigation shall be in accordance with the details of the scheme submitted in accordance with Condition 30 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

Reason: to enable full recording and understanding of areas of known archaeological remains and to ensure identification and recording of areas of unknown potential for archaeological remains and to determine the nature, significance and extent of archaeological deposits and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

23. Within 6 months of the completion of the archaeological fieldwork in each phase (or such other timescale as has been previously approved in writing by the Mineral Planning Authority), as approved under condition 19, a post-excavation assessment shall be submitted to the Mineral Planning Authority for its approval in writing. The approved post-excavation assessment shall be followed by analysis, leading to full site archive and publication report.

Reason: To disseminate the results of the archaeological investigations and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### DEPTH OF WORKING/STANDOFFS

24. No extraction shall take place below 6 metres Ordnance datum.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with Policies S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

25. No excavation shall take place closer than 5 metres from the limit of the planning permission boundary line as shown on drawing C45/01/03G dated June 2022.

Reason: To ensure the development is contained within its permitted boundaries, to avoid effects on the surrounding land and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### MINERAL OUTPUT

26. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### MINERAL HANDLING

27. No materials/minerals shall be imported to the site other than:
- a) from the mineral arising from working the western extension parcel under planning permission ESS/36/21/BTE;
  - b) the 25,000 tonnes per annum of construction type material, comprising MOT type 1 and soft sand as identified in the application documents accompanying the planning application ESS/40/18/BTE namely:
    - (i) Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
    - (i) Email from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan Adopted July 2014.

## ENVIRONMENTAL PROTECTION

### HOURS OF OPERATION

28. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):
- (a) Other than water pumping, servicing, environmental monitoring, maintenance and testing of plant, no operations, including temporary operations as described in Condition 28, shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;  
0700 hours to 1300 hours Saturdays.
  - (b) No servicing, maintenance and testing of plant shall be carried out at the site after 1800 hours or before 0700 hours on any day (or at any time on Sundays, Bank or Public Holidays):
  - (c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1800 hours Monday to Friday and;  
0800 hours to 1300 hours Saturdays
  - (d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

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

29. No waste shall be imported to the site other than provided for under planning permission ESS/36/21/BTE.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan 2014.

#### NOISE LIMITS/MONITORING TEMPORARY

30. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties specified in the approved scheme under Condition 29 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

#### NOISE LIMITS

31. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/98/21/BTE/A entitled "Noise Monitoring Locations":

<i>Noise Levels</i>			
<i>Monitoring Location</i>	<i>Noise Limit (dB LAeq 1 hr)</i>	<i>Activity (Proposed Phase)</i>	<i>Predicted Noise level (dB(A))</i>
<i>Colemans' Cottage</i>	<i>51</i>	<i>5/6 excavations 5/6 backfilling</i>	<i>50 50</i>
<i>Colemans Farm</i>	<i>51</i>		

<i>Appleford Bridge Cottage</i>	<i>49</i>		
<i>Fair Rest (Rose Cottage)</i>	<i>55</i>	<i>4/9A backfilling</i>	<i>51</i>
<i>The Machtyns (air conditioned office building)</i>	<i>70</i>	<i>4/9A backfilling</i>	<i>52</i>
<i>Burghey Brook Cottages</i>	<i>55</i>	<i>5/7 excavations 7 backfilling</i>	<i>54 55</i>

Measurements shall be made no closer than 3.5 metres to the façade of properties or 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 clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

## NOISE MONITORING

32. Within two months of the date of this permission an updated Noise Monitoring Scheme shall be submitted to the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- Reflecting the revised phasing, recycling plant commissioning monitoring, and monthly monitoring when works are at closest approach to sensitive receptors as detailed in b) and c) below
  - Within 2 weeks of commissioning, on-site monitoring should be undertaken to confirm that the noise emissions from the new recycling plant do not exceed the assumed sound power level. Measurements should also be undertaken at this time at all receptors, to ensure that the new plant is not leading to a breach of the noise limit.
  - Monthly monitoring should be carried out at all receptors when mineral excavation or backfill works are within the phases closest to each receptor. This requirement may be relaxed with the written approval of the MPA, once sufficient data has been accumulated to indicate that the noise limits are unlikely to be breached.

For clarity - The noise limits will apply to all site attributable noise (i.e., noise from excavations, haulage and processing under this consent, noise from the stocking operations and recycling facility.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring

that suitable control is in place in respect of noise emissions.

## NOISE ALARMS

33. 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 clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

34. All plant, equipment and machinery shall only operate during the hours permitted under Condition 26. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

## DUST

35. Within two months of the date of this permission a revised Dust Management scheme shall be submitted for the approval of the Mineral Planning Authority. The scheme shall be based on the previously approved dust mitigation scheme set out below and shall also make provision for

- (i) Previous scheme details set out in the scheme dated 21st November 2016 received by the Mineral Planning Authority on 28 June 2016 submitted in accordance with Condition 38 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.
- (ii) Including provision for the recycling activities and amending the previously approved scheme where practices differ.
- (iii) Such other measures needing to be added in as a direct result of the activities approved under this permission.

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



environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

36. The access/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 Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the Little Braxted Lane vehicular access unless they open inwards from the public highway towards the site and shall be set back from the nearside edge of the carriageway to allow an HGV inadvertently entering Little Braxted Lane to utilise the site access for turning as shown on drawing 15057-07.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan 2014.

38. Notwithstanding the provisions of part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

(a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site/quarry complex except the maintenance workshop, messroom, bagging plant building, weighbridge and offices, mineral processing plant and main access route as indicated on drawing WTM/001/F dated 06/11/18.

(b) No mineral waste shall be deposited at the site/quarry complex, except from silt processing for the establishment of reed beds as shown on Drawing No. C/45/PL08/02 without prior planning permission from the Mineral Planning Authority.

Reason: To protect the amenities of the area in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

39. No scrap, mobile or fixed plant, equipment, empty skips or containers shall be retained on site.

Reason: To help minimise the visual impact of the development, in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex

Minerals Local Plan 2014.

40. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference WTM/001/F dated 06/11/18.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

41. 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 Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## SURFACE AND GROUNDWATER

42. The provision for groundwater monitoring shall be in accordance with the scheme submitted in accordance with Condition 32 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 11st September 2017 comprising those details as set out in the

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

Reason: To protect groundwater from pollution and to comply with Policy DM1 of the Minerals Local Plan 2014.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Policies S1, S3, S10, and DM1 of the Essex Minerals Local Plan 2014.

#### HANDLING AND STORAGE OF SOIL AND SOIL FORMING MATERIAL

44. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part) or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part.

Reason: To prevent loss and damage of the soil resource having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

45. 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. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The 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 prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to The Essex Minerals Local Plan (adopted July 2017) Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

46. The provision for soil handling shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 42 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those

details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016; and subsequent documents approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

47. The provision for machine movements for the stripping and replacement of soils shall be in accordance with the details of the scheme submitted in accordance with Condition 43 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

48. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation, except for the purpose of stripping that part or stacking of topsoil in that part, unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 46 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

49. The provision for soil bunds shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 45 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June

2016.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

50. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/01/03D dated May 2018 and used in the restoration scheme as indicated on drawing reference C45/01/05 dated August 2015, unless amended by the scheme approved under Condition 46 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

51. The provision for bund phasing shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 47 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the following:

- (i). Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016

Drawings Numbers:

- (ii) C45/01/09 Soils Bunds location plan – Plant site and Phase 1  
(iii) C45/01/10 Bund location plan whole site

and further submissions approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;  
(ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and  
(iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

52. Topsoil shall be stripped to the full depth 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 reuse.

Subsoil shall be stripped to full depth 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 reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

53. Topsoil shall be stripped to the full depth 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 reuse.

Subsoil shall be stripped to full depth 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 reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To ensure the restored land is agriculturally versatile) and that

agricultural operations are not impeded and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

57. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/01/05a dated August 2015 as may have been amended by the scheme approved under Condition 55 of this permission.

Reason: To ensure proper restoration of the site and compliance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## RESTORATION AND LANDSCAPING

58. The provision for restoration and landscaping shall be in accordance with the details of the scheme submitted in accordance with Condition 33 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

59. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 58 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## AFTERCARE

60. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural/amenity use shall be submitted to and approved in writing by the Mineral Planning Authority prior to the placement of soils on site. The submitted Scheme shall:
- 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.
  - 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 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.

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## CESSATION

61. In the event of a cessation of winning and working of mineral for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Condition 55, (Restoration and Landscaping) 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 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Within 6 months of the cessation of winning and working of mineral the revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies S2, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## For ESS/98/21/BTE

### NOTIFICATION DATES

- 1 The Mineral Planning Authority shall be notified in writing 7 days prior of:
  - (a) the intention to start soil stripping within any area.
  - (b) commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission; 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 Policies S1, S6; S10, S12, DM1 and DM3 of the Essex Minerals Local Plan



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2014 (Adopted July 2014).

## COMMENCEMENT AND DURATION OF PERMISSION

2. The development hereby permitted shall be completed by 19th September 2034 by which time extraction/tipping/operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 55 (restoration and landscaping) and shall be the subject of agricultural aftercare for a period of 5 years in accordance with a scheme approved under Condition 57 (Aftercare) of this planning permission.

For clarity the commencement of development was notified as around 19th September 2016 as set out in the email from Dan Walker dated 7th March 2018 at 10:49.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014).

3. Any building, plant, machinery, foundation, hard standing, access, gate, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the date specified in Condition 2 of this permission, following which the land shall be restored in accordance with the restoration scheme approved under condition 33 of this permission. Both access points (Little Braxted Lane and Braxted Park Road) shall be re-instated for agricultural use only.

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 Policies S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

## APPROVED DETAILS

4. The development hereby permitted shall be carried out in accordance with the details submitted by way of the following. (For clarity those references in italics have been superseded by subsequent decision notices):
- A.
- (i) the 'Planning Application' (ESS/39/14/BTE) dated 18th July 2014 as amended by the
  - (ii) email from David L Walker Limited dated 25th July 2014
  - (iii) cover letter dated 18 July 2014, together with drawing numbers:
  - (iv) *C45/01/01 entitled "Location Plan" dated July 2014;*
  - (v) *C45/01/02A entitled "Existing Situation" dated August 2015;*

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- (vi) C45/01/05a entitled "*Indicative Restoration Concept*" dated August 2015;
  - (vii) C45/01/06 entitled "*dated August 2015*;"
  - (viii) C45/01/08 entitled "Proposed Cycle path West of Little Braxted Lane" dated August 2015;
  - (ix) 15057-02 entitled "Proposed Site Access" dated May 2013;
  - (x) 15057-05 entitled "Access Tracking and Visibility Splays" dated December 2014;
  - (xi) 15057-04 Rev A entitled "Visibility Splays" dated November 2014;
  - (xii) 15057-07 entitled "Arctic Track and Turning Area" dated March 2015;
  - (xiii) 15057-11 entitled "Arctic Turning Area" dated August 2015;
  - (xiv) 15057-12 entitled "Proposed Junction Improvements" dated August 2015; together with the following documentation:
    - a. *Supporting Planning Statement by David L Walker Limited dated July 2014*;
    - b. Non-technical summary by David L Walker Limited dated July 2014;
    - c. Environmental Statement and Appendices 1-9 by David L Walker Limited dated 'Final 12/07/14';
    - d. Water Framework Directive and Hydrogeological Impact Assessment by Hafren Water, Report ref: 1666/HIA-01, Version 2 dated October 2014;
    - e. Addendum to Witham Quarry Hydrological Impact Assessment: Report ref: 1666/HIA-01, Version 2, October 2014 by Hafren Water dated 21st November 2014;
    - f. Geoarchaeological investigation by Martin R Bates dated September 2014;
    - g. Archaeological Investigation by Headland Archaeology dated November 2014;
    - h. Response to Councillor Abbott's comments by Hafren Water dated 22nd December 2014;
    - i. 'Radii of influence (Northern area)' dated November 2013;
    - j. *Essex Field Club Datasearch Report Ref EFC1205 dated 20 Feb 2013*;
    - k. *Ecological Management Plan by David L Walker Limited dated January 2015*;
    - l. *January Bird Survey by Whitcher Wildlife Ltd. dated 21 January 2015*;
    - m. *Ecological Impact Assessment by Whitcher Wildlife Ltd. Ref 140210/EcIA/Final/Rev1 dated 10th February 2015*;
    - n. *Schedule of Habitats: Table 1 ref DW/CEW - C45/1.1/Rev1*;
    - o. *Schedule of Habitats: Table 2 ref DW/CEW – C45/1.1/Rev1*;
    - p. Response to S Baileys comments by Hafren Water dated 15 May 2015;
    - q. Response to Queries dated 14/05/15;
    - r. Letter from Hafren Water to Essex C Flood and Water Management dated 26 May 2015
    - s. *Addendum to EcIA dated 7th June 2015*;
    - t. Email from David L Walker Limited to ECC 9 June 2015 Points 1 and 2;
    - u. Built Heritage Assessment prepared by Phoenix Consulting dated 10 June 2015;
    - v. Letter from David L Walker Limited to ECC dated 25 August 2015;
    - w. Specification for Archaeological Works Phoenix Consulting dated 27 July 2015;
    - x. Letter from David L Walker Limited to ECC dated 25 August 2015;

