



Essex County Council

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 26 May 2023</b>	<b>Committee Room 1 County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Emma Hunter, Democratic Services Officer

**Telephone:** 033301 36601

**Email:** [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk)

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		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>6 - 6</b>
<b>2</b>	<b>Appointment of Vice-Chairman</b> To appoint a Vice-Chairman of the Committee	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 28 April 2023.	<b>7 - 23</b>

- 4 Identification of Items Involving Public Speaking**  
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting.
- 5 Minerals and Waste**
- 5.1 Ugley Landfill Site, Cambridge Road 24 - 73**  
To consider report DR/13/23 relating to the importation of soils to allow for the re-capping and reprofiling of restored landfill and installation of a ground-mounted solar array.  
**Location:** Ugley Landfill Site, Cambridge Road, CM22 6HT  
**Ref:** ESS/66/22/UTT
- 5.2 Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden 74 - 96**  
To consider report DR/14/23 relating to the continuation of the importation of inert material, installation and use of recycling plant and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve (application ref: ESS/42/18/UTT) without compliance with condition 6 (HGV movements) to allow an increase in the permitted number of daily HGV movements.  
**Location:** Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex  
**Ref:** ESS/111/22/UTT
- 5.3 Oyster Haven Business Park, Haven Road, Colchester 97 - 112**  
To consider report DR/15/23 relating to the change of use of existing commercial building and yard to a waste transfer station and construction of retaining bays.  
**Location:** Oyster Haven Business Park, Haven Road, Colchester, Essex, CO2 8HT  
**Ref:** ESS/26/23/COL
- 6 County Council Development**

- 6.1 Land North of Dry Street, Nethermayne, Basildon** **113 - 139**  
 To consider report DR/16/23 relating to the erection of a new primary school and integrated nursery, together with associated playing fields, hard and soft play areas and landscaping, parking, roof mounted PV and site infrastructure.
- Location:** Land North of Dry Street, Nethermayne, Basildon, Essex
- Ref:** CC/BAS/11/23
- 7 Information Items**
- 7.1 Land at Boro Farm, Newmarket Road and Land to the South Side of Mill Lane, Ickleton, Saffron Walden** **140 - 142**  
 To consider report DR/17/23 relating to unauthorised minerals and waste development.
- Location:** Land at Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden, CB10 1FN and Land to the South Side of Mill Lane, Ickleton, Saffron Walden
- Ref:** ENF/1172
- 7.2 Applications, Enforcement and Appeals Statistics** **143 - 144**  
 To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.
- Report DR/17/23
- 8 Date of Next Meeting**  
 To note that the next meeting will be held on Friday 23 June 2023, in Committee Room 1, County Hall.
- 9 Urgent Business**  
 To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

### **Exempt Items**

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

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the

press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

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

**10 Urgent Exempt Business**

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

**Committee:** Development and Regulation Committee

**Enquiries to:** Emma Hunter, Democratic Services Officer

**Membership, Apologies, Substitutions and Declarations of Interest**

The Political groups have reviewed and updated their nominations for various committees including the Development and Regulation Committee. The following changes have been approved a Full Council on 16 May 2023.

1. Councillors Jane Fleming and Richard Moore will no longer serve on the Committee;
2. Councillors Luke Mackenzie and Mike Steel will be appointed in their place.

**DEVELOPMENT AND REGULATION COMMITTEE (12)**  
(8 Con: 1 Lab: 1 LD: 2 NAG)

Councillor B Aspinell  
Councillor L Bowers-Flint  
Councillor M Garnett  
Councillor C Guglielmi  
Councillor M Hardware  
Councillor D Harris  
Councillor J Jowers  
Councillor L Mackenzie  
Councillor M Stephenson  
Councillor M Steel  
Councillor M Steptoe  
Councillor P Thorogood

**Recommendations:**

To note

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

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 28 April 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr C Pond
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr B Aspinell
Cllr D Harris	Cllr M Hardware (departed at item 6.1)

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

Apologies were received from Cllr Mark Stephenson, for whom Cllr Chris Pond substituted, and from Cllr Paul Thorogood and Cllr Lynette Bowers-Flint.

Cllr John Jowers declared an interest in item 4.1 of the agenda (Minute 2) concerning Fairfields Farm, Fordham Road, Wormingford as he had been the Cabinet Member for Minerals and Waste when the site was initially proposed. Cllr Jowers considered that as he had a previous involvement with the site, he would withdraw from the debate and not vote on the item.

Cllr Carlo Guglielmi declared an interest in item 5.2 of the agenda (Minute 8) concerning Great Bentley Primary School, Plough Road, Great Bentley as the site was in Tendring and Cllr Guglielmi was the Deputy Leader of Tendring District Council. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Cllr Barry Aspinell declared an interest in item 5.2 of the agenda (Minute 8) concerning Great Bentley Primary School, Plough Road, Great Bentley as he had previously Chaired Essex Sport, which was affiliated to Sport England, who had objected to the application. Cllr Aspinell considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

### 2. Minutes

The minutes of the meeting held on 27 January 2023 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) Asheldham Quarry, Asheldham, Essex  
To consider report DR/05/23 relating to a retrospective application for the installation of a mixed construction and demolition soils wash plant with associated infrastructure including relevant recycling activities such as screener, crusher, concrete bays and stockpiles.

**Location:** Asheldham Quarry, Asheldham, Essex

**Ref:** ESS/125/22/MAL

Public speakers:

- The agent on behalf of the applicant: Mr Andrew Clarke – speaking for
- 2) Land off Remembrance Avenue, Beaulieu, Chelmsford  
To consider report DR/06/23 relating to the erection of a new two form entry primary school with associated playing fields, hard play areas, parking and landscaping.

**Location:** Land off Remembrance Avenue, Beaulieu, Chelmsford, Essex

**Ref:** CC/CHL/127/22

Public speakers:

- The agent on behalf of the applicant: Mr Michael Ward – speaking for
- 3) Great Bentley Primary School, Plough Road, Great Bentley  
To consider report DR/07/23 relating to the extension of existing Primary School (1 form entry expansion) comprising the erection of a new 2 storey teaching block with associated play area, landscaping, car and cycle parking, and alterations to existing school including erection of new canopy and other remodelling works.

**Location:** Great Bentley Primary School, Plough Road, Great Bentley, Essex, CO7 8LD

**Ref:** CC/TEN/19/23

Public speakers:

- The agent on behalf of the applicant: Mr Andrew Clarke – speaking for

Due to a prior commitment, Mr Andrew Clarke had requested that item 5.2 be heard earlier in the agenda. Cllr John Jowers proposed that item 5.1 and item 5.2 be switched in order to accommodate this, which was seconded by Cllr Mike Garnett and approved by the Committee.

#### **4. Fairfields Farm, Fordham Road, Wormingford**

The Committee considered report DR/04/23 by the Chief Planning Officer.

Members noted the addendum to the agenda.



Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the development in this location
- Landscape and visual implications
- Traffic
- Environmental emissions – Air Quality
- Environmental emissions – Noise
- Environmental emissions – Drainage

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

- The footprint of the application site was in the northern area of the Fairfields Farm site.

There being no further points raised, the resolution, was proposed by Cllr Mike Garnett and seconded by Cllr Mike Steptoe. Following a unanimous vote in favour, it was

### **Resolved**

1. That planning permission be refused for the following reason:

Due to the scale, nature and location, the proposed development would constitute inappropriate development in the countryside/rural area remote from the wider Fairfields Farm business activities; existing development boundaries and allocated sites. Such encroachment of development into the countryside would cause harm to the openness, quality and character of the landscape and the countryside and would be out of keeping with the aim of protecting the countryside. The proposed development does not cater for any waste capacity shortfalls and accordingly there is no overriding need or justification that outweighs the other identified harm. The development is considered contrary to the Essex Waste Local Plan Adopted July 2017 Policies 10; 11 and 12 North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021) Policy SP1; Colchester Borough Council Local Development Framework Development Policies (adopted 2010, reviewed 2014) Policies DM1; DM15; ENV5; DM7 and OV2 and the National Planning Policy Framework.

And;

2. That enforcement action is subsequently taken to address the ongoing breach of planning control and remedy the harm to local amenity caused by the unauthorised development.

### **5. Asheldham Quarry, Asheldham**

The Committee considered report DR/05/23 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the development in this location
- Visual aspects

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

- The proposal had been submitted retrospectively to regularise the use of the wash plant with associated infrastructure at Asheldham Quarry.
- The wash plant was ancillary to the wider quarry and was required for the washing of mixed construction and demolition soils. It was located within the wider quarry and was complementary to the activities taking place.
- The wash plant would handle both the “as dug” material that was not compatible with clays to go through the main processing facility, as well as recycling construction and demolition type wastes. The recycling facility would also compliment the extant approved quarry infilling programme by allowing a recycling aspect to the extant imported waste stream to further recover recyclable material.
- The provision of the wash plant would enable the applicant to maximise the recycling of secondary aggregates and reduce the quantum of waste going to landfill.
- An objection had been received Maldon District Council in relation to the principle of development; this was addressed in the officer’s report.
- Policy encouraged recycling facilities to be located on existing mineral or landfill sites where material was used in conjunction with site restoration, or that such waste operations were temporary and linked to the cessation of the mineral and waste site. The recycling facility would support the provision of the site being an aggregate recycling centre, the operation of which being within the existing quarry complex restrictions.

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

- This application was retrospective as the applicant had sought permission after commencing work.
- Maldon District Council had objected to the application. In their objection, they had quoted Policy DM4 of the Essex Minerals Local Plan Policy and stated that there did not appear to be any ‘exceptional circumstances’ in this case. However, the Waste Local Plan provided for the co-location of mineral and waste operations on the same site. Therefore, the application of Policy DM4 in this case was incorrect as this application did not refer to secondary as in a waste operation, but rather Secondary as in minerals aggregates, such as utilising material in a concrete batching plant and creating a secondary product from that.

There being no further points raised, the resolution, was proposed by Cllr John Jowers and seconded by Cllr Mike Steptoe. Following a unanimous vote in favour, it was

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**Resolved**

That, for ESS/18/22/MAL planning permission be granted subject to the following conditions:

**Duration**

1. The development hereby permitted shall be removed by 31<sup>st</sup> December 2029 and the land reinstated in accordance with the restoration scheme approved under the principle planning permission for the Asheldham Quarry ESS/16/14/MAL.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details; to minimise the duration of disturbance from the development hereby permitted and which is tied into the principal permission for the wider quarry complex that operates under planning ref no: ESS/16/14/MAL and to comply with Policies DM1 and S10 of the Essex Minerals Local Plan (Adopted July 2014).

**Approved Details**

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/125/22/MAL comprising:
  - (i) Application form from G&B Finch Ltd dated 14/12/22.
  - (ii) Strutt and Parker Planning Statement entitled "Retrospective full planning application for the installation of a mixed construction and demolition soils wash plant with associated infrastructure including relevant recycling activities such as screener, crusher, concrete bays and stockpiles Asheldham Quarry, Asheldham, Essex Prepared by Strutt & Parker on behalf of G&B Finch Ltd" dated December 2022.
  - (iii) Acoustic Associates Environmental Noise Assessment reference SEM/J3292/18322, dated November 2022.
  - (iv) Guarda Landscape report entitled "Landscape and Visual Appraisal" reference 22-038-GUA-DOC-L-001 dated December 2022.
  - (v) Drwg No: Promap scale 1:25000 entitled "Site Location Plan" copyright 2022.
  - (vi) Drwg No: RES1207A-REV1 entitled "Proposed Recycling Area" dated 26/11/22.
  - (vii) Drwg No RES1207-REV1; entitled "Site Survey" dated 26/11/22
  - (viii) Drwg No: RES/1194E entitled "Wash Plant" dated 05/01/22.
  - (ix) Terex Finlay 883+ Screener Specification Document;
  - (x) MOBICAT MC 110 Z/110 Zi EVO Crusher Specification Document.
  - (xi) Drwg No: "SD-099-161-A000-REV 7-Slab" - untitled showing Wash Plant Design undated.
  - (xii) Drwg No: SD-099-161-A000-REV 7 untitled but showing Wash Plant Layout & Dimensions , undated.

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 S1; S10 and DM1 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Availability of Plans

3. 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 Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Lighting

4. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:
  - a) Lighting point location.
  - b) Lighting design details.
  - c) Proposed Illuminance coverage.
  - d) Assessment of sky glow and light spillage outside of site boundary.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Landscaping

5. Within 6 months of the date of this permission a scheme of landscaping to provide infill planting along the western quarry boundary shall be submitted to the Waste Planning Authority. The scheme shall then be implemented as approved.

The scheme shall provide for:

- (a) Detail of the locations of the planting programme as set out in the planting schedule outlined on the above plan.
- b) A landscape management programme for the planting programme detailed on the above plan together with existing retained landscape features including all hedgerows, tree belts and woodland blocks.
- c) Husbandry management of the existing perimeter hedgerows/trees and woodland.
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities for all areas
- e) Grass seed mixes and rates.
- f) A programme of implementation to include the provision for planting of the northern hedgerow during the first available season and for remaining planting to be undertaken following restoration within each working phase parcel.
- g) A programme maintenance.

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 screen the workings and assist in absorbing the site back into the local landscape and having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017); Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and Policy D1 of the Maldon District Local Development Plan 2014 – 2029 approved 2017 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Compliance with other Planning Permission

6. The development shall be carried out in compliance with the following conditions of the principal Planning permission Ref no: ESS/16/14/MAL:
- i) Condition 4 (Duration)
  - ii) Condition 5 (Cessation)
  - iii) Condition 6 (Operating Hours)
  - v) Condition 7 (Records)
  - vi) Condition 8 (Records)
  - vii) Condition 10 (Access)
  - viii) Condition 13 (vehicle numbers)
  - ix) Condition 14 (Sheeting)
  - x) Condition 15; 17 – 18 (Noise levels)
  - xi) Condition 19 -20 (Noise alarms)
  - ix) Condition 21 (Noise Management)
  - x) Condition 22 (Lighting)

- xi) Condition 23 (Dust)
- xii) Condition 28 (Permitted Development Rights)
- xiii) Condition 46 -47 (Drainage)
- xiv) Condition 51 (Aftercare)

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 Waste 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 Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

## 6. Great Bentley Primary School, Plough Road, Great Bentley

The Committee considered report DR/07/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 2, 6, 7, 8, 11 and new condition 15.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Policy considerations
- Impact on playing field
- Design, Layout & Sustainability
- Impact on Historic Environment
- Impact on Natural Environment
- Impact on Residential Amenity
- Traffic & Highways

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

- There was a large demand for school places in the area due to an increase in birth rates and new housing growth. The proposals would expand the existing Great Bentley School by 210 pupils to help meet this demand.
- The design team had worked extensively with officers to put forward a scheme that was both functional for the school and responded to the constraints of the site. In particular, the layout of the site had been designed through much consideration with the County Planning Authority.
- The package of technical information submitted with the application confirmed that no adverse impacts would arise from the development including in relation to highways and parking, ecology, amenity and landscaping. This was also supported by the lack of statutory consultee objections.

- The school had removed two trees prior to the submission of the application on the basis that they did not require planning permission to do so. It was considered that the 24 proposed new trees would offset this loss. The Landscape Management Plan was updated following the release of the Committee report, which included 5 more trees than was proposed initially.
- Whilst Sport England had maintained an objection to the proposals following pre-application engagement, the loss of the playing field was considered to be offset by the provision of the new multi-use play space and the wider benefits the school expansion would provide for the local community.

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

- The applicant had provided additional information regarding the existing access to the Fire and Rescue Service, following which the Service agreed that it did comply with requirements.
- Two Category B trees had been removed prior to planning permission being granted. The Chairman would write to the applicant to express the Committee's concerns about this.
- It was noted that Tree Preservation Orders could be placed on trees which were on land owned by the County Council.
- The County's Landscape Team had requested that the proposed replacement trees be a selection of sizes, including some semi-mature and native trees. A Landscape Plan would be submitted to be approved by the Landscape Team.
- The Committee raised concerns about the design of the building, particularly with reference to the desire for it to be sympathetic to its surroundings and the proposed site's proximity to a conservation area.
- The Committee raised concerns about the lack of drop off area for parents to use outside the school as, whilst it was hoped that many students would be able to walk to school from nearby houses, in practice this may not be the case. It was noted that the lack of drop off area was due to planning policy which required the promotion of sustainable transport, and Highways did not support the provision of parking within school grounds for parents. The additional parking provided by the proposal would be for school staff. The school was considering the possibility of using the village hall or railway station for parking for parents; however, this would require the permission of the relevant owners. There were limited parking restrictions on the streets surrounding the school.
- There was no lighting proposed for the multi-use play area. A new planning application would be required should it be proposed in the future.
- An air source heat pump was proposed for the new building; however, it was noted that the efficiency of the proposed heating was not a planning matter.
- The application could be considered by the Essex Quality Review Panel who could then provide an independent view to the Committee.

There being no further points raised, deferral was proposed by Cllr Carlo Guglielmi and seconded by Cllr Mike Hardware. Following a vote of 9 in favour, 1 against, it was

**Resolved**

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To defer the application back to the applicant, with the reasons being: further information required on the removal of trees prior to gaining planning permission, the design of the proposed building, the lack of parking or drop off area for parents and the impact on heritage due to the proximity to a conservation area. The Committee recommended that the application be considered by the Essex Quality Review Panel.

#### 7. Land off Remembrance Avenue, Beaulieu, Chelmsford

The Committee considered report DR/06/23 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Site Layout and Design
- Landscape, Trees and Ecology
- Heritage
- Amenity (Noise, Air Quality and Lighting)
- Highways
- Other Issues
  - Sustainability
  - Flood Risk and Drainage

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

- There was an outstanding objection to the application from Chelmsford City Council in respect of the boundary fencing. The proposed boundary fencing was 2.4 metres high, which was a requirement of the Academy Trust which would run the school and was sought for security purposes. The City Council had requested a lower fence; however, this was not considered to be an adequate deterrent to prevent unauthorised access at evenings and weekends which the Academy Trust had experienced elsewhere.
- The City Council had also expressed concern regarding the fencing around the entrance to the school, however, this was considered necessary to provide enclosure at this key part of the site adjacent to Remembrance Avenue, in order to safeguard future pupils.
- Many of the homes at Beaulieu were occupied and other zones in the surrounding area were also being developed, resulting in a growing need for additional school places in the area. The existing Beaulieu School was expected to be at full capacity in 2024. The proposed new school would be ready to accept pupils at the start of the 2024 term.
- The design team had worked extensively with Officers to put forward a scheme that was functional for the Academy Trust, whilst responding to the site parameters and the context of the wider Beaulieu neighbourhood. Such



parameters include the access to the site, which had been established through an earlier consent and was already constructed.

- The school had been designed with enhanced fabric specification and energy efficient measures to reduce energy demand and carbon emissions.

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

- The design of the school followed the Department for Education's template designs for a school of this size, which was also the basis for securing Section 106 contributions.
- A drop off area for pupils arriving by car was not supported in planning policy terms as part of the required promotion of sustainable transport.
- Remembrance Avenue had not yet been adopted by the Highway Authority. Reservations had been raised by officers about the laybys which existed in front of the proposed school entrance as these seemed at odds with the promotion of sustainable transport. The Highway Authority would formally decide whether the laybys remained and if they did, what, if any, restrictions would be place on them, as part of the adoption process.
- Potential future expansion had been considered by the applicant, and the area identified to facilitate this was to the east of the proposed school building, which would not encroach on the playing fields. It was noted that it would not be reasonable to include a condition requiring the foundations to be capable of bearing a third level for future development as this would add additional cost without good planning grounds.
- It was noted that Remembrance Avenue did have street lighting. Footpath 14 and the other informal access between Remembrance Avenue and the footpath to the south were not lit.
- The proposed southern boundary of the school playing field was approximately 200 metres and the proposed school building was approximately 300 metres from the main New Hall School building. As part of the wider Masterplan for Beaulieu, Chelmsford City Council had considered New Hall School and secured an engineered bund and a 12-metre standoff between the south of the proposed school site and the New Hall site which was considered sufficient for the school site to come forward in an appropriate manner.

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

### **Resolved**

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 16/12/2022 and shown on drawings titled: 'Site Location Plan', drawing number: BEAULI-IWD-XX-XX-DR-A-2200 (Revision P03), dated 17/11/22; 'Proposed Site Plan – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2201 (Revision P05), dated 24/02/23; '2FE Site Masterplan', drawing number: 2258-WWA-LS-ZZ-D-L-0101 (Revision P19), dated 22/02/23; 'Site Levels Plan', drawing number: 2258-WWA-LS-ZZ-D-L-0103 (Revision P05), dated 22/02/23; 'GF – General Arrangements – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2500 (Revision P05), dated 24/02/23; 'FF – General Arrangements – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2501 (Revision P06), dated 24/02/23; 'Roof Plan – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2502 (Revision P06), dated 24/02/23; 'Proposed Elevations – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2503 (Revision P08), dated 12/04/25; 'Proposed Sections A-A & B-B', drawing number: BEAULI-IWD-XX-XX-DR-A-2504 (Revision P03), dated 24/02/23; and 'Proposed Sections E-E & F-F', drawing number: BEAULI-IWD-XX-XX-DR-A-2701 (Revision P02), dated 24/02/23 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies DM13 – Designated Heritage Assets, DM14 – Non-Designated Heritage Assets, DM15 – Archaeology, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings, DM27 – Parking Standards, DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

3. The development hereby permitted shall be constructed from the material palette detailed on drawing titled 'Proposed Elevations – 2FE', drawing number: BEAULI-IWD-XX-XX-DR-A-2503 (Revision P08), dated 12/04/25. The brick courses of the building shall furthermore be laid out as shown on the drawing titled 'Elevation Setting Out', drawing number: BEAULI-IWD-XX-XX-DR-A-2731 (Revision P02), dated 12/04/25.

Reason: In the interest of the amenity of the local area and to comply with policies DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

4. The development hereby permitted shall be implemented in accordance with the hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates) detailed within drawings titled 'Soft Landscape Strategy', drawing number:

2258-WWA-LS-ZZ-D-L-0301 (Revision P05), dated 20/02/23; 'Hard Landscape Plan', drawing number: 2258-WWA-LS-ZZ-D-L-0105 (Revision P05), dated 22/02/23; 'Landscape Details Sheet 1 of 2', drawing number: 2258-WWA-LS-ZZ-D-L-0501 (Revision P04), dated 22/02/23; 'Landscape Details Sheet 2 of 2', drawing number: 2258-WWA-LS-ZZ-D-L-0502 (Revision P04), dated 22/02/23; and 'External Works Construction Details', drawing number: BEAULI-IWD-XX-XX-DR-C-6100 (Revision P2), dated 17/03/23; and within the document titled 'Outline Landscape Specification', document reference: 2258-WWA-LS-T-L-0602, undated. With regard to this, the approved soft landscaping scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the construction phase of the development.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), in the interests of the environment and the amenity of the local area and to comply with policies DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

5. The soft landscaping scheme hereby approved shall be managed and maintained in accordance with the details contained within the document titled 'Beaulieu Park Primary School Landscape Management and Maintenance Plan', document reference: 2258-WWA-LS-ZZ-T-L-0601, dated December 2022. In the event that any tree or shrub, forming part of the approved soft landscaping scheme, dies, is damaged, diseased or removed within 5 years of the date of beneficial occupation of the development hereby permitted, that tree or shrub shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interests of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policies DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

6. The development hereby permitted shall be implemented in accordance with the biodiversity enhancement measures detailed within the document titled 'Beaulieu Primary School, Boreham, Biodiversity Enhancement Statement' produced by Richard Graves Associates, undated. The proposed bat and bird boxes, outlined within the aforementioned, shall be installed on-site prior to beneficial occupation of the development.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with policies DM16 – Ecology and Biodiversity, DM20 – Delivering Community Facilities, DM23 – High

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Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

7. No fixed external lighting other than that shown and detailed on drawing titled 'External Lighting Layout Plan', drawing number: 8301 (Revision P04), dated 12/12/2022 shall be erected or installed on-site. Should any change be proposed to the specification of lighting outlined within the aforementioned and/or any additional external lighting be proposed to be installed, the specification of such lighting including details of the location, height, design, sensors and luminance shall be first submitted to the County Planning Authority for review and approval in writing. The lighting approved to be installed shall be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policies DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

8. Prior to beneficial occupation of the development hereby permitted, details of the external sound level emitted from all external plant, machinery and equipment installed shall be submitted to the County Planning Authority for review and approval in writing. The details shall furthermore outline any mitigation measures proposed to ensure that the external sound level emitted from plant, machinery and equipment proposed to be installed would be equal or lower than the existing background sound level. The assessment shall be made in accordance with BS 4142:2014+A1:2019 and the assessment shall be based on all plant, machinery and equipment operating together at design duty with impact predicted/assessed at a range of nearby sensitive receptors (or areas respective to the location of these). The development shall subsequently be implemented and managed in accordance with the details approved.

Reason: In the interests of adjacent residential amenity and to comply with policies DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

9. The development hereby permitted shall be implemented in accordance with the surface water drainage scheme as detailed within the document titled 'Flood Risk Assessment & Drainage Strategy Report' (Fifth Issue), produced by Ingleton Wood, dated 17 March 2023 inclusive of the drawing titled 'Drainage Layout' drawing number: BEAULI-IWD-XX-XX-DR-C-6000 (Revision P1), dated 17/03/23; drawing titled 'Private Drainage Schedules Sheet 1 of 2', drawing number: BEAULI-IWD-XX-XX-DR-C-6001 (Revision P1), dated 17/03/23; drawing titled 'Private Drainage Schedules Sheet 1 of 2', drawing number: BEAULI-IWD-XX-XX-DR-C-6002 (Revision P1), dated 17/03/23; drawing titled 'Private Drainage

Construction Details Sheet 1 of 2', drawing number: BEAULI-IWD-XX-XX-DR-C-6003 (Revision P2), dated 17/03/23; drawing titled 'Private Drainage Construction Details Sheet 2 of 2', drawing number: BEAULI-IWD-XX-XX-DR-C-6004 (Revision P2), dated 17/03/23; the submitted micro drainage calculations; and the following mitigation measures:

- limiting the discharge from the site to 46l/s for all storm events up to and including the 1 in 100 year plus 40% climate change storm event; and
- providing attenuation storage for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The drainage scheme, inclusive of the aforementioned mitigation measures, shall be fully implemented prior to beneficial occupation of the development and maintained, in perpetuity, as per the details outlined in section 7.0 of the document titled 'Flood Risk Assessment & Drainage Strategy Report' (Fifth Issue), produced by Ingleton Wood, dated 17 March 2023.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to comply with policies DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings, DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

10. The playing field design and construction shall be implemented in accordance with the specification and implementation programme set out in the document titled 'Natural Turf Specification', produced by Agrostis Sports Surface Consulting, dated 06 March 2023.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

11. The development hereby permitted shall be implemented in accordance with the carbon/energy saving measures outlined within the 'Energy Strategy Report', produced by Ridge, dated October 2022 and detailed within the drawings and details approved as part of this permission.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments and DM25 – Sustainable Buildings of the Chelmsford Local Plan (2020).

12. Prior to beneficial occupation of the development hereby permitted, the car parking area as shown on drawing titled '2FE Site Masterplan', drawing number: 2258-WWA-LS-ZZ-D-L-0101 (Revision P19), dated 22/02/23 shall be constructed and laid out as approved. The three electric vehicle charging points shall furthermore be installed, within the approved car park area, and be ready for use. In addition to this, the cycle/scooter parking, as shown on the same drawing,

shall be constructed/installed. The specification for the cycle/scooter parking is to be as detailed within the document titled 'Outline Landscape Specification', document reference: 2258-WWA-LS-T-L-0602, undated. The car parking areas and cycle and scooter racks/shelters shall be permanently retained for the lifetime of the school and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles and scooters on-site, in the interest of highway safety and to comply with policies DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM27 – Parking Standards of the Chelmsford Local Plan (2020).

13. The construction phase of the development hereby permitted shall be completed in accordance with the document titled 'Construction Management Plan', produced by Carter, undated and drawings titled 'Construction Phase Surface Water Drainage Strategy', drawing number: BEAULI-IWD-XX-XX-DR-C-6005 (Revision P1), dated 17/03/23 and 'Tree Protection Plan', drawing number: 2258-WWA-LS-ZZ-D-L-0702 (Revision P04), dated 23/02/23.

Reason: In the interests of the environment, amenity and highway safety and to comply with policies DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

#### Informative

Prior to the beneficial occupation of the development a finalised school travel should be prepared, in liaison with the Highway Authority, and this should be subsequently implemented, managed and monitored in perpetuity.

#### **8. Land at Hollow Lane, Broomfield, Chelmsford**

The Committee considered report DR/08/23, by the Chief Planning Officer, concerning an unauthorised waste development.

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

- Officers would continue to monitor the land. If it were to be sold, the buyer or a solicitor performing a land search may approach the County Council for further information regarding the enforcement notice. Enforcement notices were recorded on the Local Land Charge Register held by the District Council, which would usually be considered by a solicitor when performing a land search.
- It was noted that the land was unregistered with the Land Registry at the time of the meeting.

There being no further points raised, the resolution was proposed by Councillor Dave Harris and seconded by Councillor Mike Garnett. Following a unanimous vote in favour, it was

**Resolved**

That, at this current time, no further action is taken by the County Planning Authority in respect of the breach of planning control and extant Enforcement Notice relating to this subject to no further importation taking place. The Enforcement Notice will remain on the land and if the land is sold and/or formally registered to a landowner, the CPA would proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

**9. Enforcement of Planning Control Update**

The Committee considered report DR/09/23, by the Chief Planning Officer concerning an update on the enforcement of planning control.

The Committee NOTED the report.

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

The Committee considered report DR/10/23; applications, enforcement and appeals statistics, as at the end of January 2023.

The Committee NOTED the report.

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

The Committee considered report DR/11/23; applications, enforcement and appeals statistics, as at the end of February 2023.

The Committee NOTED the report.

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

The Committee considered report DR/12/23; applications, enforcement and appeals statistics, as at the end of March 2023.

The Committee NOTED the report.

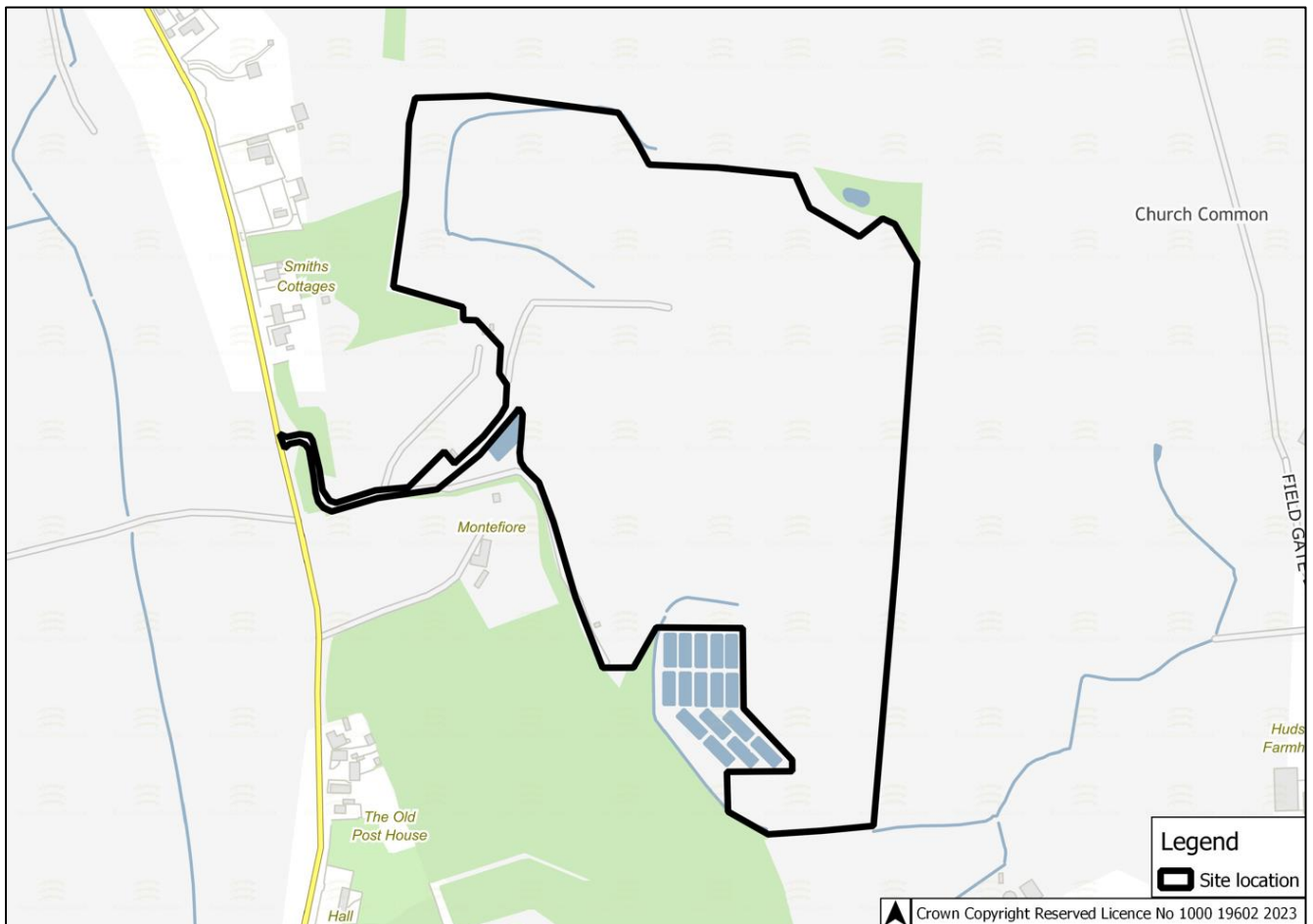
**13. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 May 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 13:16.

**DR/13/23**

<b>Report to:</b> DEVELOPMENT & REGULATION (26 MAY 2023)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT - Importation of soils to allow for the re-capping and reprofiling of restored landfill and installation of a ground-mounted solar array.	
<b>Ref:</b> ESS/66/22/UTT	<b>Applicant:</b> Biffa Waste Services Ltd.
<b>Location:</b> Ugley Landfill Site, Cambridge Road, CM22 6HT	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Tom Sycamore Tel: 03330 321896	
The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



**1. BACKGROUND**



Ugley landfill is a former sand and gravel quarry which has, in the majority, been restored through landfilling of household and industrial waste (most recent planning permission ref: ESS/66/12/UTT). Landfill operations ceased in 2011 and the site was restored to agricultural land by 2013. The site benefits from separate permissions relating to a gas compound (ref: ESS/38/20/UTT), leachate irrigation ponds (ref: ESS/85/20/UTT), generator, transformer, gas flare stack, oil storage tanks and acoustic fencing (ref: ESS/82/20/UTT) and site offices and car parking area (ref: ESS/104/21/UTT).