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/39/14/BTE addressing:

- a) For Condition 6 (Plant Site Layout) – The layout of the plant site shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising the following details:

Drawings:

- i. WTM/001/A Layout and Traffic Management
- ii. WTM/002 Elevations of Weighbridge and Offices
- iii. WTM/003 Elevations of Workshop
- iv. WTM/004 Elevations of Messroom
- v. DUO16-017 Elevations of Main Plant;

The details specified on page 5 of Submission 4 document prepared by David L Walker, received on 26/07/2016.

It is noted that details of the bagging plant are not proposed at this time as it is not anticipated to be implements for another 2-3 years.

It is noted that a further submission will be required in due course.

As amended by the revised scheme following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- (i) The Application form from Brice Aggregates Limited dated 08/09/17,
- (ii) Letter from David L Walker Limited dated 13/09/17,
- (iii) Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

For Condition 18 (Signage) shall be carried out in accordance with the details of the scheme approved on 27th July 2016 comprising those details as set out in:

- ii. Drawing 15057-12 received on 28/06/2016 indicating proposed signage for Little Braxted Lane Exit.
- ii. Drawing C1135-001 received on 19/10/2016 indicating proposed sign at Braxted Road (secondary access).

For Condition 21 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 24 (Highway Improvements) shall be carried out in accordance with the details of the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall.

For Condition 25 (Wheelwash) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in:

- i Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

For Condition 28 (Geoarchaeology) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out:

- i Geo-archaeological Evaluation and Mitigation Written Scheme of Investigation, prepared by Dr. Martin Bates dated January 2016.

For Condition 29 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the:

- i. Application form from Brice Aggregates Ltd dated 22nd July 2016,
- ii. Accompanying report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015).

The geo-archaeological fieldwork carried out to satisfy this condition is sufficient and no further fieldwork will be required. The report has provided an adequate assessment of the potential of the gravels for Palaeolithic artefacts however the report submitted does not contain an adequate or agreed post-excavation assessment of the paleoenvironmental potential of the lake sediments.

The lake deposits present are considered to be of regional if not national significance and have been found in association with Palaeolithic archaeological remains. Their assessment has not been completed to a standard which meets the aims of the fieldwork and will need to be completed to satisfy the condition.

In addition, the report does not provide adequate information on the potential for the development to impact on predicted unmapped lake deposits and provide a suitable mitigation strategy should they be encountered during the extraction process or disturbed through operations relating to the extraction process.

A post-excavation assessment should be submitted which contains:

- i. A proposal for the analysis of paleoenvironmental samples to satisfy the aims of the geoarchaeological fieldwork;

- ii. An impact analysis of the development on the potential extent of the lake deposits and potential lake edge margins; and
- iii. A suitable mitigation strategy should it be demonstrated that these deposits may be impacted upon during the course of mineral extraction."

For Condition 30 (Archaeological Mitigation) shall be carried out in accordance with the details of the scheme approved on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.

For Condition 32 (Groundwater Monitoring) – Monitoring of groundwater shall be carried out in accordance with the details of the scheme approved on 1st September 2017 comprising those details as set out in:

- i. The letter from Hafren Water dated 9th August 2016; as amended by
- ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
- iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

*For Condition 33 (Landscape and Restoration) – Landscaping and Restoration shall be carried out in accordance with the details of the scheme approved on 3rd November 2016 comprising those details as set out in the Landscape Restoration Plan- Rev A, including Appendix 1 and 2, prepared by SES, dated June 2016 with issue date 12/08/16.*

For Condition 35 (Arboricultural Survey) – The Arboricultural survey shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), and dated May 2016.

For Condition 38 (Dust Mitigation) – Dust Mitigation shall be carried out in accordance with the details of the scheme approved on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.

For Condition 40 (Soil Stripping) – Soil Stripping shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the 'Protected Species Walkover' report, prepared by Southern Ecological Solutions, dated 12/08/2016.

- i. The report covers the area indicated in Appendix 1, pre-extraction phase.
- ii. A further report will be required if development at this location does not take place before 31 March 2017.
- iii. A report will also be required before commencement of work on Phase 1.

*For Condition 41 (Construction Environmental Management Plan) shall be carried out in accordance with the details of the scheme approved on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016.*

*This document shall be read in conjunction with the following:*

- i. *Landscape and Habitat Management Plan, approved under Condition 33.*
- ii. *Arboricultural Method Statement, approved under Condition 35.*
- iii. *Biodiversity Enhancement Plan, agreed under clause 1.1 of Schedule 1 of the s.106 legal agreement dated 21/06/2016.*

*The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development approved under Planning Ref. ESS/39/14/BTE.*

*For the avoidance of doubt, the lake outlines shall be as shown on drawing no 418/01B rather than C45/01/05a.*

For Condition 42 (Soil Movement) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016.