The restoration and aftercare for the landfill site is accommodated, under permission ref: ESS/66/12/UTT, within an approved restoration and aftercare masterplan scheme requiring the site to be returned to amenity grassland.

The separate permissions referenced above; the gas compound, the leachate irrigation ponds, the additional gas compound infrastructure and the site offices, have restoration requirements reflecting the masterplan requirements.

## **2. SITE**

Ugley landfill is located approximately 1.5 miles north of Stansted Mountfitchet and immediately east of the B1383 Stansted to Newport Road. Ugley Green lies some 1.5 miles to the east.

Access to the site is taken from a concreted access road approximately 100m in length that links to the B1383. A public footpath (PRoW Ugley 11) runs parallel to the track on the southern side.

Surrounding land is primarily agricultural, occupying a landscape of mature trees and hedgerows. Residential properties lie approximately 250m to the west whilst an individual property lies 50 metres to the south.

There are 59 Listed Buildings within 2km of the site. Those within close proximity are Grade II Listed 'Ivy Cottage and Park Cottage and Rose Cottage' which is located approximately 230m to the south. Grade II Listed 'Jordan's Cottage' is located approximately 200m to the south. Grade II Listed '3-5 The Square, Cambridge Road' is located approximately 242m to the southwest. Grade II Listed '6 and 7 The Square, Cambridge Road' is located approximately 228m to the southwest.

Hall's Quarry Site of Special Scientific Interest (SSSI) is a geological SSSI located partly within the site. Quendon Wood SSSI is located approximately 1.3km north of the site. Part of Elsenham Wood SSSI is located approximately 3.7km to the southeast.

Broom / Burney Wood Local Wildlife Site (LoWS) is located approximately 400m to the northwest of the site. Alsa Wood and Alsa Lodge Pit LoWS are both located approximately 700m to the south. Aubrey Buxton Reserve LoWS is located approximately 900m to the south. Houghtey Wood LoWS is located approximately 1km to the west. All of these areas, except for Aubrey Buxton Reserve, are also classed as ancient woodlands.

The site lies within Flood Zone 1 (low risk of flooding).

Public Right of Way (PRoW) Footpath 11 runs parallel to the southern site boundary.

The site lies within the Stansted Airport Safeguarding Outer Zone.

### **3. PROPOSAL**

The proposal seeks to import approximately 430,000 cubic metres of topsoil and subsoils to recap and re-profile the existing restored landform for the purpose of improving the site's environmental management of leachate levels. The landform would be re-profiled to create a more dome-shaped profile. A new Low Linear Density Polyethylene (LLDPE) layer would be laid on top of the existing Geosynthetic Clay Liner (GCL) cap, with further soils to be placed on top of the new LLDPE cap. The existing GCL cap is not proposed to be altered or compromised. The reprofiling is anticipated to take three years to complete and would be completed in three phases, working in a clockwise direction.

The proposal anticipates 110 HGV trips per day (55 in and 55 out) between 07:00 and 17:30 hours Monday to Friday, with no working on weekends or Bank/Public Holidays.

In addition, the proposal seeks the provision of a 2.4 MW solar array located within the southern part of the site to be placed following the completion of the recapping and re-profiling. The array would cover an area of approximately 4.97 ha and would be positioned in 'strings' and would be accompanied by necessary infrastructure to facilitate the development including a central inverter and ancillary electrical equipment, cabling, transformers, 5m high column-mounted CCTV camera, 2.4m high security fencing and security gate, 1.5m high agricultural fencing and a monitoring system.

The solar array is anticipated to have a lifespan of around 40 years, at which time it would be decommissioned and the site restored.

The proposal includes a revised restoration scheme which reflects the above proposals.

### **4. POLICIES**

The following policies of the [Essex and Southend Waste Local Plan \(WLP\) adopted 2017](#) and the [Uttlesford Local Plan \(ULP\) adopted 2005](#) provide the development plan framework for this application. The following policies are of relevance to this application:

#### **ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN (WLP) 2017**

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

Policy 9 - Waste Disposal Facilities

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

## Policy 13 - Landraising

### UTTLESFORD LOCAL PLAN (ULP) 2005

Policy S7 - The Countryside

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN3 - Flood Protection

Policy GEN4 - Good Neighbourliness

Policy GEN7 - Nature Conservation

Policy ENV3 - Open Spaces and Trees

Policy ENV7 - The Protection of the Natural Environment: Designated Sites

Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation

Policy ENV11 - Noise Generators

Policy ENV12 - Protection of Water Resources

Policy ENV13 - Exposure to Poor Air Quality

Policy ENV15 - Renewable Energy

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

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

policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Uttlesford District Local Plan is considered further in the report.

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

At an Extraordinary Council Meeting on Thursday 30 April 2020 Members decided to withdraw the draft Uttlesford Local Plan 2019 and start a new Plan. This decision was in response to the government appointed Inspector's letter dated 10 January 2020 and the independent Peer Review report from the East of England Local Government Association dated 23 March 2020. The consultation draft local plan is scheduled to be published in Summer 2023.

## **5. CONSULTATIONS**

Summarised as follows:

UTTLESFORD DISTRICT COUNCIL – No objection.

The site lies in open countryside. Essex County Council should be satisfied that the proposal does not lead to unacceptable (major/moderate adverse) harm to the character and appearance of the area. In cases where any such harm is identified, consideration should be given to mitigation secured by means of a Landscape and Ecological Management Plan and Landscape Mitigation Plan.

To mitigation against the visual impacts of the development and the effect of any harmful glint and glare upon highway users and other public vistas, Uttlesford Council would recommend that consideration is given introducing a deeper planting belt around the boundaries of the site that includes infilling hedgerows/tree planting where needed.

Uttlesford District Council would strongly recommend that Essex County engaged a specialist Landscape Consultant to assess the application submission and the impact of the proposed development upon the countryside.

Uttlesford District Council would suggest that careful consideration is given to ensuring that the proposal does not materially harm the living environments of neighbouring residential properties, particularly with regards to glint and glare.

Several heritage assets including listed buildings are near the application site. Uttlesford Council suggested that consideration needs to be given to ensure that the setting and significance of these assets are not significantly harmed.

The application site is located within a defined Country Wildlife Area along with Broom Wood located just to the north of the site and is also designated as Important Woodland. Appropriate measure needs to be undertaken to ensure appropriate mitigation and net gain is achieved in respect to biodiversity and that no harm towards protected species and their habitats occur.

Uttlesford District Council suggests that appropriate consideration needs to be given in respect to matters of highway safety for all users including nearby PROW's during both the construction and operational phases of development.

Uttlesford District Council would request that all Statutory and Non-Statutory consultees comments are taken into consideration in the assessment and determination of the planning application.

UTTLESFORD DISTRICT COUNCIL ENVIRONMENTAL HEALTH – No objection, subject to conditions.

Air Quality – Dust: Operational Impact - The submitted air quality assessment shows that the development will not have a significant impact on air quality.

Air Quality – Dust: Construction Impact - The assessment shows that with appropriate controls in place the residual effects will be 'not significant'. The assessment states that a DMP will be submitted as part of the variation of the environmental permit for the site and implemented under the permit management system in accordance with the 'low risk' schedule of measures from the IAQM guidance. We would also request that DMP also be submitted to the Local Planning Authority for comment.

Noise – A noise assessment has been carried out and shows that noise from the solar arrays is likely to have a low impact, with rating levels below background noise levels at all receptors. The noise from construction works associated with the recapping of the landfill is also not considered likely to exceed the threshold for significant noise impact at any noise sensitive receptors. A CMP should be submitted to ensure suitable measures are implemented to minimise noise impacts as much as possible. The below condition is recommended:

1. Construction Method Statement/Plans

There are residential properties adjacent to this site. A construction method statement is required to minimise loss of amenity to neighbours during construction. The following condition is therefore recommended. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means the approved Statement shall be adhered to throughout the construction period.

2. Solar Array

To ensure the findings of the noise report are implemented the following condition is recommended:

Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings shall be submitted to and approved in writing.

The noise emitted by the combined operation of all plant hereby permitted (including power inverter units, battery storage units, transformer station & generators etc) shall have a rating level that does not increase the background measured background noise level expressed as LA90 during the night-time period and the day-time period when all relevant plant is operating at the boundary of the nearest residential premises. Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not re-commence until a fully detailed noise survey and report has been submitted to and approved in writing, and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

Updated comments following submission of CEMP: The CEMP is acceptable however please can it be confirmed what the working hours are as it says 07:30 in one section but 07:00 in another section.

Case officer comment: Confirmed that working hours would commence at 07:00 Monday to Friday.

ENVIRONMENT AGENCY – No objection.

We acknowledge the submission of the Waste Recovery Plan to the planning portal but do not consider it something that we can address in full through the planning permission system. The Waste Recovery Plan and requisite permit variation must be submitted directly to the Environment Agency as part of the permitting regime.

Our position therefore remains that the Environment Agency have not yet agreed that recovery of waste is the best solution to solve the elevated leachate levels at Ugley landfill or even notified the applicant that the elevated levels do require action. These agreements need to be reached directly with the Environment Agency by applying for a permit variation with us. We cannot approve a Waste Recovery Plan via the planning regime.

As set out in our previous letter, dated 06 October and referenced AE/2022/127328/01- L01, this will require pre-application discussions through our National Permitting Service, addressing if/how the proposals can meet the test for recovery of waste and which risk assessments we would be expecting to see as part of any application.

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity.

Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

NATURAL ENGLAND – No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Hill's Quarry Site of Special Scientific Interest (SSSI) - Hill's Quarry SSSI is outside the red line boundary for the application but adjacent to the proposed development (i.e. within the blue line boundary). Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection provided that there is no incursion into the SSSI by the proposal, i.e., there should be no storage of materials, no vehicular or mechanical disturbance of soils in order to safeguard the geological features for which the site has been designated.

Soils, Land Quality and Reclamation - Natural England has considered this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the National Planning Policy Framework.

Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 20 ha. In view of the area and Agricultural Land Classification (ALC) grading of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but would make the following points:

In accordance with Schedule 5, Part 1, Paragraph 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse.

To ensure that the site working and reclamation proposals meet the requirements for sustainable minerals development, the proposals should be carefully considered against current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Some suggested conditions to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation can be found in Natural England full response on the online planning record under ref: ESS/66/22/UTT.

The Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings provides detailed advice on the choice of machinery and method of their use for handling soils at various phases, which we strongly recommend is followed. For agricultural after uses, the best available practice is using the excavator-dump truck combination in conjunction with the sequential 'strip' method (Sheets A – D).

More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance notes Reclaim minerals extraction and landfill sites to agriculture, which again we strongly recommend is followed.

HIGHWAY AUTHORITY – No objection, subject to conditions.

The application site has an existing use and although there will be an intensification of the use of the site for the period of capping and construction of the solar farm this will be for a limited period and is not likely to have a severe impact on the highway.

Only one condition is proposed which is for a construction management plan and which includes ensuring that the access visibility splays for the site are kept clear of vegetation during the construction period as it is noted that they are overgrown.

It is noted that footpath 11 (Ugley) runs to the south of the current haul road and to the south of the proposed solar panels, it does not appear that these are directly affected but please note the informative below and a condition is thought necessary to ensure that the footpath is not encroached upon or unduly enclosed by vegetation or fencing.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
  - I. The clearance of vegetation from the access visibility splays to provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway
  - II. The parking of vehicles of site operatives and visitors,
  - III. Loading and unloading of plant and materials,
  - IV. Storage of plant and materials used in constructing the development,
  - V. Wheel and underbody washing facilities.
  - VI. Routing strategy for construction vehicles including signing to the site in appropriate locations



## VII. Protection of public rights of way within or adjacent to the site

2. Any planting or fencing adjacent to the public rights of way to be planted a minimum of 3m from the extent of the public right of way.

Updated comments following submission of CEMP: Thank you for your consultation. The applicant has included in the CEMP at 6.3.1 the commitment to produce a traffic management plan prior to commencement. As it is unlikely that the highway authority will have a view of this it should be included within the CEMP in at this stage, In addition to points included at 6.3.1 it should include details of how any abnormal loads that may encroach onto the highway while waiting at the access will be treated (e.g. banksman). At 6.3.1 the plan states that the PROW will be protected throughout the construction period but does not state how, Some details would provide assurance.

LEAD LOCAL FLOOD AUTHORITY – No objection, subject to conditions.

1. The development permitted by this planning permission shall be carried out in accordance with the approved Ugley Landfill Site Flood Risk Assessment dated June 2022, by AECOM and the Biffa Ugley Landfill Site Surface Water Drainage Strategy dated 28/06/2022 by AECOM. The mitigation measures detailed in the FRA shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
2. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
3. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
4. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
5. The solar array erection phase of the development shall not be commenced until such time as a soil management plan in respect of the Solar Farm area has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

STANSTED AIRPORT – No objection, subject to conditions.

1. During the works, robust measures should be taken to mitigate against any increase in the number of birds that might be attracted to the site.
2. In perpetuity, robust measures should be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No additional pools or ponds of water should occur/be created without permission. To prevent the restored area having the potential to create a new feral goose breeding site, the waterbodies need to be made unattractive to these birds by having dense, marginal vegetation around the perimeters of the waterbodies.

Informative - The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection, subject to conditions.

Overarching National Policy Statement for Energy:

The UK Government's position on power is set out in the Overarching National Policy Statement (NPS) for Energy (EN-1), which recognises the importance of understanding and addressing landscape and visual impacts (Department of Energy and Climate Change, 2011). It includes a section on criteria for "good design" for energy infrastructure, which states that:

"Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."

National Planning Policy Framework:

National Planning Policy is set out in the National Planning Policy Framework (NPPF) (Revised July 2021) (NPPF). Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system. These include an environmental objective to "to protect and enhance our natural, built and historic environment..." Paragraph 9 sets out that "Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area" (emphasis added). The overarching objective to protect and enhance our natural, built, and historic environment is reflected in specific policies about: achieving well-designed places (Section 12); conserving and enhancing the natural environment (Section 15); and conserving and enhancing the historic environment (Section 16).

Review of submitted information:

Although the nature of the proposed development means that landscape features such as hedgerows and trees will predominately remain, this doesn't automatically

mean that the principle of this form of development will not have an adverse impact on the character of the site, and general sense of place.

To assess whether the scheme will result in adverse impacts, the application has been supported by a Landscape and Visual Appraisal (LVA) by AECOM. The LVA has been carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) and has reference suitable Technical Guidance Notes in relation to visual representation and landscape value.

The assessment includes a desktop study, a review of the landscape and visual baseline, Zone of Theoretical Visibility (ZTV) mapping, and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and assessment of potential direct and indirect effect on landscape and visual environment.

Review of landscape character:

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities & Local Government (MHCLG) and last updated in July 2021, which states that planning policies and decisions should contribute to the natural environment by: "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services". Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct (i.e., on the character area / landscape type that the site is located within), and indirect (i.e., changes to characteristics or perceptions of character that occur beyond the boundary of a character area / landscape type). In addition, effects on landscape character may be positive or negative (i.e., strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character).

GLVIA3 recognises that landscape value is not always signified by designation "the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value". This has been considered in the assessment and the Site has been judged as having a 'Very low' value, whilst the Landscape Character Areas (LCA) with the Study area have been deemed to have 'Medium' value. In our judgement, the value of the Site should be considered as low, rather than very low, however we consider the value given to the LCAs to be appropriate.

The assessments overall judgment of importance of landscape effect has been defined as 'negligible' given the solar array will represent a small-scale industrialisation with very limited influence on the wider landscape due to intervening landform, including the modified landfill landform to the north. In general, we agree with the methodology used. Where are judgements may differ,

these are not deemed significant/important (in assessment terms) and would not alter the overall stance on the proposed development.

#### Visual Amenity:

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; Views from Church Lane, Pennington Lane and local PRoW.

On review, the extent of views is limited, and visibility will be restricted by landform and vegetation, therefore visual effects are localised. Where effects will occur, these are proposed as minor effects and therefore deemed acceptable.

#### Further action:

If minded for approval, we would advise the following landscape and design recommendations are taken into consideration:

- Security fencing on the perimeter of the solar array are suitable surfaces for growing climbers such as honeysuckle or clematis, both of which are good nectar sources as well as providing additional screening for the site.
- Security lighting should also be minimised; passive infra-red (PIR) technology should be designed and installed to minimise glare, light pollution and impacts on biodiversity (particularly bats).
- Any buildings required in order to house electrical switchgear and inverters such as the DNO switch station should be designed and constructed in order to minimise their landscape and visual impact. If a prefabricated building is used, consideration should be given to the need to screen the building with vegetation. We would also advise the concept of biodiverse roofs is also explored.

1. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included.
2. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning

Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Updated comments:

I have reviewed the documents and overall I still have limited concerns regarding the visual and landscape impacts. The inclusion of additional scrub and woodland planting is beneficial, however we would appreciate it if Scots Pine was removed from the woodland mix. The previously proposed conditions are still required as the restoration plan does not include an associated specification and further details regarding boundary treatments and hard standing are required. Similarly, the landscape management plan will still need to be conditioned.

COUNTY COUNCIL ECOLOGY CONSULTANT – No objection, subject to conditions.

We have reviewed the revised and additional documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the Waste Planning Authority of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We welcome the clarifications provided by the Further Ecological Information in Response to Planning Comments report (06 February 2023, AB Ecology) and the resulting updates to the Construction Environmental Management Plan; Biodiversity Net Gain calculations and report; and Restoration Masterplan. The mitigation measures identified in these documents should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Skylarks, Grey Partridge and other ground nesting birds, Great Crested Newts, reptiles, Hedgehogs and hedgerows.

We welcome the provision of additional species-rich grassland and the removal of the hedgerows cutting across the middle of the site which could deter ground nesting birds.

We acknowledge receipt of the Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (signed by Natural England on 25 January 2022). No further action is required in this respect.

Additional clarification has now been provided with respect to reptiles and we are satisfied that reptile surveys are not needed for this site.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

As advised in the Biodiversity Net Gain Report, the site will need to be managed for the long term (at least 25 years), through a Landscape and Ecology Management Plan which should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

1. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination:
  - Protected Species Survey Report (September 21, 2022, AB Ecology)
  - Further Ecological Information in Response to Planning Comments Ugley Landfill (06 February 2023, AB Ecology)
  - Revised Ugley Landfill- Biodiversity Net Gain calculations and report (AB Ecology, 6 February 2023)
  - Construction Environmental Management Plan v.2 (AB Ecology, 6 February 2023)
  - Updated Restoration Masterplan, Figure 07 Rev. C (Biffa)

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

2. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within three months of consent. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

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

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

COUNTY COUNCIL ARBORICULTURE CONSULTANT – No objection.

Due consideration has been given to Policy ENV3- Open Spaces and Trees from the Uttlesford Local Plan which states: The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value. Due consideration has also been given to Section 5.39 from the Essex Minerals Local Plan.

Sixty trees/groups/hedges have been identified in the survey provided, including 24 individual trees, 34 groups of trees, one woodland group and one hedge. Restoration planting with the species and numbers of plants as proposed will mitigate for any loss of trees resulting from the proposals.

Some clarification is however required from the applicant since it is stated that: ‘Four trees and one group are to be removed to facilitate the Proposed Development. These tree features are all identified as Category C. The removal of three trees is required to achieve the re-capping and the removal of two further tree features is necessary to install the proposed drainage across the Site’. It is not entirely clear whether four trees and one group in total are to be removed or whether the three trees required to be removed to facilitate the re capping and the removal of two further features to facilitate the drainage installation are additional to that number. We concur with the Landscape Team that a Landscape Management Plan should be submitted

COUNTY COUNCIL HISTORIC BUILDINGS CONSULTANT – No objection, subject to the following.

Upon review of the submitted documents, it is understood that the proposed location of the solar array shall be upon elevated topography which shall result in intervisibility between the site and several heritage assets. The application site is understood to have been restored as agricultural land which is considered to preserve the rural character and agrarian context of the site. Due to the distance between the site and lack of visibility, a number of heritage assets can be scoped out from further assessment in line with GPA Note 3, The Setting of Heritage Assets published by Historic England. The following heritage assets are considered to be adversely impacted through the proposed development and shall be discussed below, this being: Fieldgate Farmhouse; Jordans Cottage; and The Hermitage.

Fieldgate Farmhouse is a seventeenth century timber framed building, the principal significance of the listed building is expressed through its architectural interest. The surrounding agricultural landscape, including the application site, is considered to positively contribute to the setting and significance of the listed building. As shown within Viewpoint 12, the proposed development shall be visible within the setting of and the approach to the listed building along Field Gate Lane. The proposed solar

array would result in a more industrial character, failing to preserve the setting of the listed building and resulting in less than substantial harm to significance. The proposed security fence and 5 metre security camera masts would also exacerbate this impact. I consider the harm to be at the lowest end of the scale of less than substantial (Paragraph 202).

With regards to Jordans Cottage and The Hermitage, the proposals shall be visible within the wider setting and approach to the heritage assets along Pound Lane. The existing site as agricultural land is considered to positively contribute to the setting, rural character and significance of the heritage assets. The proposed installation of a solar array with security fencing and masts would result in a more industrial character, therefore failing to preserve the setting of the assets. The harm to significance would be less than substantial, I suggest that this harm is at the lowest end of the scale.

To conclude, the proposals are considered to fail to preserve the special interest of the listed buildings, Fieldgate Farmhouse, Jordans Cottage and The Hermitage contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in their setting. The proposals would result in less than substantial harm, at the lowest end of the scale, Paragraph 202 of the NPPF being relevant. The proposals are also considered contrary to Paragraph 206. I do not consider that the maximum level of mitigation to have been fully realised given that the restoration plan pre-dates the Heritage Impact Assessment. I suggest that the restoration plan and any mitigation measures are updated and increased following the assessment from the HIA. Additionally, I recommend that more information upon the location of the CCTV masts (which should be of the minimum quantity) should be detailed.

Updated comments:

Thank you for sending across the updated Restoration Masterplan. The Restoration Masterplan now omits the proposed security fencing, increased hedgerow reinforcement, woodland planting and a reduction of CCTV cameras to one which is located to the west of the site. This amended plan has further mitigated the level of less than substantial harm, which has been identified as at the lowest end of the spectrum (Paragraph 202). I advise that Paragraph 202 of the NPPF would apply and that this should be weighed against the public benefits of the scheme. It would be inappropriate for me to state an objection or no objection given that 202 is relevant.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to conditions.

We previously provided our initial consultation response for this application on 23 August 2022. The response concluded that the following information and clarifications were required to enable a full consideration of this application:

1. Survey details including details of on-site activities, laboratory calibration of equipment;
2. Sources heights used in all noise modelling;
3. Construction assessment needs to be resubmitted based on the appropriate guidance (i.e. PPG: Minerals);



4. Further commentary and clarifications needed on assumptions used in the 'construction noise assessment' for the capping and reprofiling works;
5. Construction noise assessment of the solar array should be included in the re-submitted report;
6. Clarification of any noise emissions associated with additional cooling fans and transformers and their operational hours, and;
7. Cumulative assessment of solar proposals with existing landfill gas management infrastructure.

An updated Acoustics Assessment (Issue 3) was received on 2 December 2022 and discussed in a meeting with Aecom on 7 December 2022. A further updated Acoustics Assessment (Issue 4) was received on 20 February 2023. This current consultation response uses the Issue 4 version of the Acoustics Assessment to address the clarification points presented above.

#### Survey details:

Additional information confirming the laboratory calibration details of the equipment are presented in Table 5. The calibration intervals meet with relevant standards. Paragraph 6.5 now confirms that no noise from the existing operations at the site was observed during the equipment deployment, retrieval or attended measurements. Whilst there is no indication that the existing activities (e.g. landfill gas plant) significantly influenced the measurements of background noise, this cannot be explicitly confirmed for the majority of the unattended measurements, and hence should be considered as a source of uncertainty in all of the assessments presented. Observations of audible noise sources indicate that traffic noise is the dominant noise source, therefore it can be assumed that any on-site activities are likely to have less potential influence during daytime periods than night-time periods.

#### Source heights:

Paragraph 9.5 states that a source height of 2m has been assumed for the mobile plant used for the recapping and reprofiling works. This is considered reasonable. A unit height of 3m is reported as assumed for the central inverter, with 1m used for the string inverters. In both cases the noise model has been calibrated to field measurements of these sources.

#### PPG: Minerals Assessment:

The predicted noise levels from capping and reprofiling have been assessed in accordance with PPG: Minerals. Predicted noise levels have been assessed against 3 relevant noise limits set out in PPG: Minerals:

- 70dB(A) Leq 1 hr for temporary operations, applicable to 'Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance' and 'essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs' for up to 8 weeks per year.
- Background noise level +10dB(A) Leq 1hr – this is the normal operations noise limit;
- 55dB(A) Leq 1hr – applicable where compliance with the normal operations noise limit would impose an 'unreasonable burden' on the operator.

Assessment of capping and re-profiling works:

Predicted noise levels have been prepared for three scenarios:

- 'Apply cap worst case' – this assumes that the proposed soil storage bunds are not in place, and all plant is at closest approach to each receptor.
- 'Apply cap' – whilst not confirmed by the AA, it is assumed that the soil storage bunds are in place for this scenario, and plant usage across the site has been considered.
- 'Other works' – again, whilst no explicit confirmation is provided, it is assumed that the soil storage bunds are in place for this scenario, and plant usage across the site has been considered. Reduced plant list when compared with the 'Apply cap' activities.

The plant list includes, dozers, excavators, dump trucks and HGVs. The noise emission data is taken from BS5228 and appears reasonable; however, it is noted that the assumed sound power levels in version 4 of the AA are lower than those selected by version 3 of the AA. It should be noted that the plant item selected from BS5228 by version 4 to represent a D6 Dozer is smaller in weight and power than a standard D6 Dozer. The value used for the dump trucks relates to tipping activity, and does not reflect transportation of materials, which is cited by BS5228 as being 8dB(A) higher. However, it is acknowledged that the data in BS5228 was compiled over 15 years ago, and noise emissions from modern machinery are now often lower than previously measured.

It is reported that stockpiles of stripped soils (up to 2.5m in height) will be placed in the northwest and southwest areas of the site to provide screening for Montefiore House, Smiths Cottages and Oakdene (all west of the site). The 'approximate locations' of these stockpiles are shown by Figure 3 of the AA. No comment is provided on why 2.5m has been selected as the stockpile height.

The predicted noise levels are assessed against guidance for normal and temporary operations presented by PPG: Minerals:

- 'Apply cap worst case' – Predicted noise levels are below the temporary operations threshold of 70dB(A), and would be completed in less than 8 weeks per year.
- 'Apply cap' – Predicted noise levels exceed 55dB(A) at receptors west of the site when works are in certain areas (3pprox.. 15 %) of the site; Predicted noise levels exceed LA90 +10dB(A) at receptors west of the site when works are in certain areas (3pprox.. 47 %) of the site.
- 'Other works' – Predicted noise levels exceed 55dB(A) at Montefiore House when works are in certain areas (3pprox. 9 %) of the site; Predicted noise levels exceed LA90 +10dB(A) at receptors west of the site when works are in certain areas (3pprox. 41 %) of the site.

Information presented concerning the likely programme of works states that the overall duration would be 2.5-3 years, and confirms that operations which are predicted to exceed 55dB(A) would be completed in less than 8 weeks per rolling year.

Re-capping and re-profiling works are not explicitly listed by PPG Minerals as examples of temporary works; however due to the reported potential wider

environmental benefits of the scheme, the application of temporary operations noise limits to some aspects of the works is considered reasonable.

It is noted that normal operations noise limits of background +10dB(A) are predicted to be exceeded for 47% of the site area for capping works, and 41% of the area for other works, but that these noise levels would be below 55dB(A). The areas where the different thresholds are likely to be exceeded are presented in Figures 4 and 5 of the AA. No comment is provided on whether compliance with the normal operations noise limits of background +10dB(A) would result in an 'unreasonable burden' on the operator. It is assumed therefore that increasing the soil bund heights and/or extents sufficiently to provide meaningful additional noise attenuation would not be viable due to additional visual effects, and/or materials management issues.

Solar array construction:

A revised plant list, with noise emissions taken from BS5228 data, is presented along with other calculation assumptions which appear reasonable. The predicted worst case noise levels are below the relevant threshold for construction noise of 65dB(A), based on guidance in BS5228.

Solar array cooling fans and transformers:

It has been confirmed that the only cooling fans proposed are intrinsic to the converters and that no additional transformers are proposed as part of the scheme.

Cumulative effects of solar array and landfill gas management infrastructure:

The AA acknowledges that whilst noise emissions from the landfill gas engines were not audible during the site visits, these have not been evaluated in detail. A simple statement is presented that asserts that the risk of cumulative effects altering the assessment outcomes is low. The landfill gas extraction and burning plant is regulated by a condition based upon night-time noise, and the solar proposals will generate noise only during the day and evening. It is therefore considered that the risk of significant cumulative effects is low; however, this cannot be confirmed without quantitative noise predictions.

We do not propose to object to this scheme, subject to the inclusion in any consent of conditions addressing the following issues:

1. Capping and reprofiling works:
  - Monday to Friday 07:00-17:30 hours, except soil stripping and construction of soil storage mounds should not commence until 08:00hrs.
  - Temporary operation noise limit of 70dB LAeq 1 hr for up to 8 weeks in any year long period. Seven days advance written notification of temporary works should be provided to the WPA.
  - Normal operations noise limit of 55dB LAeq 1 hr, applicable at all noise sensitive receptors only when works are within the yellow areas shown by Figures 4 and 5 of the AA.
  - Normal operations noise limits of background +10 dB LAeq 1hr applicable at all other times: Receptors west of the site including Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square – 40dB LAeq 1 hr; Receptors north, east and south of the site including Ugley Hall,

- Fieldgate Farm House, Ugley Park, and Boundary Cottage – 38dB LAeq 1hr.
- Quarterly noise monitoring.
  - Plant used on site to have effective silencers and non-tonal reversing alarms.
  - HGV movements to occur only during working hours and limited to a maximum of 4 movements per hour (equivalent to 42 movements per working day).
2. Solar array installation:
- A daytime noise limit of 65dB LAeq T could be included; however, it is noted that construction noise can be controlled by the Local Authority using the Control of Pollution Act powers.
3. Solar array operation:
- No noise generating operations to be carried out 23:00-07:00.
  - Daytime (07:00-19:00) and evening (19:00-23:00) noise limits of 5 dB(A) below background (this takes into account uncertainty associated with the potential influence of existing landfill gas plant on baseline measurements), unless agreed otherwise in writing with the planning authority: Receptors west of the site including Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square – Daytime 35dB LAr T, evening 33dB LAr T 1hr; Receptors north, east and south of the site including Ugley Hall, Fieldgate Farm House, Ugley Park, and Boundary Cottage – 33dB LAr T, evening 31dB(A) LAr T.
  - Updated operational noise assessment to be submitted and approved in writing by the planning authority prior to operation of the array. This is to include details of the final plant items selected to be installed and a quantitative assessment of the cumulative effects of the solar scheme and existing landfill gas management plant.

COUNTY COUNCIL AIR QUALITY CONSULTANT – No objection.

The air quality assessment screened out the need for detailed modelling of construction related transport emissions based on the predicted concentrations of road traffic related pollutants (PM10 and NO2) using the DMRB screening tool calculations. These were negligible.

The dust assessment has applied the IAQM guidance appropriately and concluded on the highly recommended low-risk mitigation measures, for the soil imports, cap replacement and landform profile work and best practice techniques for the construction of the solar panels.

There is a lack of detail regarding the plant used and proposed access routes for the construction of the solar panels. However, best practice dust mitigation and site management should be sufficient for this aspect of the application.

There are no objections to this application based on air quality.

UGLEY PARISH COUNCIL – No comments to make.

QUENDON AND RICKLING PARISH COUNCIL – No comments received.

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

## 6. REPRESENTATIONS

28 properties were directly notified of the application. One letter of representation has been received. This relates to planning issues, summarised as follows:

### Observation

110 truck movements per day is unacceptable. Equates to one vehicle entering or leaving the site every 5.6 minutes, causing congestion on B1383 in both directions.

Congestion in Stansted Mountfitchet high street already occurs when deliveries to local shops are being made during peak hours. Proposed vehicle movements would completely block this section of B1383, causing delay to emergency vehicles, buses, taxis and cars.

Already endure endless drone of 350kW generator noise onsite 24/7 and additional construction machinery would add to this disturbance.

Noise from so many HGVs on daily basis would be intolerable.

During the original capping works the dust levels blowing over our properties on dry days resulted in having to keep windows and doors closed and respiratory risks. Proposal is for far greater amount of material.

What are the details of the makeup of the proposed soils?

### Comment

Highways impact considered in appraisal.

Highways impact considered in appraisal.

Noise impact considered in appraisal.

Noise impact considered in appraisal.

Dust impact and air quality considered in appraisal.

Material type subject to EA permit. Considered in appraisal.

## 7. APPRAISAL

## A PRINCIPLE OF DEVELOPMENT AND NEED

WLP Policy 2 concerns the safeguarding of waste management sites and infrastructure in Essex. The policy states, inter alia, that *“Proposals which are considered to have the potential to adversely impact on the operation of a safeguarded waste site or infrastructure, including the site allocations within this Plan, are unlikely to be opposed where:*

- a. *A temporary permission for a waste use has expired, or the waste management use has otherwise ceased and the site or infrastructure is considered unsuitable for a subsequent waste use; or*
- b. *Redevelopment of the waste site or loss of the waste infrastructure would form part of a strategy or scheme that has wider environmental, social and/or economic benefits that outweigh the retention of the site or the infrastructure for the waste use, and alternative provision is made for the displaced waste use; or*
- c. *A suitable replacement site or infrastructure has otherwise been identified and permitted.”*

WLP Policy 13 states that *“Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development. Proposals will also demonstrate that:*

- a. *There is proven significant benefit that outweighs any harm caused by the proposal;*
- b. *The amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site; and*
- c. *In the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

*Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.”*

WLP Policy 9 states that proposals for landfill facilities will be permitted where

1. *“The landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development;*
2. *Although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea;*
3. *It is demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan; and*
4. *That the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.*

*In addition, preference will be given to proposals:*

- a. *For the restoration of a preferred or reserve site in the Minerals Local Plan;*  
*or*
- b. *For an extension of time to complete the permitted restoration within the boundary of an existing landfill site.*

*Proposals for non-inert landfill are required to demonstrate the capture of landfill gas for energy generation by the most efficient means.*

*Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.”*

It is stated in the application that the importation of soils is sought in order to adequately manage the levels of leachate that the site currently produces. The justification, as set out in the application, states that the site has a long history of high leachate levels and is very reactive to rainfall and attempts have been made over previous years to try and improve this situation. The performance of the existing GCL cap of the landfill is considered to be of crucial importance for the level of leachate generation. The degree of infiltration of rainwater through the cap dictates the amount of leachate generation from the waste. This site is reported to be highly reactive to rainfall; high leachate levels have been found to occur around three months after periods of heavy rainfall, indicating that the existing GCL cap is underperforming. The compliance level for leachate generation in wells is 6 metres, however some wells onsite averaging 8-12 metres, with some reaching 14m.