As amended by those details approved on 24th September 2018 comprising:

- (ii) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

For Condition 43 (Machine Movements) shall be carried out in accordance with the details of the scheme approved on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

For Condition 45 (Soil Bunds) shall be carried out in accordance with the details of the scheme approved on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

For Condition 47 (Phased Plan for soil types, bunds etc.) shall be carried out in accordance with the details of the scheme approved on 22nd September 2016 comprising those details as set out in the following details:

- i. Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016
- ii. Drawings Numbers:
- iii. C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- iv. C45/01/10 Bund location plan whole site

As amended by those details approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

As amended by the Non Material Amendments under ESS/39/14/BTE comprising:

1. For Condition 14 (Importation Restriction) to accommodate Importation of stockpiled mineral to be carried out in accordance with the details of the scheme approved on 18th October 2017 comprising:
  - b) The Application form from Brice Aggregates Limited dated 18/09/17,
  - vii) Letter from David L Walker Limited dated 18/09/1,
  - viii) Drwg No: C45/02/02 entitled "Site Plan" dated 06/17.
2. For Condition 2 (Approved Details) to accommodate amendments to site compound layout to be carried out in

accordance with the details of the scheme approved on 31st October 2017 comprising:

- i. The Application form from Brice Aggregates Limited dated 08/09/17,
- ii. Letter from David L Walker Limited dated 13/09/17,
- iv. Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13/10/17,

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.

3. To accommodate amendments to the site access layout to be carried out in accordance with the details of the scheme approved on 16th January 2018 comprising:

- i. The Application form from Brice Aggregates Limited dated 09/11/17,
- ii. Letter from David L Walker Limited dated 09/11/17,
- iii. Drwg No: C45/C6/02 entitled "Site Access Facilities – Little Braxted Lane" dated 11/17,
- iv. Drwg No: C45/C6/03 entitled "Site Access Facilities – Braxted Road" dated 11/17,
- v. Two A4 drawings of the gated access arrangement layout entitled "Coleman's Farm Gated Access Off Little Braxted Lane – Proposed Elevation"
- vi. "Coleman's Farm Gated Access Off Braxted Road – Proposed Elevation"
- vii. Technical specifications for "HIKVISION" DS-2CD4A26FWD-1Z (H) (S) 2MP Low Light Smart Camera.

subject to:

- (i) These amendments being temporary arrangements in line with the removal and restoration requirements of Condition 5 of the principle permission ESS/39/14/BTE.
- (ii) Removal off site of the solar panel structure and fenced enclosure which is situated behind the hedge line near the weighbridge within 1 month of the date of this decision letter.

B. As amended by planning application ESS/10/18/BTE comprising:

- (i) Letter from David L Walker Limited dated 4th May 2018.
- (ii) Planning Application form from Mr Oliver Brice dated 4th May 2018.
- (iii) Supporting Statement entitled "Planning Application to Vary Approved Documents Approved under Conditions 2, 6 and 47 of Planning Consent ESS/39/14/BTE to enable the re-phasing of



the working and restoration of the site, changes in soils bunds configuration and to provide car parking for visitors in the ancillary plant site area. Environmental and Supporting Statement" dated June 2018.

- (iv) *Drwg No: C45/01/03D entitled "Proposed Working Plan" dated April 2018.*
- (v) *Drwg No: WTM/001/E entitled "Plant Site Layout Plan" dated 27/04/18.*

For Condition 17 (Archaeological Fieldwork) shall be carried out in accordance with the details of the scheme approved on 14th June 2019 comprising those details as set out in the following details:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and accompanying scheme as detailed in the:
- (ii) Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

As amended by Planning application ESS/40/18/BTE comprising:

- i. Letter from David L Walker dated 4th December 2018.
- ii. Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii. Email from Dan Walker to Terry Burns dated 25th January 2019 at 15:51hrs.
- iv. Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.
- vii. Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.
- viii. 2 Emails from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs and 13:47hrs.
- vii. Email from Dan Walker to Terry Burns dated 17th May 2019 at 09:53hrs.

C. As amended by Planning application ESS/51/21/BTE and accompanying:

- A) David L Walker Ltd covering letter dated 20<sup>th</sup> April 2021.
- B) Application form from Brice Aggregates Limited dated 20<sup>th</sup> April 2021.
- C) Brice Aggregates statement entitled "Colemans Farm Quarry Witham, Essex Planning Application For Proposed Western Extension To The Current Site Using Existing Approved Facilities (Site Access, Plant Site, Mineral Processing Plant And Other Ancillary Facilities); Including For The Diversion Of The Burghey Brook; With Restoration To Arable Land Using Imported Inert Restoration Materials, And On-Site Materials In Advance Of

The A12 Road Widening And Improvement National Infrastructure Project. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited March 2021".

- D) Drwg No: C45/08/01 entitled "Application to Vary – Location Plan" dated 04/21.
- E) Drwg No: C45/08/02 entitled "PA to Vary - Site Plan" dated 04/21.
- F) Drwg No: C45/09/07 entitled "Site Cross Sections" dated February 2021.
- G) *Vibro report entitled "Air Quality Traffic Assessment for the Proposed Western Extension at Colemans Farm Quarry, Witham, Essex BRICE AGGREGATES LIMITED R22.11199/6/JM Date of Report: 22 July 2022".*
- H) *4 pages of "JM Response/Comment" against Jacobs Road transport emission review.*

As amended by Planning Application: ESS/98/21/BTE and accompanying:

- a) Email from Dan Walker to Terry Burns dated 9th November 2021 at 13:44 and accompanying
- b) Application form from Brice Aggregates Limited dated 9th November 2021.
- c) Drwg No: C45/08/01 entitled "Application to Vary – Location Plan" dated 04/21.
- d) Drwg No: C45/08/02 entitled "PA to vary – Site Plan" dated 04/21.
- e) Drwg No: C45/08/06 entitled "Site Cross Sections" dated July 2021.
- f) Drwg No: C45/08/04 entitled "Detailed Phasing Plans for Phases 4, 8 and 9" dated July 2021.