It is stated in the application that the installation of a new LLDPE layer would significantly reduce the infiltration rate of rainwater, resulting in lower leachate levels and a reduction in the number of tankers required to remove leachate from the site. The site currently operates two tankers per day to remove leachate from the site and transport it to Biffa's Westmill landfill site where it is processed using existing leachate treatment facility. The applicant estimates that if tankering continues at current levels and rainfall follows current trends, the leachate levels are anticipated to continue to rise, thus tankering is not considered to be a sustainable long term solution both commercially and environmentally. It is estimated that the proposal would tankering from 12 per week to 60 per year over time.

The settlement of waste in the landfill has resulted in areas of relatively flat land which prevents surface water from draining away. Low surface water drainage results in surface water accumulation in the form of ponds which risks damage to landfill gas and leachate infrastructure. The proposed re-profiling through the importation of soils would create a more 'dome-shaped' landform profile which would allow surface water to drain away more effectively.

With regards to WLP Policy 2 it is considered that the primary waste management use of the site, acceptance of landfill waste, has expired and the site has been restored. The proposal seeks to place the new LLDPE layer on top of the existing GCL cap with imported soils used to create a revised landform to a maximum level that does not exceed that of the approved pre-settlement level of 107.5 metres AOD. There would be no waste materials beneath the cap exposed as a result of

the proposal, nor would the existing cap be tampered with or compromised. It is considered that the proposal conforms with WLP Policy 2.

With regards to WLP Policy 13, the applicant has contended that the proposal would constitute an engineering project, however the WPA considers it to be waste disposal thus Policy 13 is relevant. The application has considered other alternative means in order to achieve the improved management of leachate levels on site. It is considered that a 'do-nothing' approach would result in surface water continuing to accumulate as the landform continue to settle and infiltration levels would remain problematic, leading to continued increasing leachate levels. It is considered that the proposal would provide a significant benefit, particularly from an environmental perspective. Any harm caused by the proposal is considered further in the report and balanced against the perceived benefits. The level of the land is proposed to be raised to a maximum level that does not exceed the pre-settlement contour levels of 107.5 metres AOD and the proposed topography is considered necessary in order to achieve the desired outcomes of the works.

The other alternative is to import a lesser amount of material in order to achieve the necessary environmental improvement and reduction in leachate levels. However it is considered that less material would not provide the necessary topography required to drain the problematic surface water.

In terms of improving damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use, it is considered that the proposal would provide environmental benefit through the improved management of leachate and would not compromise the existing landfill integrity. It is not considered that the proposal would be a waste disposal activity for its own sake and it is considered that the proposal conforms with WLP Policy 13.

The applicant states in the submitted Planning Statement that the works have been encouraged by the Environment Agency (EA) and that it is the view of the EA that the site would need to be re-capped and re-profiled to create a dome-shaped profile in order to overcome the site's high leachate levels. In the EA's initial consultation response, they state that this is not necessarily true and that the EA has never specifically stated that the proposed works would need to be carried out in order to meet the required leachate compliance levels. The EA acknowledge the existing high leachate levels and do not object to the application, but clarify that they have not specifically suggested to the applicant that the proposed development is the required solution. Through subsequent meetings and discussions with the EA and the applicant, the applicant clarifies that they understand an application to the EA to alter the environmental permit would be required prior to any works commencing and acknowledge that the 'no objection' position of the EA does not necessarily mean the permit alteration would be approved. With that said, the EA do not object to the principle of development but maintain that a permit application would be required before any works can take place.

With regards to WLP Policy 9, the site is an existing landfill site that has ceased and been restored. The proposal does not seek landfilling operations for its own sake but an alteration/improvement to an existing landfill site. It is considered that



the merits of the proposal are to be assessed and balanced against any harm further in the report.

With regard to the proposed solar array, at a national level, government planning policy supports the development of renewable energy sources, including solar power. NPPF paragraph 152 states that *“the planning system should support the transition to a low carbon future in a changing climate”*, and should support renewable and low carbon energy and associated infrastructure. The National Planning Practice Guidance (NPPG) further states the importance of planning in its role to deliver new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (Para 001 ref ID: 5-001-20140306). WLP Policy 11 states, inter alia, that *“proposals for waste management development, through their construction and operation, are required to minimise their potential contribution to climate change by reducing greenhouse emissions, incorporating energy and water efficient design measures and being adaptable to future climatic conditions.”* ULP Policy ENV15 supports the provision of small scale renewable energy development schemes to meet local needs. NPPF paragraph 158 states inter alia that *“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) Approve the application if its impacts are (or can be made) acceptable.”*

In the same vein, NPPG states that large-scale solar farms can have a negative impact on the rural environment but a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively (Para 013 ref ID: 5-013-2015-0327). Such considerations are considered further in this report.

The proposed solar array would not affect the underlying landfill or the existing gas and leachate extraction taking place at the site. The proposed solar development would bring the benefits of additional renewable energy production whilst allowing the continuation of gas and leachate extraction. It is considered that the land has limited opportunities for alternative land uses due to the constraints of the leachate and landfill gas infrastructure. It is considered that the provision of solar developments are supported and acceptable in principle and the utilisation of previously disturbed land of a former landfill for use as a solar development is considered acceptable in principle. Irrespective of this, the impacts and acceptability of the proposal overall must be considered on its own merits and weighed in the balance against any benefits.

## B LANDSCAPE AND VISUAL IMPACT

WLP Policy 10 states, inter alia, that proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

ULP Policy S7 states that development in the countryside will be approved only if the development needs to take place there, or is appropriate to a rural area. It goes on to state that *“development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”*

The application is supported by a Landscape and Visual Appraisal (LVA). The LVA includes a desktop study, a review of the landscape and visual baseline, Zone of Theoretical Visibility (ZTV) mapping, and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and assessment of potential direct and indirect effect on landscape and visual environment.

At the national scale, the site lies within NCA 86: South Suffolk and North Essex Clayland. The LVA considers the proposed development is too small a scale to have any significant effect on the NCA, which the WPA considers to be accurate. The site is located within A1 North-West Essex Chalk Farmland LCA; the study area of the LVA encompasses this LCA, as well as B1 Central Essex Farmland LCA, C1 Cam Valley LCA and C2 Stort Valley LCA. The LVA also considers the development would be too small a scale to affect the character of these County-level LCAs, which is largely agreed with by the WPA and the County Council landscape consultant. The LVA considers the District-level character assessments, with the site and wider LVA study area falling within Uttlesford Character Assessment areas A1, A3, B7 and B10.

The LVA's overall judgment of importance of landscape effect has been defined as 'negligible' given the solar array would represent a small-scale industrialisation with very limited influence on the wider landscape due to intervening landform, including the modified landfill landform to the north of the solar array. In general the methodology used is considered to be appropriate and the effect on landscape character is considered to be low.

In terms of the visual impact on sensitive receptors, visual receptors have been identified within the study area of the LVA which would be likely to have views of the solar array, which includes a PRoW. It is considered that visibility of the site overall is limited and, considering existing hedgerows/trees and other proposed planting and landscaping, it is not anticipated that the proposed development would have an unacceptable impact on the visual amenity of surrounding receptors. Such planting includes an area of woodland on the eastern side of the site to mitigate views from Fieldgate Farmhouse and the retention of mature hedges and trees on the southern boundary to mitigate views from Hermitage/Jordans Cottage as shown on the submitted revised Restoration Masterplan.

Uttlesford District Council raise no objection to the proposal from a landscape perspective as long as the WPA are satisfied that the proposal would not lead to major/moderate adverse harm to the character and appearance of the area. They request a Landscape and Ecological Management Plan and Landscape Mitigation Plan should such harm be identified. The County Council landscape consultant considers the proposal to be acceptable but contends that the provision of a hard, soft and boundary treatment landscaping scheme should be provided to include

specific details on proposed trees, plants and seed mix, planting schedule, quantity and size. It is also considered necessary to require a landscape management plan which would include long-term design objectives, management responsibilities and maintenance schedules and timetable. A condition requiring a hard, soft and boundary treatment landscaping scheme has been attached which would include details of the visual mitigation that would be planted and would cover the requirements of a landscape mitigation plan should permission be granted. A Landscape and Ecological Management Plan condition has also been attached to the recommendation which would include management responsibilities and maintenance schedules of landscaping features in combination with ecological features also requested by the County Council ecology consultant.

Also to note, the solar array is proposed for an estimated 40 year period after which it would be decommissioned and site restored in line with the restoration plan. Whilst 40 years is considered to be a long period of time above and beyond a 'temporary' period, the perceived visual impact of the array would be reversible and not a permanent change to the landscape.

With regards to the change in landform topography as a result of the importation of materials and recapping of the landfill, as can be seen in the proposed landform re-profiling drawings, the final landform would have a more dome-shaped profile compared to the existing. The majority of the material would be placed in flat areas that have settled over time. The actual height at the peak would match that of the pre-settlement landfill level of 107.5m AOD. The existing land has settled to 104m AOD at its peak. Visually the land would be grassed once the temporary three year importation period is completed. It is not considered that the importation of material would result in unacceptable harm to the landscape to a level that would necessitate a refusal of planning permission.

It is considered that, with the appropriate mitigation, the proposal would conform with the landscape element of WLP Policy 10 and ULP Policy S7.

## C HIGHWAYS IMPACT

WLP Policy 12 states, inter alia, that *“proposals for waste management development will be permitted where it is demonstrated that the development would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.”*

ULP Policy GEN1 states that development will only be permitted where:

“

- a) *Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) *The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) *The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*

- d) *It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) *The development encourages movement by means other than driving a car."*

The site formerly operated as a landfill site and currently extracts landfill gas and leachate. The site has an existing access road and site gate which has been in place throughout the life of the site. The proposal seeks the importation of 430,000 cubic metres of topsoil and subsoils which would equate to 110 daily HGV movements (55 in and 55 out) between 07:00 and 17:30 hours Monday to Friday over a three-year period. HGVs used would be 32 tonne tipper lorries.

During the construction and installation of the solar array (4 months), 20 staff vehicle movements per day (10 in and 10 out) are proposed, with a maximum of two HGV movements on some days to import construction materials. Once constructed, movements would be minimal and only relate to occasional servicing.

Representation has been made concerning the level of congestion that 110 HGV movements per day would likely create on the B1383, as well as congestion on nearby Stansted Mountfitchet High Street which already experiences congestion and would likely be exacerbated by the proposed development.

The application is supported by a Transport Assessment (TA) which refers to the 'Guidance on Transport Assessment 2007'. Although now withdrawn, the TA states that most highway authorities still use this to establish the general threshold of 30 two-way trips in any one hour (or 100 two-way trips in a single day) as a starting point for the need to assess highway impact of a development proposal. The TA later states that as the proposal would not generate this many trips per day, the impact on highway capacity over and above the existing conditions is considered to be negligible.

The Highway Authority raises no objection to the proposal and concludes that, whilst the proposal would result in an intensification of use of the site for the period of re-profiling / re-capping and solar array installation, it would only be for a limited period of time and would be unlikely to have a severe impact on the highway.

It is considered that the proposed development would generate a level of HGV traffic above the existing level and would represent an intensification of use. However it is considered that the total number (110 daily movements) would not result in a significant adverse impact to the existing highway network. The B1383 is a main road that has carried HGV traffic associated with the former quarry and landfill at this location in the past therefore it is considered that the temporary reintroduction of such movements would not have a significant adverse impact on highway capacity. The TA states that the majority of HGVs would route to / from the A120 to the south which is connected to the site by the B1383 for the whole route.

Regarding the access, as aforementioned, it has been used previously for the site's former quarrying and landfill operations and is now used on a lesser basis for HGVs removing leachate from the site and other servicing requirements. The existing access is wide with suitable visibility splays in both directions. The

entrance and access road is considered to be wide enough to accommodate two passing HGVs at any one time. No additional parking is proposed above and beyond what already exists at the site. This consists of six car parking spaces and four contractor vehicle parking spaces. No overnight parking is proposed.

With regard to PRow's, Uttlesford District Council suggest that appropriate consideration should be given in respect to the safety of users of nearby PRow's during both the construction and operational phases of development. PRow 11 Ugley is considered to be the only footpath with the potential to be impacted by the proposals. The applicant has confirmed that existing boundary fencing parallel to the PRow is already in place which would be retained and that additional temporary (Heras or similar) fencing would be erected at least 3 metres within the boundary fence line in the event that any works would take place in proximity to the southern boundary. It is considered that only the solar array construction element of the proposal would likely come within close proximity to this southern boundary with the PRow which would generate less disturbance than the reprofiling works.

It is considered that the proposal is acceptable from a highway perspective and would not significantly detriment the safety and capacity of the highway network or PRow network. The existing site access and parking arrangements are considered to be appropriate for the proposed development and it is considered that the proposal would conform with WLP Policy 12 and ULP Policy GEN1.

## D AMENITY IMPACT

ULP Policy GEN2 states, inter alia, that development will not be permitted unless its design *“minimises the environmental impact on neighbouring properties by appropriate mitigating measures”*, and *“would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or shadowing.”*

ULP Policy GEN4 states, inter alia, that *“development and uses, whether they involve the installation of plant and machinery or not, will not be permitted where*

- a) Noise or vibrations generated; or*
- b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;*

*would cause material disturbance or nuisance to occupiers of surrounding properties.”*

ULP Policy ENV11 states that *“noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development the degree of noise generated.”*

ULP Policy ENV13 states that *“development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground*

*level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.”*

## Noise

Representation has raised concerns around the noise that would be generated from construction machinery and HGVs entering and egressing the site.

The application is supported by an Acoustics Assessment which assesses the sound associated with the proposed re-capping and re-profiling works, construction plant sound associated with installation of the solar array, construction traffic noise changes and operational sound of the fixed plant associated with the solar installation. Sensitive receptors and sound measurement locations are identified within the Assessment.

The assessment of noise has been considered against guidance for mineral development, as the proposed placement of materials would give rise to similar noise impacts associated with mineral development. With regards to the re-capping and re-profiling, the assessment identifies that predicted sound levels are likely to meet the general noise requirements in the Planning Guidance for Minerals at all locations, remaining no more than 10dB above the background sound level for the majority of works, not exceeding 55 dB at any receptor for more than 8 weeks in a given year, and not exceeding 70 dB at any time. The assessment recommends temporary noise mitigation in the form of a soil stockpile bund in the southwest corner of the site near to the closest residential receptor. MPG has been used as recommended by the County Council noise consultant.

Noise created by HGV movements over the three year period is considered to be negligible. The assessment uses an example baseline road traffic scenario whereby four additional HGV movements per hour would add 0.4 dB to overall road traffic noise. It is predicted that 100 additional HGV movements would be required to add 1.0 dB to overall noise level. In this context, it is considered that the proposed HGV traffic to be created by the development would not significantly impact the existing road traffic noise.

The assessment of the solar array installation identifies that predicted sound levels are not anticipated to exceed the threshold for a significant noise impact at any receptor. Outline general recommendations for construction noise management and control measures are provided in the assessment, which could be employed as appropriate. The Uttlesford District Council EHO has requested a condition requiring that all plant and infrastructure required in combination with the solar array shall have a rating level that does not increase the background noise level, expressed as LA90, during the night time period and day time period. Should the plant fail to comply it should be switched off and not used again until it is able to comply.

The County Council noise consultant raises no objection to the proposal subject to conditions relating to each element of the proposal. For the re-capping and re-profiling works it is recommended that noise limits are implemented and quarterly

noise monitoring carried out. It is also recommended that all plant used on site should have silencers and non-tonal reversing alarms. During the proposed solar array installation, it is recommended to secure daytime noise limit. Bespoke noise limits for the solar array would also be secured via condition following completion of the solar array development as the solar array would exist in-situ 24/7. This addresses the EHO comments.

It is considered that these limits would ensure that nearby sensitive receptors would not be impacted by the solar array

### Dust

Representation has raised concerns around the impact the proposal will have on air quality in the local area, in particular with regards to the dust levels during the importation of materials for re-capping and re-profiling. Uttlesford District Council's EHO has suggested that a dust management plan should be required by condition should approval be granted.

The application is supported by an Air Quality Assessment. The assessment considers the impact of construction dust as well as the impact of increased road traffic emissions caused by HGV movements. It is anticipated that dust would mainly be generated during the earthworks phase of the development whereby the new cap would be laid and the site re-profiled. A number of mitigation measures are recommended within the assessment which are welcomed by the WPA.

The Council's Air Quality consultant supports the outcomes of the assessment and considers that, with the implementation of the suggested mitigation and best practice measures, which could be secured by condition, the proposal would be acceptable from an air quality perspective and the impact of dust during re-capping and re-profiling would be low-risk. It is considered that securing these dust mitigation measures via condition would negate the need for a standalone dust mitigation plan.

In terms of vehicle emissions, the assessment shows that the proposal would result in an increase of less than 0.1µg/m<sup>3</sup> for NO<sub>2</sub> and PM<sub>10</sub>. The Council's air quality consultant considers that an increase of this amount would be negligible.

Regarding the type of materials proposed to be used for the re-capping and re-profiling works, only topsoil and subsoils from local construction sites are proposed. Soils would only be accepted if they are of a type listed in the environmental permit (controlled by the EA), and their chemical, physical and biological characteristics are suitable for the intended site use, along with visual inspections and other quality control measures. No waste type other than topsoil and subsoil is proposed to be imported and used to achieve the desired outcomes of the works.

### Glint and Glare

With respect to the proposed solar array, glint refers to a momentary flash of bright light whilst glare refers to a continuous source of bright light. Glint and glare effects may occur during clear and sunny weather conditions when the panel surface

reflects sunlight. This is relevant to this proposal as it is located within the Stansted Airport Outer Safeguarding Zone and glint / glare has the potential to affect aircraft, as well as road users.

The application is supported by a Glint and Glare assessment which concludes that due to the existing buildings and vegetation around the site, almost all glare would be screened from views on the ground. The only road considered to have the potential for glare is Field Gate Lane which is a cul-de-sac road to the east of the site. Due to the road's limited use, it is considered that further mitigation would not be required as the safety of the road would be unlikely to be affected. Despite this, additional mitigation has been added to the proposal along the eastern boundary as described in the paragraph below. In terms of aircraft safety, the assessment concludes that all requirements for solar developments in relation to aircraft and airports have been met. Stansted Airport raise no objection to the proposal.

Uttlesford District Council recommend that consideration is given to a deeper planting belt around boundaries of the site which would include infilling hedgerows/trees in order to mitigate against the visual impact of glint and glare on highway users, living environments of neighbouring residential properties and other public vistas. Since these comments, the applicant provided an updated restoration plan which included more woodland planting along the eastern boundary and on the western boundary around the existing gas compound area. As well as this, reinforced hedgerow planting has been added along the length of the eastern boundary to further mitigate potential impacts. It is considered that these changes would adequately mitigate against potential glint and glare caused by the proposed solar array.

It is considered that the proposal is acceptable from an amenity perspective and would conform with WLP Policy 10 and ULP Policies GEN2, GEN4, ENV11, ENV13 and ENV15.

## E ECOLOGICAL IMPACT

ULP Policy GEN7 states that "development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought."

ULP Policy ENV3 states that "the loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value."

ULP Policy ENV7 refers to the protection of Designated Sites, stating, inter alia, that "development proposals that adversely affect areas of nationally important



nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District.”

ULP Policy ENV8 lists a number of landscape elements including hedgerows, linear tree belts, larger semi natural or ancient woodlands, semi-natural grasslands, plantations and networks or patterns of other local important habitats. It states that development that may adversely affects these landscape elements would only be permitted if

- “ a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;
- b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.”

ULP Policy ENV12 states that “development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.”

Uttlesford District Council identify that the site is located within a defined Country Wildlife Area along with Broom Wood located just to the north of the site and is also designated as Important Woodland. They make comment that appropriate measures should be taken to ensure appropriate mitigation and net gain is achieved in respect of biodiversity and that no harm towards protected species and their habitats occur. The application is supported by a Preliminary Ecological Appraisal (PEA), Protected Species survey report, Biodiversity Net Gain (BNG) Report, Construction Environmental Management Plan (CEMP) and an Arboricultural Impact Assessment (AIA).

The PEA identifies habitats suitable for breeding birds, roosting and foraging/commuting bats, reptiles, badgers, great crested newts and terrestrial invertebrates within the site. Ponds within the wider landfill site, outside the red line boundary, that previously supported great crested newts are also identified. The PEA makes provision for biodiversity enhancements in the form of native and wildlife friendly planting. The BNG report confirms that the proposal would result in a 10.48% net gain in habitat units, 135.23% net gain in hedgerow units and 187.53% net gain in river units.

The County Council ecology consultant raises no objection to the proposal and considers that the proposal would be acceptable on ecological grounds, with a recommendation for the provision of a Landscape and Ecological Management Plan (LEMP) to be secured by condition. It is considered that the impact on protected and priority species and habitats could be made acceptable with the appropriate mitigation and enhancement measures proposed. The revised restoration masterplan includes a planting schedule for grassland, hedgerows and trees and illustrates the areas of proposed hedgerow and tree planting as well as

the retention of surface water lagoons. These enhancements are supported and considered appropriate.

In terms of arboricultural loss, four category C trees and one group of category C trees are proposed to be removed in order to accommodate the required re-capping and re-profiling works and to allow site drainage to be installed. All other trees would be retained and protected with root protection zones and protection fencing ensured. The County Council arboriculture consultant considers the proposal to be acceptable based on the proposed restoration planting to provide mitigation for the small amount of trees to be lost. The consultant raised a point of clarification as to whether four trees and one group of trees in total were to be removed or whether the three trees were required to be removed to facilitate the recapping and the removal of the two further features required to facilitate the drainage installation were additional to that number. It is understood that trees T8, T9, T10 and T20 would be required for removal in order to facilitate the recapping and reprofiling works. Group G34 located partly along the northern boundary of the red line would need to be removed in addition to the four aforementioned trees in order to accommodate drainage, although the removal of G34 is considered a worst case and it is more than likely that this group would be able to be retained.

Hall's Quarry SSSI is not located within the red line boundary but within the blue line boundary. It is not considered that the proposed works would have any impact on the feature considering that no storage of materials and no vehicular or mechanical disturbance of soils are proposed. Natural England raise no objection to the proposal. It is also considered that the proposal would not have any impact to LoWS, ancient woodland and other SSSI located at a distance from the site. This includes Broom / Burney Wood LoWS which is the closest LoWS to the site and identified by Uttlesford District Council, although is actually located approximately 400m to the northwest of the red line boundary and would not be impacted by the proposed works.

It is considered that the proposal would provide significant BNG and mitigation against any impacts that the proposal may have. It is considered that the proposal would conform with ULP Policies GEN7, ENV3, ENV7, ENV8 and ENV12.

## F FLOOD RISK

WLP Policy 11 states, inter alia, that proposals for waste management development will only be permitted where *“there would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow of storage or surface water, as demonstrated by a Flood Risk Assessment, where required by the National Planning Policy Framework”*, and *“there would not be an unacceptable risk to the quantity and quality of surface and ground waters, or impediment to groundwater flow.”*

ULP Policy GEN3 states, inter alia, that *“outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance. For all areas where development will be exposed to or may lead to an*

*increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.”*

The application is supported by a Flood Risk Assessment (FRA) and a surface water drainage strategy. The FRA considers potential sources of flooding to the site including tidal, fluvial, groundwater, overland flow, artificial sources and drainage infrastructure arrangements. The FRA finds that the site is generally at very low risk of flooding from surface water flooding and the construction of the proposed development, with the inclusion of the proposed drainage strategy, would ensure that the risk of flooding to the site and off-site would remain low when climate change is taken into account.

Regarding drainage, the proposed network of channels would discharge into existing infiltration basins, with the water quality expected to be good. The LLFA raises no objection to the proposal with recommendations to attach conditions requiring a maintenance plan for the surface water drainage system as well as yearly logs of maintenance and a soil management plan prior to the commencement of the solar array works. It is also recommended that a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and prevention pollution is to be submitted prior to works commencing. It is considered that the CEMP submitted by the applicant provides much of this information, however a condition would ensure that all matters could be provided prior to commencement.

It is considered that the proposal would conform with WLP Policy 11 and ULP Policy GEN3.

## G HERITAGE IMPACT

WLP Policy 10 states, inter alia, that *“proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact on... the historic environment including heritage and archaeological assets and their settings.”*

Uttlesford District Council suggest that consideration should be given to ensure that the setting and significance of the several heritage assets near the application site are not significantly harmed. The application is supported by a Heritage Impact Assessment (HIA). The HIA identifies all designated and non-designated heritage assets within 1km of the site and assesses the proposal’s likely impact to these heritage assets and their settings. All but seven listed buildings and the two non-designated buildings were screened from the site by natural landform and/or vegetation, or were sufficiently distant from it that the proposed development would not have the potential to change the ability to understand and appreciate their significance. The nine assets were therefore assessed, and the remaining assets left out of the assessment.

The HIA considers that three listed buildings' settings would likely be altered as a result of the proposed development; The Hermitage, Jordan's Cottage and Fieldgate Farmhouse. It is concluded that in each case any loss of significance would only be very slight and any harm would be considered at the lowest end of the scale of less than substantial harm. NPPF paragraph 202 states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* The County Council historic buildings consultant does not raise objection to the proposal but considers paragraph 202 should be considered given the less than substantial harm. The restoration masterplan was amended to take into consideration the historic buildings consultant's original comments; proposed security fencing and CCTV camera were reduced and increased hedgerow and woodland planting was added to further mitigate potential impact to listed building settings.

It is considered that the environmental benefits that the proposal would bring in terms of better management of leachate levels on site, minimising the potential for potential pollution issues and the production of renewable energy via the provision of a solar array aligns with the government's broader aspiration to transition to a low carbon future and amounts to public benefit that would outweigh the less than substantial harm caused to heritage assets in the local area. As such, it is considered that the proposal would conform with WLP Policy 10 and Para 202 of the NPPF.

## H RESTORATION

The site as existing is currently subject to an approved restoration plan. As part of this proposal, a revised restoration plan has been submitted which incorporates the provision of the solar array alongside the change to site levels and associated planting, mitigation and biodiversity net gain.

The restoration would include the planting of areas of species-rich grassland and wildflower, woodland/woodland edge planting, shrub planting and hedgerows once soils have been imported and the site re-profiled. It is considered that the revised restoration plan would provide more benefit than the previously approved restoration plan which provided amenity grassland, hedgerow and tree planting, albeit at a lesser quantity than the proposed.

Overall, the proposed restoration plan is considered acceptable and appropriate to the scale of development proposed. The previously approved scheme included the submission of an aftercare scheme under permission ref: ESS/66/12/UTT. It is considered that, should approval be granted, a condition should be attached requiring the submission of an updated aftercare scheme.

## 8. CONCLUSION

The proposal seeks the importation of approximately 430,000 cubic metres of topsoil and subsoils to recap and re-profile the existing restored landform for the purpose of improving the site's environmental management of leachate levels. The

proposal also seeks the provision of a 2.4 MW solar array on the southern part of the site for 40 years to be placed following the completion of the recapping and re-profiling.

It is considered that the amount of material proposed to be imported would be the minimum amount necessary to achieve the proposed landform. It is considered that the proposal does not constitute a waste disposal activity for its own sake and would not compromise the existing landfill cap underneath. The solar array is not considered a risk to the integrity of the existing landfill. As such, the proposal is considered acceptable in principle.

The proposal is considered acceptable from a landscape and visual perspective as well as a heritage perspective due to the proposed mitigation and retention of existing visual mitigation. The proposed planting is considered to provide ecological benefit and biodiversity net gain. It is considered that the proposed operations would be acceptable from an amenity perspective through the implementation of proposed noise and dust mitigation measures during construction. The impact to the highway network is considered to be acceptable and temporary. The development is considered to be acceptable from a flood risk perspective. Whilst the development is considered to cause less than substantial harm to heritage assets within close proximity to the site, it is considered that the level of public benefit generated through the production of clean renewable energy would outweigh this less than substantial harm.

On balance, whilst the development would likely have some short term localised impacts, these are considered to be outweighed by the environmental benefit that would result from the reduction in leachate levels as well as the renewable energy generated by the solar array. As such, the proposal is considered to conform with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2, 9, 10, 11, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN2, GEN3, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11, ENV12, ENV13 and ENV15.

## **9. RECOMMENDED**

That planning permission be granted subject to conditions covering the following matters.

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

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

- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 6 July 2022, together with the following documents:
  - Drawing Ref: U3032000 Figure 01, dated February 2022;
  - Drawing Ref: U3032100 Figure 02, dated 20 May 2022;
  - Drawing Ref: U3032200 Figure 03, dated 17 February 2022;
  - Drawing Ref: U3032300 Figure 04, dated June 2022;

- Drawing Ref: U3032400 Figure 05, dated 7 February 2022;
- Drawing Ref: U3032500 Figure 06, dated 2 March 2022;
- Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023;
- Drawing Ref: U3032700 Figure 08 Rev 1, dated 8 June 2022;
- Drawing Ref: U3032800 SK003, dated 20 May 2022;
- Drawing Ref: U3032900 SK004, dated 20 May 2022;
- Drawing Ref: U3033000 SK005, dated 20 May 2022;
- Drawing Ref: U3033100 SK006, dated 20 May 2022;
- Drawing Ref: U3033200 SK007, dated 26 April 2022;

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend-on-Sea (2017) Polices 2, 9, 10, 11, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN2, GEN3, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11, ENV12, ENV13 and ENV15.*

- 3 The importation, re-capping and re-profiling element of the development hereby permitted shall be completed within a period of three years from the notified date of commencement of the development as required by condition 1 by which time operations shall have ceased and the site restored in accordance with the scheme approved under Condition 40.

The solar array element of the development hereby permitted shall be completed within a period of six years of the date of commencement of the development as notified under condition 1.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 2, 9, 10, 12 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN1, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV13.*

- 4 Any building, plant, machinery, foundation, hardstanding, roadway or structure used in connection with the development hereby permitted shall be removed from the site when no longer required.

*Reason: To enable the Waste Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10, 11 and 12 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11 and ENV13.*

- 5 In the event that the operations are terminated or suspended for a period in excess of 6 months, the operational land shall be restored in accordance with the scheme approved under Condition 40 and within a period of 6 months from the

date of notification by the Waste Planning Authority, except as may be varied by details to be submitted to the Waste Planning Authority, for approval in writing.

Reason: *To enable the Waste Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10, 11 and 12 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN4, GEN7, ENV3, ENV7, ENV8, ENV11 and ENV13.*

- 6 The development hereby permitted shall only be carried out during the following times:

07:00 hours to 17:30 hours Monday to Friday

No development shall take place on Saturdays, 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 Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN4, ENV11 and ENV13.*

- 7 From the date of commencement of this permission as notified under condition 1, the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 working days, upon request.

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4, ENV11 and ENV13.*

- 8 All vehicular access and egress to and from the site shall be from Cambridge Road (B1383) as indicated on Drawing Ref: U3032200 Figure 03, dated 17 February 2022. No other access shall be used by vehicles entering or exiting the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 9 The surfaced section of the access road from the junction with Cambridge Road (B1383) shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: *In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 10 During the construction duration of the development hereby permitted, no commercial vehicle shall leave the site unless its wheels and underside chassis

have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 11 The total number of heavy goods vehicle\* (HGV) movements associated with the development hereby permitted shall not exceed the following limits:

110 movements (55 in and 55 out) per day (Monday to Friday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 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 Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 12 The ground visibility splay at the access onto Cambridge Road (B1383) shall be retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: *In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Polices 10 and 12 and Uttlesford Local Plan (2005) Policies GEN1 and GEN4.*

- 13 The development hereby permitted shall be carried out in accordance with the Noise Management and Control Measures contained within Section 10 of the Acoustics Assessment, Issue 4, dated 16 February 2023.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 14 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage, The Square, Ugley Hall, Fieldgate Farm House, Ugley Park and Boundary Cottage shall not exceed 55 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.

Following completion of the solar array development, the sound rating level (LAr T 1hr) at noise sensitive properties Montefiore House, Smiths Cottages, Oakdene, The Old Vicarage and The Square shall not exceed the following limits:

Daytime (07:00-19:00) – 35 dB LAr T

Evening, shoulder periods and night time (19:00-07:00) – 33dB LAr T 1hr



Following completion of the solar array development, the sound rating level (LAr T 1hr) at noise sensitive properties Ugley Hall, Fieldgate Farm House, Ugley Park and Boundary Cottage shall not exceed the following limits:

Daytime (07:00-19:00) – 33 dB LAr T

Evening, shoulder periods and night time (19:00-07:00) – 31dB LAr T 1hr

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 15 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties listed in Condition 14 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. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

- 16 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at locations to be previously agreed with the Mineral Planning Authority. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

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

Reason: *In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies GEN4 and ENV11.*

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

Reason: *To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7 and ENV8.*

- 19 The development hereby permitted shall be implemented in accordance with the mitigation measures contained within Section 6 of the Air Quality Assessment, Rev 3, dated 4 July 2022.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7, ENV8, ENV12 and ENV13.*

- 20 The haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions when necessary.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV3, ENV7, ENV8, ENV12 and ENV13.*

- 21 The development hereby permitted shall be carried out in accordance with the mitigation strategies contained within the Construction Environmental Management Plan, ref number: EPR/PP3735SW/V09, dated 30 November 2022.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 22 No development shall take place until there has been submitted to and approved, in writing, by the Waste Planning Authority a scheme of hard, soft and boundary

treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

23

No development shall take place until a Landscape and Ecological Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the Plan, has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall include:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 25 year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

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

Reason: *To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, to allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of*

*the NERC Act 2006 (Priority habitats & species) and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 24 The development hereby permitted shall be carried out in accordance with the details contained within Section 5 of the Arboricultural Impact Assessment, Rev 02, dated 4 July 2022.

Reason: *In the interest of the amenity of the local area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

- 25 Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub, the details of which shall have received the prior written approval of the Waste Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 26 No development or any preliminary groundworks shall take place until:

- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
- b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN3, GEN7, ENV3, ENV7 and ENV8.*

- 27 No retained tree shall be cut down, uprooted or destroyed.