- 1) E- mail from Dan Walker to Terry Burns dated 27<sup>th</sup> June 2022 at 15:15 and accompanying:

- Drwg No: C45/09/03G entitled "Proposed Working Plan" dated June 2022.
- Drwg No: C45/08/05C entitled "Revised Restoration Plan" dated June 2022.

- 2) E mail from Dan Walker to Terry Burns dated 16/11/22 at 11:38 and accompanying:

- b) DUSTSCAN AQ report entitled "Air Quality Assessment" dated November 2022. Report ref: ZVCF\_AQA date of issue 16/11/2022.

- 3) E-mail from Dan Walker to Terry Burns dated 21<sup>st</sup> November 2022 at 09:21 and accompanying:

a) Brice Aggregates Ltd supporting statement entitled "Colemans Farm Quarry Witham, Essex Planning Application For The Variation Of Conditions 4, 11, And 55 Of Planning Consent ESS/40/18/BTE And Approved Ecological Management Plan Under The Attendant Section 106 Agreement To Enable The Continued Importation Of Inert Materials To Facilitate Restoration; The Re-Phasing Of The Working And Restoration Of The Consented Site To Enable Accelerated Progression Of Site Restoration To Return The Land To Formation Level; Changes To The Approved Restoration Concepts And Management Plans; And The Establishment And Operations Of An Inert Materials Recycling Facility, In Advance Of The A12 Road Widening And Improvement National Infrastructure Project On Land At Colemans Farm Quarry. Supporting Statement (Including A Planning Statement) Prepared By: David L Walker Limited November 2021 REV B Update as at November 2022."

4. E mail from Dan Walker to Terry Burns dated 30<sup>th</sup> November 2022 at 10:11 and accompanying:

a) Drwg No: 418/01/E entitled "Detailed Landscape Proposals" dated November 2022.

5. E mail from Dan Walker to Terry Burns dated 2<sup>nd</sup> December 2022 at 15:57 and accompanying:

a) David Jarvis Associates "Landscape Restoration Scheme" dated 30<sup>th</sup> November 2022.

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 minimum harm to the environment and having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1, S1 and S10.

#### AVAILABILITY OF PLANS

5. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### WORKS

6. The highway improvement works as provided for under Condition 21 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

7. The highway improvement works as provided for under Condition 23 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety and to comply with Policies S1, S3,

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S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

8. The highway improvement works as provided for under Condition 24 of planning permission ESS/39/14/BTE and subsequently amended through the scheme set out in the Section 278 Highways Act 1980 Legal Agreement sealed on 17th February 2017 in connection with the land at Coleman's Farm, Little Braxted Lane, Rivenhall shall be maintained for the duration of the planning permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ARBORICULTURAL SURVEY

9. The Arboricultural survey of the site shall be in accordance with the details submitted in accordance with Condition 35 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the Arboricultural Method Statement, prepared by SES (Ref. AMS rev B – 6 May 2016), dated May 2016.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ECOLOGICAL REQUIREMENTS

10. Prior to the commencement of soil stripping in any phase as shown on drawing C45/01/03G dated June 2022, further supplementary ecological surveys of the areas to be worked shall be submitted to the Mineral Planning Authority for its approval in writing. The supplementary surveys shall be of an appropriate type for the habitats and/or species identified and survey methods shall follow national good practice guidelines. The development shall be implemented in accordance with the approved surveys.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development and over the lifetime of the approved development, in the interests of biodiversity and in accordance with Policies S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

11. Within 2 months of the date of this permission a revised Construction Environmental Management Plan (CEMP: Biodiversity) for the site shall be submitted for the approval of the Mineral Planning Authority based on that previously approved under Condition 41 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th July 2016 comprising those details as set out in the "Construction Environment Management Plan (Biodiversity)" prepared by Southern Ecological Solutions, dated April 2016. The revised CEMP shall also have regard to the background information based on the western extension land

parcel as provided for under ESS/36/21/BTE and its revised Construction Environmental Management Plan (CEMP: Biodiversity) based on Construction Environment Management Plan (Biodiversity) (SES, 10<sup>th</sup> February 2021) Appendix 14 of Environmental Statement.

The CEMP (Biodiversity) shall include the following.

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of “biodiversity protection zones”.
- iii. 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).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features.
- v. The times during construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii. Use of protective fences, exclusion barriers and warning signs.
- ix. Containment, control and removal of any Invasive non-native species present on site

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the operational life of the site.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Policies S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

## ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared in support of the planning application ESS/36/21/BTE with the SES report entitled “Preliminary Ecological Appraisal Prepared in support of Planning Application for Western Extension at Colemans Farm Quarry Witham, Essex On Behalf of Brice Aggregates Ltd. April 2022” Revision A date of Issue 11 April 2022 together with such ecological supporting documentation made in support of planning applications ESS/36/21/BTE; ESS/51/21/BTE and ESS/98/21/BTE. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

#### BIODIVERSITY ENHANCEMENT PLAN (BEP)

13. Within 10 months of the date of this permission a revised Biodiversity Enhancement Plan to update the Biodiversity Enhancement Plan Land at Colemans Farm Quarry (Southern Ecological Solutions, October 2021) shall be submitted for the approval of the Mineral Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the life of the permission.

The BEP should make a clear and auditable distinction between mitigation, compensation and enhancement measures.