Reason: *In the interest of the amenity of the local area and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

28 The development hereby permitted shall be implemented in accordance with the biodiversity mitigation / enhancement measures submitted with the application as detailed in the following approved documents:

- Biodiversity Net Gain Report, ref number: 2021/040/03, dated 6 February 2023;
- Protected Species Survey Report, ref number: 2021/040/01, dated 21 September 2022;
- Letter from AB Ecology titled 'Planning comments response – Ugley Landfill', dated 6 February 2023;
- Revised Ugley Landfill- Biodiversity Net Gain calculations and report (AB Ecology), dated 6 February 2023;
- Construction Environmental Management Plan, ref number: 2021/040/02, V2, dated 6 February 2023;

and shall be implemented in accordance with the timetable specified in the submitted details and completed in full prior to the substantial completion of the development hereby permitted. The mitigation / enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the Waste Planning Authority.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

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

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies S7, GEN2, GEN7, ENV3, ENV7 and ENV8.*

30 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 2 of this planning permission.

*Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

31 All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme indicated on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To prevent the loss of soil and aid the final restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

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

Reason: *To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

33 No movement of existing topsoil or soil making materials stripped on the site shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition". No movement of stripped soils shall take place between 1 November and 31 March unless a field assessment by a suitably qualified person has been undertaken and it has been agreed with the Waste Planning Authority that the soils are in a "suitably dry soil moisture condition".

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

Reason: *To prevent damage to the integrity of the soil resource by avoiding movement when the soils are wet or excessively moist and so do not meet the defined criteria having regard to Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

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

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

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

Reason: *To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2 and 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 35 The development shall be implemented in accordance with the approved Surface Water Drainage Strategy, project number: 60673809, dated 28 June 2022; and Flood Risk Assessment, project number: 60673809, dated June 2022 and maintained for the life of the development hereby permitted.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies GEN3 and ENV12.*

- 36 Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

Reason: *To minimise the risk of pollution of watercourses and aquifers and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 11 and Uttlesford Local Plan (2005) Policies GEN3 and ENV12.*

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

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 38 Upon the completion of restoration, no part of the restored land shall exceed the pre-settlement contours as shown on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 39 Final landform, surface restoration levels and final contours shall accord with the landform shown on Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 40 The development hereby permitted shall be carried out in accordance with the Restoration Masterplan, Drawing Ref: U3032600 Figure 07 Rev C, dated February 2023.

Reason: *To ensure proper restoration of the site and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 41 An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for amenity grassland/woodland use shall be submitted to and approved in writing by the Waste Planning Authority prior to completion of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with Paragraph 57 of the Minerals 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 of the Minerals the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: *To ensure the satisfactory restoration of the site for amenity/woodland and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Uttlesford Local Plan (2005) Policies S7, GEN2 and GEN7.*

- 42 No waste other than those waste materials defined on page 17 of the Planning Statement prepared by Aecom, dated July 2022 and submitted with the application, shall enter the site.

Reason: *Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 2, 9, 10 and 13 and Uttlesford Local Plan (2005) Policies S7, GEN4, GEN7, ENV7, ENV8, ENV11, ENV12 and ENV13.*

Informatives



- 1 The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>
- 2 Any planting or fencing adjacent to the public rights of way should be planted a minimum of 3m from the extent of the public right of way.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located within distance to a European site.

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

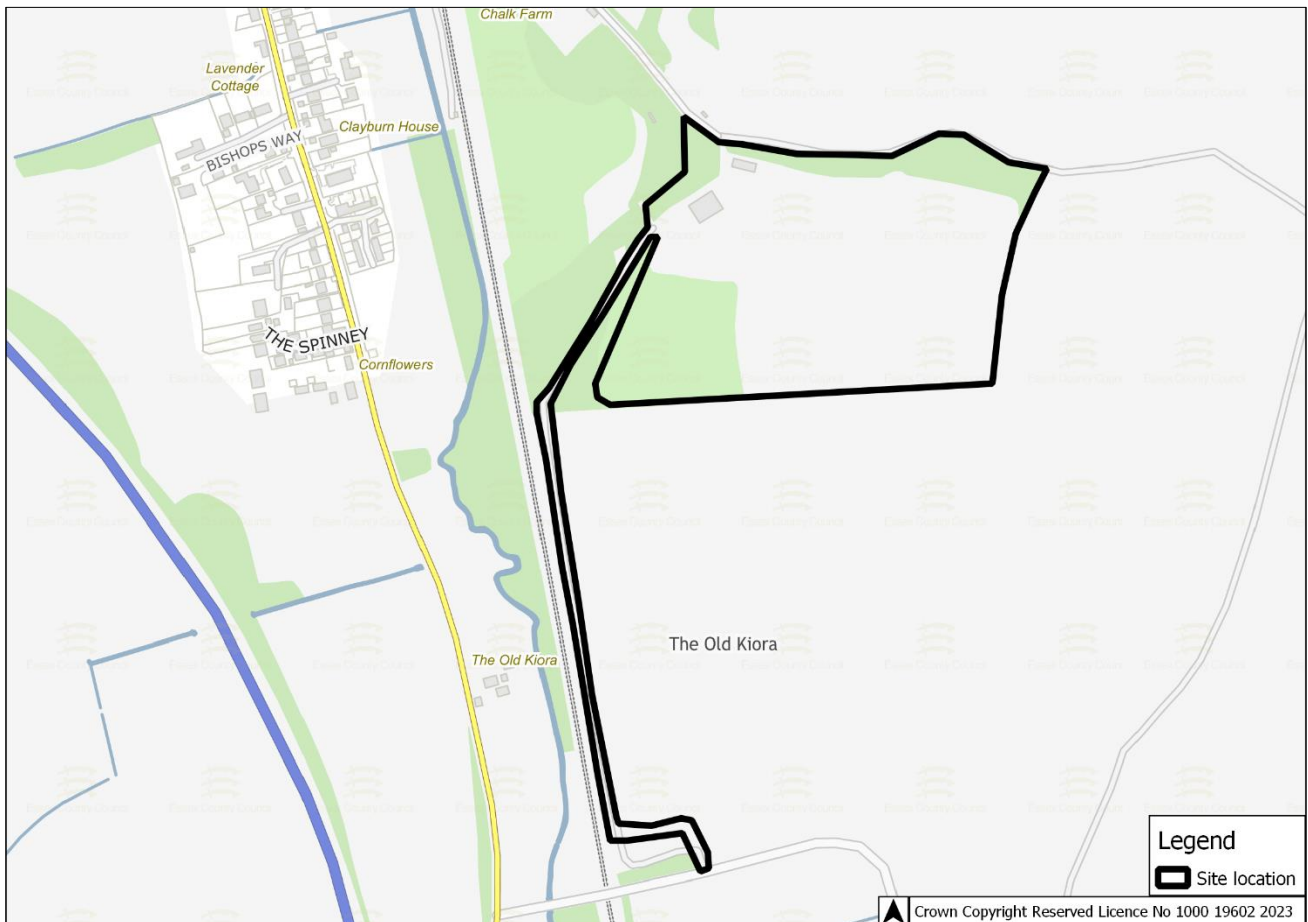
In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent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

## **LOCAL MEMBER NOTIFICATION**

Stansted ED

**DR/14/23**

<b>Report to:</b> DEVELOPMENT & REGULATION (26 May 2023)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT – Continuation of the importation of inert material, installation and use of recycling plant and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve (application ref: ESS/42/18/UTT) without compliance with condition 6 (HGV movements) to allow an increase in the permitted number of daily HGV movements	
<b>Ref:</b> ESS/111/22/UTT	<b>Applicant:</b> Ingrebourne Valley Limited
<b>Location:</b> Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Tom McCarthy Tel: 03330 320943 The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	

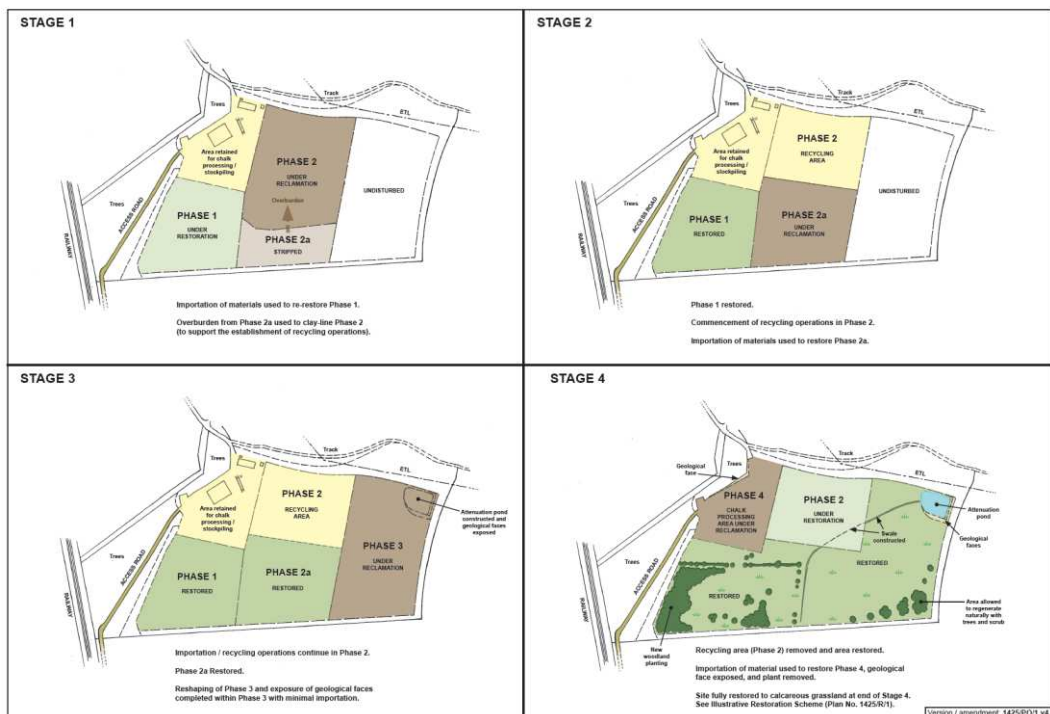


# 1. BACKGROUND & SITE

Whilst extraction of chalk has taken place at Newport Quarry since 1980, importation of material to facilitate restoration back to pre-extraction levels only commenced more recently, following the approval of planning application ref: ESS/42/18/UTT in January 2020.

The development description for ESS/42/18/UTT was 'importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve' with the details submitted and approved outlining that the development would be completed in a phased manner over a 10 year period.

Extract from 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018



With regard to this, stage one of the development will see material imported to re-restore phase 1 (as per the above labelling). Overburden from phase 2a would then be stripped and used to clay line phase two ready for the establishment of recycling operations. Stage two would see phase one restored; commencement of recycling operations in phase two; and importation of material to restore phase 2a.

Stage three, which would follow the restoration of phase 2a, would see importation and recycling operations continue with re-shaping/engineering of phase three including the construction of an attenuation pond in the north-east corner of the site. Stage four would see engineering/restoration of phase three complete; and the recycling area within phase two removed. This phase would also see stage four restored; together with the remaining part of the site (phase four – the chalk processing area). The site would, overall, be restored to calcareous grassland with additional new woodland, tree and hedgerow planting.

Works pursuant to ESS/42/18/UTT formally commenced on-site 01/02/2022 with operations, following the initial site set-up, now actively taking place in phase one.

With regard to the site itself, the Quarry is situated in an area of undulating agricultural landscape with established vegetation on the western, northern and eastern boundaries. The site is accessed from Widdington Road via a private haul road which runs north/south, parallel to the Cambridge to Bishop Stortford railway line. Byway 20 (Newport) runs parallel with the northern boundary of the site but is unaffected by the development.

The centre of Newport Village is situated some 700 metres to the north-west of the site and Newport Pond (a Local Wildlife Site) is 250 metres away, again to the north-west, both of which straddle the B1383 (London Road). The M11 lies approximately 700 metres to the west.

The application site is not itself located within a 'sensitive area', as defined by the EIA Regulations and is not located near a RAMSAR, SPA or SAC. The site is however located approximately 900m south of the Debden Water SSSI. The site is located in Flood Zone 1.

## **2. PROPOSAL**

This applications seeks to vary condition 6 as originally attached to the decision issued pursuant to planning application ref: ESS/42/18/UTT. Condition 6 states:

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

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

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

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

The applicant is requesting an increase to the permitted number of vehicle movements to better account for seasonal fluctuations in both the extraction of chalk and the importation of inert materials.

The applicant is proposing that condition 6 is varied as per below, to allow an additional 40 movements (20 in and 20 out) Monday to Friday:

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

*120 movements (60 in and 60 out) per day (Monday to Friday); and*

40 movements (20 in and 20 out) per day (Saturdays)

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

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

No other changes are proposed to the development or conditions previously secured as part of the extant permission.

### 3. POLICIES

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

#### Essex Minerals Local Plan

Policy S10 – Protecting and Enhancing the Environment and Local Amenity

Policy S11 – Access and Transportation

#### Essex and Southend Waste Local Plan

Policy 10 – Development Management Criteria

Policy 12 – Transport and Access

#### Uttlesford District Council Local Plan

Policy GEN1 – Access

Policy GEN4 – Good Neighbourliness

Policy ENV11 – Noise Generators

#### Newport and Quendon & Rickling Neighbourhood Plan

The parishes of Newport and Quendon & Rickling were designated as a neighbourhood plan area by Uttlesford District Council in February 2017 and in June 2021 a Neighbourhood Plan for this area was adopted. The following 'Recommendations' within the adopted Neighbourhood Plan are considered of relevance to this application:

NQRRECT Mitigation of traffic impacts - It is recommended that to help address the impacts of traffic on the villages, including congestion, parking, and air quality, the parish councils will seek contributions through S106 funding to sustainable transport infrastructure and promote sustainable transport measures to help reduce reliance on the private car and identify appropriate local mitigation to manage residual traffic impacts

NQRRECS Speeding and crossing the road – Should funding not be available for an infrastructure based safety scheme, it is recommended that Quendon & Rickling parish council seek to pilot a scheme to remove driver friendly markings along the B1383. This may be achieved when the road is next resurfaced. Traffic speed in

Newport is constrained during the day by parked cars. There was no consensus on any other measures to be taken. However, if Quendon does have a successful scheme shown to reduce traffic speeds and make drivers more aware of surrounding activity, this could be extended to Newport and other settlements. Removal of road sign clutter and lines would make the pedestrian crossings stand out.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

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

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

Uttlesford District Council are in the process of drafting a 'new' Local Plan. The most recent update provided on this, by Uttlesford District Council, was in September 2022 when a pause was announced to the current production timetable. This pause was to allow more time to complete further work ahead of publishing a draft of the Local Plan for consultation. The consultation draft of the Local Plan is now expected in Summer 2023. Given the stage of the new emerging Local Plan it is not considered that this currently holds any weight in the determination of this planning application.

#### **4. CONSULTATIONS**

Summarised as:

UTTLESFORD DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

NETWORK RAIL – No comments received.

WIDDINGTON PARISH COUNCIL – Object. The existing permitted amount of vehicle movements already impact access from Widdington via Spring Hill to London Road (B1383) particularly first thing in the morning. In the morning trucks queue to enter Newport Chalk Quarry, close to this point and before Newport Spring Hill narrows to a single track road over the railway bridge into Newport. Traffic leaving the village must wait as they cannot pass the queueing trucks. The road is at times dangerous due to the build up of mud on the road as truck wheels are not being properly cleaned before leaving the site. This will be exasperated if daily vehicle movements are permitted to be increased.

Residents involved in a recent litter pick also commented that the truck drivers appear to be throwing litter as they leave/enter the site because more litter was recovered by the entrance at the recent litter pick than any other sections of Spring Hill and that had previously been collected in this area. Therefore, having an increased undesirable impact on a rural location.

The increased traffic on small rural roads and the impact on residents is further exasperated as the other route leading to the B1383 from the village is also blocked at the same time of the morning by the Widdington Recycling trucks.

Traffic impact needs to be considered/assessed from both sites together, due to their combined effect on the local road network.

NEWPORT PARISH COUNCIL – No comments received.

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

## 5. REPRESENTATIONS

15 properties were directly notified of the application. The application was advertised by way of press advert and site notice. Six letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Lorries are very noisy travelling along the haul road. More lorries equals more noise.	See appraisal.
The site opens at 7am and the noise continues all day.	No change is proposed to the permitted hours of operation. As existing hours of operation are limited to 07:00 to 18:00 hours Monday to Friday; and 07:00 to 13:00 hours Saturday; with no operations allowed on Sundays, Bank and/or Public Holidays. See appraisal for comment in respect of noise nuisance.
The haul road is in poor condition and the advisory speed limit on the haul road is not adhered to.	The condition of the haul road has been raised by officers as part of recent site monitoring reports. It is expected that the haul road will be maintained in a suitable condition during the life of the development.  With regard to the speed limit on the haul road, as the haul road is not adopted, management of this speed limit is entirely within the gift of the applicant. That said, as part of the details secured by way of condition 8 (vehicle routeing management) officers do have potential to further raise this with the applicant if the accusations can be substantiated.
Mud/debris, as existing, is often spread on the highway from this site.	See appraisal.
Increase in rubbish discarded into verges.	Noted. However, as the allegation relates to rubbish being discarded along a public highway, there can be no guarantee that the increase in rubbish within the verges is actually the applicant's (or their contractors) sole doing.



Widdington village has had a quarry / recycling business operating on its southern edge (Hollow Road) for over 40 years. When a recent application to extend the life of this site (Widdington Pit) was allowed, it was suggested that this site (Newport Quarry) would not be seeking to increase its permitted vehicle movements.