The BEP should allow for periodic review to reflect the cycle of Ecological Monitoring Reports

The content of the BEP shall include the following:

- i. Aims and objectives of the restoration scheme;
- ii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, an appraisal of the site's existing ecological value prior to extraction, and description of any necessary mitigation measures that will be incorporated into the restoration scheme to address unavoidable significant impacts to biodiversity features (such as to legally protected species) arising from the construction or operation of the quarry;
- iii. Consistent with the requirements of the Essex Biodiversity Validation Checklist, a Biodiversity Offsetting Metric Calculation that expresses habitat losses and gains in Biodiversity Units;
- iv. A description of the Priority Habitats (and associated Priority Species) targeted for enhancement and appropriate to the site with reference to conservation priorities set-out in local spatial plans such as Nature Improvement Areas or Living Landscapes;
- v. A description of the specific techniques and practices for establishing each Priority Habitat;
- vi. A description of the sources and provenance of seeds or other plant material to be used;
- vii. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat creation works.
- viii. A description of the specific management techniques and practices for maintaining each Priority Habitat;
- ix. Plans and tables that clearly show the extent, timing and location of proposed Priority Habitat management operations;
- x. A description of the personnel or management body responsible

- for carrying out the establishment and maintenance (Inc. monitoring) of the Priority Habitats during the lifetime of the BEP;
- xi. A full breakdown of costs for implementing the BEP; and
  - xii. A monitoring framework that clearly describes the proposed approach to ecological monitoring during the lifetime of the BEP, and allows for the plan to be amended, where necessary, in light of the findings of Ecological Monitoring Reports (Para 9.2) (The monitoring framework may need to include any features identified at ii. E.g., requiring long-term mitigation or compensation measures)

Reason: To allow the Mineral 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 Section of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

#### PLANT SITE LAYOUT

14. The layout of the plant site shall be in accordance with the details set out in the following details submitted in accordance with Condition 6 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising amendments to site compound layout:

- i The Application form from Brice Aggregates Limited dated 08/09/17,
- ii Letter from David L Walker Limited dated 13/09/17,
- iii Drwg No: WTM/001/D entitled "Plant Site Layout Plan" dated 13th October 2107.

As amended by:

- i Letter from David L Walker dated 4th December 2018.
- ii Planning Application form from Brice Aggregate Limited dated 4th December 2018.
- iii Drwg No: WTM/001/F entitled "Plant Site Layout Plan" dated 6th November 2018.

subject to these amendments being temporary arrangements in line with the removal and restoration requirements of Condition 2.

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 minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014.

#### HGV MOVEMENTS

15. The total number of daily heavy goods (HGV) vehicle movements associated with the development hereby permitted shall not exceed the following limits:

Operation	Maximum Number of Loads	Maximum number of Movements
Graded Aggregate	51	102
Ancillary Minerals Importation	4	8
Ready Mix Concrete inclusive of cement and additive delivery	20	40
Recycling inclusive of Restoration Material delivery	90 (60 Following the completion of infilling within Phases 5 – 8)	180 (120 Following the completion of infilling within Phases 5 – 8)
Total	165 (135 Following the completion of infilling within Phases 5 – 8)	330 (270 Following the completion of infilling within Phases 5 – 8)

- a. 330 movements (165 in/165 out) (of which no more than no more than 58 movements – 29 in/29 out – shall be through the secondary access on Braxted Road) per working day.

No HGV movements shall take place outside the hours of operation authorised in Condition 26 of this permission.

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### HGV MOVEMENT RECORDING

16. A written record shall be maintained at the site office of:

- (i) all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall state which access point used;
- (ii) the nature and quantity of imported material/minerals;

Such records shall be made available for inspection by the Mineral Planning Authority on demand at any time.



Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policies S1, S2, S6, S7, S10, S12 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

17. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 50mm in diameter.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

18. No unbound material shall be used in the surface finish of the site access roads at Little Braxted Lane and Braxted Road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

19. No materials/minerals shall be imported into the site through the secondary access on Braxted Road.

Reason: For the avoidance of doubt; in the interests of highway safety, safeguarding local amenity and imposing a restriction on use of the secondary access to minimise environmental disturbance was a determining factor in the acceptability of the application and to comply with Policies S1, S11, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### WHEELWASH PROVISION

20. The provision of the wheelwash shall be in accordance with the details submitted in accordance with Condition 25 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2017. The details comprising the Submission 2 Document, by David Walker Ltd, dated June 2016 and received on 19/09/2016.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### ARCHAEOLOGICAL FIELDWORK

21. The archaeological fieldwork within the phases of mineral extraction based on the report titled "Palaeolithic evaluation and sampling of the Hoxian lake sediments" by Martin R. Bates, dated December 2015) received on 28/06/2016 shall be in accordance with the details submitted in accordance with Condition 10 of planning permission ESS/10/18/BTE dated 11th January

2019 and approved by the Mineral Planning Authority on 14th June 2019. The details comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 16th April 2019 and
- (ii) Accompanying schemes for Condition 17 as detailed in the Martin Bates report entitled "A report on the paleoenvironmental Investigation of two sequences from Colemans Farm, Rivenhall, Essex" dated March 2019.

Reason: To enable the continued monitoring of any identified areas of high Palaeolithic potential through the mineral extraction process and disseminate findings and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

22. a) The provision for archaeological mitigation shall be in accordance with the details of the scheme submitted in accordance with Condition 30 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 14th July 2016 comprising those details as set out in the "Specification for Archaeological Work", prepared by Phoenix Consulting, dated 12th December 2015.
- b) The archaeological mitigation/investigation work measures shall be extended to those areas of the site such as remaining topsoils within unquarried areas.

Reason: to enable full recording and understanding of areas of known archaeological remains and to ensure identification and recording of areas of unknown potential for archaeological remains and to determine the nature, significance and extent of archaeological deposits and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

23. Within 6 months of the completion of the archaeological fieldwork in each phase (or such other timescale as has been previously approved in writing by the Mineral Planning Authority), as approved under condition 19, a post-excavation assessment shall be submitted to the Mineral Planning Authority for its approval in writing. The approved post-excavation assessment shall be followed by analysis, leading to full site archive and publication report.

Reason: To disseminate the results of the archaeological investigations and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### DEPTH OF WORKING/STANDOFFS

24. No extraction shall take place below 6 metres Ordnance datum.

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

with the minimum harm to the local environment and to comply with Policies S1, S3, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

25. No excavation shall take place closer than 5 metres from the limit of the planning permission boundary line as shown on drawing C45/01/03G dated June 2022.

Reason: To ensure the development is contained within its permitted boundaries, to avoid effects on the surrounding land and to comply with Policies S1, S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### MINERAL OUTPUT

26. The output of mineral/material leaving the site shall not exceed a level of 225,000 tonnes per annum. From the date of this permission the operators shall maintain records of their monthly output for the lifetime of operations on site and shall make them available to the Mineral Planning Authority upon request.

Reason: To prevent inappropriate use of the mineral resource, to allow the Mineral Local Planning Authority to monitor progression and activity at the site and to comply with Policies S1, S2, S6, S7, S10, S12, DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### MINERAL HANDLING

27. No materials/minerals shall be imported to the site other than:
- a) from the mineral arising from working the western extension parcel under planning permission ESS/36/21/BTE;
  - b) the 25,000 tonnes per annum of construction type material, comprising MOT type 1 and soft sand as identified in the application documents accompanying the planning application ESS/40/18/BTE namely:

(i) Environmental Statement and Supporting Statement entitled "Planning Application to Vary Conditions 4, 11, 12, 23, 24 and 25 of Planning Consent ESS/19/18/BTE to enable an increase in annual throughput and the importation of construction materials as a depot and/or blend with on site materials" dated December 2018 Rev A.

(i) Email from Dan Walker to Terry Burns 14th May 2019 at 13:36hrs.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Policies S1, S2, S5, S10, DM1, DM3 and DM4 of the Essex Minerals Local Plan Adopted July 2014.

#### ENVIRONMENTAL PROTECTION

#### HOURS OF OPERATION

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

(a) Other than water pumping, servicing, environmental monitoring, maintenance and testing of plant, no operations, including temporary operations as described in Condition 28, shall be carried out outside of the following times:

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

(b) No servicing, maintenance and testing of plant shall be carried out at the site after 1800 hours or before 0700 hours on any day (or at any time on Sundays, Bank or Public Holidays):

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

0800 hours to 1800 hours Monday to Friday and;  
0800 hours to 1300 hours Saturdays

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

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

#### NOISE LIMITS/MONITORING TEMPORARY

29. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties specified in the approved scheme under Condition 29 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

#### NOISE LIMITS

30. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/98/21/BTE/A entitled "Noise Monitoring Locations":

<i>Noise Levels</i>			
<i>Monitoring Location</i>	<i>Noise Limit (dB LAeq 1 hr)</i>	<i>Activity (Proposed Phase)</i>	<i>Predicted Noise level (dB(A))</i>
<i>Colemans' Cottage</i>	<i>51</i>	<i>5/6 excavations 5/6 backfilling</i>	<i>50 50</i>
<i>Colemans Farm</i>	<i>51</i>		
<i>Appleford Bridge Cottage</i>	<i>49</i>		
<i>Fair Rest (Rose Cottage)</i>	<i>55</i>	<i>4/9A backfilling</i>	<i>51</i>
<i>The Machtyns (air conditioned office building)</i>	<i>70</i>	<i>4/9A backfilling</i>	<i>52</i>
<i>Burghey Brook Cottages</i>	<i>55</i>	<i>5/7 excavations 7 backfilling</i>	<i>54 55</i>

Measurements shall be made no closer than 3.5 metres to the façade of properties or 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 clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

## NOISE MONITORING

31. Within two months of the date of this permission an updated Noise Monitoring Scheme shall be submitted to the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- i) Reflecting the revised phasing, recycling plant commissioning monitoring, and monthly monitoring when works are at closest approach to sensitive receptors as detailed in b) and c) below
  - ii) Within 2 weeks of commissioning, on-site monitoring should be undertaken to confirm that the noise emissions from the new recycling plant do not exceed the assumed sound power level.

- Measurements should also be undertaken at this time at all receptors, to ensure that the new plant is not leading to a breach of the noise limit.
- iii) Monthly monitoring should be carried out at all receptors when mineral excavation or backfill works are within the phases closest to each receptor. This requirement may be relaxed with the written approval of the MPA, once sufficient data has been accumulated to indicate that the noise limits are unlikely to be breached.

For clarity - The noise limits will apply to all site attributable noise (i.e., noise from excavations, haulage and processing under this consent, noise from the stocking operations and recycling facility.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

## NOISE ALARMS

32. 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 clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

33. All plant, equipment and machinery shall only operate during the hours permitted under Condition 26. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S6 and the National Planning Policy Framework and the accompanying National Planning Practice Guidance Notes on Noise for ensuring that suitable control is in place in respect of noise emissions.

## DUST

34. Within two months of the date of this permission a revised Dust Management scheme shall be submitted for the approval of the Mineral Planning Authority. The scheme shall be based on the previously approved dust mitigation scheme set out

below and shall also make provision for

- (i) Previous scheme details set out in the scheme dated 21st November 2016 received by the Mineral Planning Authority on 28 June 2016 submitted in accordance with Condition 38 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 18th July 2016 comprising those details as set out in the Dust Suppression Measures outlined on Pages 9 – 13 inclusive of the Brice Aggregates Coleman's Farm Quarry 'Submission 2' document prepared by David L Walker Limited, dated June 2016.
- (ii) Including provision for the recycling activities and amending the previously approved scheme where practices differ.
- (iii) Such other measures needing to be added in as a direct result of the activities approved under this permission.
- (iv) Measures for enhanced dust management for internal site hedgerows and vegetation

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

35. The access/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 Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS

36. 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 Little Braxted Lane vehicular access unless they open inwards from the public highway towards the site and shall be set back from the nearside edge of the carriageway to allow an HGV inadvertently entering Little Braxted Lane to utilise the site access for turning as shown on drawing 15057-07.

Reason: In the interests of highway safety and to comply with Policies S1, S11 and DM1 of the Essex Minerals Local Plan 2014.

37. Notwithstanding the provisions of part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

- (a) No fixed plant or machinery, buildings, structures and erections, or

private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site/quarry complex except the maintenance workshop, messroom, bagging plant building, weighbridge and offices, mineral processing plant and main access route as indicated on drawing WTM/001/F dated 06/11/18.

(b) No mineral waste shall be deposited at the site/quarry complex, except from silt processing for the establishment of reed beds as shown on Drawing No. C/45/01/5A without prior planning permission from the Mineral Planning Authority.

Reason: To protect the amenities of the area in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### STORAGE ASPECTS

38. No scrap, mobile or fixed plant, equipment, empty skips or containers shall be retained on site.

Reason: To help minimise the visual impact of the development, in the interest of amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

39. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference WTM/001/F dated 06/11/18.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### LIGHTING

40. 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 Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.



## SURFACE AND GROUNDWATER

41. The provision for groundwater monitoring shall be in accordance with the scheme submitted in accordance with Condition 32 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 11st September 2017 comprising those details as set out in the
- i. The letter from Hafren Water dated 9th August 2016; as amended by
  - ii. The E-mail from Dan Walker dated 13th March 2017 time 08:53 and
  - iii. The E-mail from Dan Walker dated 4th July 2017 time 12.50.

Subject to:

- (i) Once a trigger level is set then the frequency for monitoring of the south western borehole being at a minimum frequency of monthly during the life of the development.

Reason: To protect groundwater from pollution and to comply with Policy DM1 of the Minerals Local Plan 2014.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Policies S1, S3, S10, and DM1 of the Essex Minerals Local Plan 2014.

## HANDLING AND STORAGE OF SOIL AND SOIL FORMING MATERIAL

43. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part) or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part.

Reason: To prevent loss and damage of the soil resource having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

44. 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. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The 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 prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to The Essex Minerals Local Plan (adopted July 2017) Policies DM1 and S10 and S12 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

45. The provision for soil handling shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 42 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the Pre-development and Phase 1 soil movement scheme as set out on pages 6-8 of Submission 4 document, prepared by David L Walker Limited, dated July 2016; and subsequent documents approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

46. The provision for machine movements for the stripping and replacement of soils shall be in accordance with the details of the scheme submitted in accordance

with Condition 43 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 20th September 2016 comprising those details as set out in the Scheme of machine movements for soil stripping at Pre-extraction and Phase 1 as per Submission 4 document prepared by David L Walker Ltd, dated July 2016.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

47. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation, except for the purpose of stripping that part or stacking of topsoil in that part, unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 46 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies S1, S4, S10 and DM1 of the Essex Minerals Local Plan 2014.

48. The provision for soil bunds shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 45 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 31st October 2016 comprising those details as set out in the Bund Details and Maintenance as outlined on page 14 and 15 of Submission 2 Document, prepared by David L Walker Ltd, dated June 2016.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Policies S1, S4, S10, DM1 of the Essex Minerals Local Plan 2014.

49. All topsoil, subsoil and soil making material shall be retained on the site as shown on drawing C45/01/03G dated June 2022 and used in the restoration scheme as indicated on drawing reference C45/01/05 dated June 2014, unless amended by the scheme approved under Condition 46 of this permission.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

50. The provision for bund phasing shall be in accordance with the details of the scheme set out in the following details submitted in accordance with Condition 47 of planning permission ESS/39/14/BTE dated 21st June 2016 and approved by the Mineral Planning Authority on 22nd September 2016 comprising those details as set out in the following:

- (i) Page 10 of Submission 4 document, prepared by David L Walker Ltd, dated July 2016

## Drawings Numbers:

- (ii) C45/01/09 Soils Bunds location plan – Plant site and Phase 1
- (iii) C45/01/10 Bund location plan whole site

and further submissions approved on 24th September 2018 comprising:

- (i) Planning Application Form from Brice Aggregates Limited dated 28th June 2018;
- (ii) Email from Dan Walker to Terry Burns dated 3rd September 2018 at 11:14; and
- (iii) Accompanying schemes for Condition 42, 43 and 47 as detailed in the document titled 'Coleman's Farm Submission to Discharge Conditions of Planning Consent ESS/39/14/BTE', dated June 2018.

And subject to the development being implemented in accordance with the above approved details.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

51. Topsoil shall be stripped to the full depth 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 reuse.

Subsoil shall be stripped to full depth 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 reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Policies S1, S4, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

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

Reason: To ensure the restored land is agriculturally versatile) and that agricultural operations are not impeded and to comply with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

55. Final landform and surface restoration levels shall accord with the landform shown on drawing reference C45/01/05C dated June 2022 as may have been amended by the scheme approved under Condition 56 of this permission.

Reason: To ensure proper restoration of the site and compliance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### RESTORATION AND LANDSCAPING

56. The provision for restoration and landscaping shall be in accordance with the details of the scheme submitted in accordance with the David Jarvis Associates "Landscape Restoration Scheme" dated 30<sup>th</sup> November 2022.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

57. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 56 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

#### REVISED RESTORATION PLAN IF A12 ROAD SCHEME DOES NOT PROGRESS

58. Within 2 years of the date of this permission and the A12 Road Realignment Scheme not going ahead a revised restoration and landscaping plan based on Drwg No: 418/01E entitled "Details Landscape Proposals" dated

November 2022 shall be submitted to the Mineral Planning Authority. The scheme shall make provision for:

- a) Additional planting up of the Boundary with the A12 carriageway.
- b) Programme of implementation.
- c) Programme of management.

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, to enhance the public right of way network and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan 2014

## AFTERCARE

59. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural/amenity use shall be submitted to and approved in writing by the Mineral Planning Authority prior to the placement of soils on site. The submitted Scheme shall:
- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
  - b. Provide for a detailed annual programme, in accordance with paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
  - c. 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.

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

Reason: To ensure the satisfactory restoration of the site for agriculture/amenity and in accordance with Policies S1, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

## CESSATION

60. In the event of a cessation of winning and working of mineral for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Condition 55,(Restoration and Landscaping) 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 (as amended), a revised scheme of

restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Within 6 months of the cessation of winning and working of mineral the revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies S2, S10, S12 and DM1 of the Essex Minerals Local Plan 2014.

**5. Report on the Programme of Periodic Review of Mineral Planning Permissions**

The Committee considered report DR/02/23, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

**6. Enforcement of Planning Control Update**

The Committee considered report DR/03/23, by the Chief Planning Officer concerning an update on the enforcement of planning control.

The Committee NOTED the report.

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

The Committee considered report DR/04/23; applications, enforcement and appeals statistics, as at the end of December 2022.

The Committee NOTED the report.

**8. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 24 February 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:21am.