When the proposed extension of time applications at Widdington Pit were considered, it was confirmed to Members that 'the assessment of the Newport application [ESS/42/18/UTT] used baseline data which included for example the permitted vehicle movements from the Widdington Pit operations so cumulatively the impacts were considered and deemed acceptable at this point'. It was not suggested that an increase in vehicle movements at either site was not however a possibility. Every application needs to be considered on its individual merits.

The volume of traffic using the B1383 is growing at an alarming rate and this proposed increase is intolerable. Any such increase will make this junction very difficult and dangerous to negotiate. It will make the roads in and out of Widdington an absolute nightmare.

See appraisal.

The proposal would result in increased delays and congestion both exiting and entering the B1383.

See appraisal.

Further degradation of the railway bridge.

ESS/42/18/UTT was approved subject to a S106 which secured a financial contribution towards a formal priority working scheme over the bridge on Widdington Road.

The bridge is owned by Network Rail and as such a financial contribution was sought in acknowledgment that any such works would be subject to their approval.

The contribution sought has been paid by the applicant and accordingly sits with the Council/Highway Authority and is available to spend on attempting to progress such a scheme.

Without prejudice, if planning permission is granted for this application, the S106 which secured

this contribution would need to be subject to a Deed of Variation to ensure the monies previously collected carry forward.

## 6. APPRAISAL

In context that the variation proposed this application solely relates to vehicle movements, it is not considered that there is a need to re-consider or re-appraise the principle of this development (as a whole) or any other part of the operations otherwise already approved.

ESS/42/18/UTT has been commenced and as such represents an extant permission which the applicant can continue to operate from, even if this application, without prejudice, was to be refused.

With regard to this, and the assessment of the variation proposed, initially it is considered appropriate to review the reason why this condition or vehicle movement limit was originally imposed. The reason detailed on the decision notice for ESS/42/18/UTT is: *'In the interests of highway safety, safeguarding local amenity and to comply with policies...'*

The appraisal section of this report will accordingly, in-turn, consider the potential highway and local amenity implications of the proposed variation of condition.

### Highways

The Transport Statement submitted in support of the application suggests that although Widdington Road is a local access road to Widdington, the road functions as a HGV access route to Saffron Walden, avoiding the low railway bridge in Newport.

It is noted that Widdington Road has a carriageway width of approximately 6m between the site access and B1383, except at the railway bridge where the carriageway narrows to 5m. The Road is subject to national speed limit.

As detailed in the Proposal section of this report, the applicant is seeking to increase the permitted number of vehicle movements to allow greater flexibility to cater to fluctuations with the importation of material and also the seasonal nature of chalk extraction.

As part of the Transport Statement submitted with ESS/42/18/UTT fluctuations in material supply were considered. However, it is considered on reflection that the original Transport Statement failed to fully understand or consider the seasonal demand for chalk and how the site conditions (particularly over the wetter months) would impact or restrict operations. The increase in vehicle movements has therefore been put forward to enable the development to continue as permitted and to ensure the development/restoration can be delivered within the original permitted timeframe.

As part of the Transport Statement submitted with the extant permission (ESS/42/18/UTT) it was suggested that there would be a maximum of 80 HGV movements a day Monday to Friday (40 in and 40 out). However, an annual average of 54 movements (27 in and 27 out) was suggested as more representative of that likely to result day to day. With this average having been calculated on the basis of 275 operational days per year; 150,000 tonnes being imported per year; and a 20 tonne average vehicle payload.

The applicant has suggested that recently, on average, 30 vehicle loads have been being imported/deposited at the site over a typical Monday to Friday working day (60 movements overall per day). Whilst this is in line with the aforementioned average, it is noted for a period at the turn of the year the site was forced to close due to the adverse weather conditions. In addition, the applicant is conscious that the movements limits previously suggested, as averages, did not really fully account for the seasonal nature of the chalk extraction (noting that demand for agricultural lime is limited and extraction only takes place between April and September). In context of this, it is considered on reflection that the flex incorporated above the average number of vehicle movements was insufficient to account for the size of the fluctuations likely to be experienced over a whole year.

The Transport Statement submitted with the application, similar to before suggests that based purely on a numerical calculation, circa, 60 vehicle movements (30 x 20 tonne load capacity vehicle movements in and out) would be needed daily to deliver the development. The Statement submitted has then sought to show the predicted impact of this average level of movements against the current permitted number of vehicle movements and then the now proposed maximum vehicle figure during the weekday AM and PM peak.

<b>Period</b>	<b>HGV movements</b>	<b>Light Vehicle movements</b>
<b>Daily (Mon – Fri)</b>	60 / 80 / 120	6 / 9 / 9
<b>AM peak</b>	6 / 8 / 12	0 / 1 / 1
<b>PM peak</b>	1 / 2 / 2	3 / 4 / 4

With regard to the above, initially it will be noted that the flexibility sought (i.e. the number of vehicle movements requested above the average needed) is significant - double the number of average vehicle movements needed in theory to deliver the development. That said, in comparison to that already approved, it is noted that the physical implications to the highway network are quite small. With modelling submitted, within the Transport Statement based on traffic counts taken of London Road (B1383), suggesting that the proposed increase in vehicle movements represents only a 0.4% increase in daily traffic on London Road (B1383).

The proposed increase does represent an 18% increase in HGVs movements on London Road (B1383) on a daily basis (if all vehicles arrived and departed from the south – which won't necessarily be the case). However, noting the threshold within the Guidelines for the Environment Assessment of Road Traffic is a 30% increase it has been suggested by the applicant that the impact of this increase is still not significant from a highway perspective. In support of this conclusion, the applicant also notes that this is a temporary operation and that London Road (B1383) currently carries volumes of traffic below its maximum theoretical capacity

(13,000 vehicles per day) as a single 2 two lane rural road, with around 10,600 vehicles recorded over a 24 hour day on average over a one week survey period in July 2022.

The Highway Authority has reviewed the Transport Statement, and modelling within, and raised no objection to the proposed variation of condition in respect of highway safety and efficiency. In context of this, it is therefore not considered that a refusal on highway grounds and/or policy S11 of the Minerals Local Plan (2014); policy 12 of the Essex and Southend Waste Local Plan (2017); and policy GEN1 of the Uttlesford Local Plan (2005) could be substantiated.

With regard to this conclusion, it is nevertheless noted that some concerns or comments have been received about the more local impact to Widdington in view of the accumulation with vehicle movements associated with Widdington Pit on Hollow Road. For the avoidance of doubt, it is confirmed that the Transport Statement submitted has sought to include specific reference to activities and the level of vehicle movements permitted at Widdington Pit. The existing vehicle movements associated with the activities on-going at Widdington Pit have accordingly been considered as part of the assessment and whilst it is accepted that locally the existence of two sites at either end of the village may give rise to some local highway congestion, as detailed above, no in-principle concerns from a highway safety or efficiency perspective have been raised to suggest these would be sufficient enough to warrant refusal.

In terms of concerns raised about mud and debris being deposited on the public highway, the applicant has confirmed that vehicle cleaning facilities have been installed on-site in accordance with the requirements of the extant permission. In addition, the applicant also has access to a road sweeper, and deploys this when necessary. Concerns raised about the condition of the public highway are noted. However, it is noted that a condition attached to the extant permission does seek to prevent any commercial vehicle leaving the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway. Without prejudice, an informative could nevertheless be added to any potential decision issued pursuant to this application reminding the applicant that under Section 148 of the Highways Act that it is offence to deposit mud, detritus etc. on the highway and under Section 161 any depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

In respect of queuing on the public highway, the operator has advised that the access gate to the site is opened at 06:30 hours each working day and closed again at the end of the working day (18:00 hours Monday to Friday and 13:00 hours Saturday). Upon being asked about potential queueing on London Road (B1383), the applicant was surprised that this was an issue given the actual number of vehicles arriving/departing at this time. To aid understanding in this regard, request was made for a log of vehicle movements during a typical week. The information submitted showed during the week log provided that an average of 2.2 HGVs arrived and entered the site between 07:00 and 08:00 with 10:00 to 11:00 actually representing the busiest period of the day.

In context of the above, it is not considered that vehicles should be queuing on the public highway to access the site prior to opening or if this is occurring that this should be a significant issue. That said, to ensure this is managed, potentially better than existing, it is considered appropriate to allow vehicles to wait/park on the first part of the haul road between 06:30 and 07:00 hours, as a way of reducing the potential of vehicles waiting on the public highway. In this regard, the last sentence of condition 6 which currently states: *'no movements shall take place outside the hours of operation authorised by this planning permission'* would need to be amended to *'no movements shall take place outside the hours of operation authorised by this planning permission, with the exception that vehicles shall be permitted to enter the site and park solely on the east/west stretch of the haul road, adjacent to Widdington Road, between 06:30 and 07:00 hours only. For the avoidance of doubt, no heavy goods vehicle shall wait during this period with its engine on and/or travel further along the north/south stretch of the haul road, adjacent to the railway line, towards the site, outside the formal hours of operation authorised by this planning permission'*.

### Amenity

As raised within one of the third party representations, it would seem logical to suggest that more vehicle movements would give rise to the potential for more frequent noise nuisance. Whilst this is acknowledged, it must be remembered that this application proposes no change to actual operations undertaken on-site. Accordingly, any potential additional noise nuisance would solely be from the additional number of vehicles either travelling on the haul road or manoeuvring on-site. The noise levels of such activities were however already considered and modelled as part of the Noise Assessment submitted with the extant permission and all existing restrictions with regard to operations including conditions secured covering permitted noise level and noise monitoring; and dust would carry forward, should planning permission be granted.

In respect of this and that with these limits/mitigation secured the development was previously considered compliant with relevant policies – namely policy S10 of the Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford Local Plan (2005), it is not considered that there is any reason to conclude differently given the nature of these would remain unchanged.

It is noted that allowing limited HGV parking on the haul road between 06:30 and 07:00 would however represent a new activity and a potential additional source of noise nuisance in comparison to the existing permission. That said, noting the distance between the part of the haul road being allowed for this, in comparison to Widdington Road where such vehicles may otherwise be waiting, and nearby sensitive properties, it is not considered that any such use or parking would give rise to undue amenity impact.

## **7. CONCLUSION**

Concerns raised in respect the timing of this variation of condition so soon after commencement of the development are acknowledged. That said, whilst the speed at which additional flexibility has been sought by the applicant, by way of

increasing the permitted number of vehicle movements, to some may be surprising and an indication of a failing of the extant permission, an assessment of the proposed increase has failed to identify any significant impacts or policy conflicts which would otherwise support a reason for refusal.

It is considered that this development could likely be completed within the confines of the existing vehicle movement restrictions. However, the justification advanced in support of this application is noted, as is the additional certainty the increase in permitted movements would provide in terms of the development being completed (site restored) within the timeframe originally approved.

Subject to the re-imposition of all safeguarding conditions originally secured, updated as appropriate where details and schemes have subsequently been approved, the proposed variation of condition is overall considered to comply with policy and as such represent sustainable development, as per the definition within the NPPF.

## **8. RECOMMENDED**

That subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a Deed of Variation to the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), dated 22/01/2020, secured as part of the determination of ESS/42/18/UTT, to ensure that all obligations are carried forward;

planning permission be granted subject to the following conditions:

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7, S10, S11 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005).*

2. The importation of inert material, use of recycling plant to produce secondary aggregate and the final disposal of inert residues shall cease no later than 01/02/2032, by which time the site shall be restored in accordance with the approved restoration scheme.

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

3. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 01/02/2032, by which time the land shall have been restored in accordance with the approved restoration scheme.

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

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

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

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

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

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

**120 movements (60 in and 60 out) per day (Monday to Friday); and  
40 movements (20 in and 20 out) per day (Saturdays)**

**No movements shall take place outside the hours of operation authorised by this planning permission, with the exception that vehicles shall be permitted to enter the site and park solely on the east/west stretch of the haul road, adjacent to Widdington Road, between 06:30**

and 07:00 hours only. For the avoidance of doubt, no heavy goods vehicle shall wait during this period with its engine on and/or travel further along the north/south stretch of the haul road, adjacent to the railway line, towards the site, outside the formal hours of operation authorised by this planning permission.

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

***Reason:*** *In the interests of highway safety, safeguarding local amenity and to comply with policies S10 and S11 of the Essex Minerals Local Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).*

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

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

7. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. In addition, the development shall be managed in accordance with the details as set out in the statement headed 'NEWPORT CHALK QUARRY CHALK FARM LANE NEWPORT SAFFRON WALDEN, ESSEX' under Condition 8 – Traffic Management Plan (TMP) and that further outlined within the email from Ingrebourne Valley, dated 24/09/2020 (13:23) approved pursuant to application ref: ESS/42/18/UTT/8/1.

***Reason:*** *In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).*

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

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



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

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

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

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005).*

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

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005).*

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

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies*

10 and 13 the Essex and Southend Waste Local Plan (2017); and policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005).

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

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

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

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

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

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

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

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

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

17. The development shall be implemented in accordance with the details as set out in the statement headed 'NEWPORT CHALK QUARRY CHALK FARM LANE NEWPORT SAFFRON WALDEN, ESSEX' under Condition 18 – Construction Method Statement and Construction Environmental Management Plan (CEMP) and within the document which forms Appendix 3 (Construction Environmental Management Plan (CEMP), dated 28th August 2020), as supplemented by drawing titled 'Proposed Biodiversity Protection Zone', drawing number: 1425/BP/1 v1, dated 26/07/2021 approved pursuant to application ref: ESS/42/18/UTT/18/1.

*Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005).*

18. No fixed lighting other than that as shown on drawings titled 'Illustrative Details of Office and Weighbridge Area', drawing number: 1425/OW/1 v4, dated 17/06/2020 and 'Lighting Areas', drawing number: 1425/LA/1 v1, dated 24/06/2020 as approved under planning application ref: ESS/42/18/UTT/19/1 shall be erected or installed on-site. In the event that further lighting is proposed, details of the location, height, design, luminance and operation of any such lighting shall be submitted to the Waste Planning Authority for review and approval in writing. Any such submission relating to additional lighting shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. All external lighting shall be erected, installed and operated in accordance with the approved details.

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

19. The development shall be implemented in accordance with the details as set out in the statement headed 'NEWPORT CHALK QUARRY CHALK FARM LANE NEWPORT SAFFRON WALDEN, ESSEX' under Condition 20 – Dust Management Plan (DMP) approved pursuant to application ref: ESS/42/18/UTT/20/1.

*Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); and policy GEN4 of the Uttlesford District Council Local Plan (2005).*

20. The development shall be implemented in accordance with the details as set out in the statement headed 'NEWPORT CHALK QUARRY CHALK FARM LANE NEWPORT SAFFRON WALDEN, ESSEX' under Condition 21 – Recycling Area Plan and shown on drawing titled 'Illustrative Details of Office and Weighbridge Area', drawing number: 1425/OW/1 v4, dated 17/06/2020 approved pursuant to application ref: ESS/42/18/UTT/21/1. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

*Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005).*

21. The development shall be implemented in accordance with the details as set out in the statement headed 'NEWPORT CHALK QUARRY CHALK FARM LANE NEWPORT SAFFRON WALDEN, ESSEX' under Condition 22 – Soil Handling approved pursuant to application ref: ESS/42/18/UTT/22/1.

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

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

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

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

accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

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

24. The development shall be implemented in accordance with the monitoring arrangements outlined in the document titled 'Discharge of Condition 25' produced by SLR, ref: 416.01526.00069 v2, dated November 2021 approved pursuant to application ref: ESS/42/18/UTT/25/1.

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

25. The development shall be implemented in accordance with the surface water drainage scheme and management and maintenance plan as set out in the document titled 'Discharge of Condition 26' produced by SLR, document ref: 416.01526.00069 (Version 4), dated September 2021 approved pursuant to application ref: ESS/42/18/UTT/26/1.

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

26. The development shall be implemented in accordance with the monitoring arrangements outlined in the document titled 'Discharge of Condition 27' produced by SLR, ref: 416.01526.00069 v2, dated November 2021 approved pursuant to application ref: ESS/42/18/UTT/27/1.

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

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

*Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017);*

*and policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005).*

28. The development shall be implemented in accordance with the details as set out in the document titled 'Hard and Soft Landscape Scheme', dated 23<sup>rd</sup> November 2021 and shown on drawings titled 'Progressive Operations Plan', drawing number: 1425/PO/1, dated 22/10/2021 and 'Illustrative Restoration Scheme', drawing number: 1425/R/1, dated 18/11/2021 approved pursuant to application ref: ESS/42/18/UTT/29/1.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005).*

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

*Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005).*

30. The development shall be implemented in accordance with the restoration plan as shown on drawing titled 'Illustrative Restoration Scheme', drawing number: 1425/R/1, dated 18/11/2021 approved pursuant to application red: ESS/42/18/UTT/31/1.

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

31. The development shall be implemented in accordance with the details as set out in the document titled 'Landscape and Ecological Management Plan (LEMP)', dated 23<sup>rd</sup> November 2021 and shown on drawings titled 'Progressive Operations Plan', drawing number: 1425/PO/1, dated 22/10/2021 and 'Illustrative Restoration Scheme', drawing number: 1425/R/1, dated 18/11/2021 approved pursuant to application ref: ESS/42/18/UTT/32/1.

*Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014);*

*policy 10 of the Essex and Southend Waste Local Plan (2017); and policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005).*

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

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

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

*Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); and Essex and Southend Waste Local Plan (2017).*

### **Informative**

- **It is an offence, under Section 148 of the Highways Act 1980 (as amended), to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.**

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The

recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

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

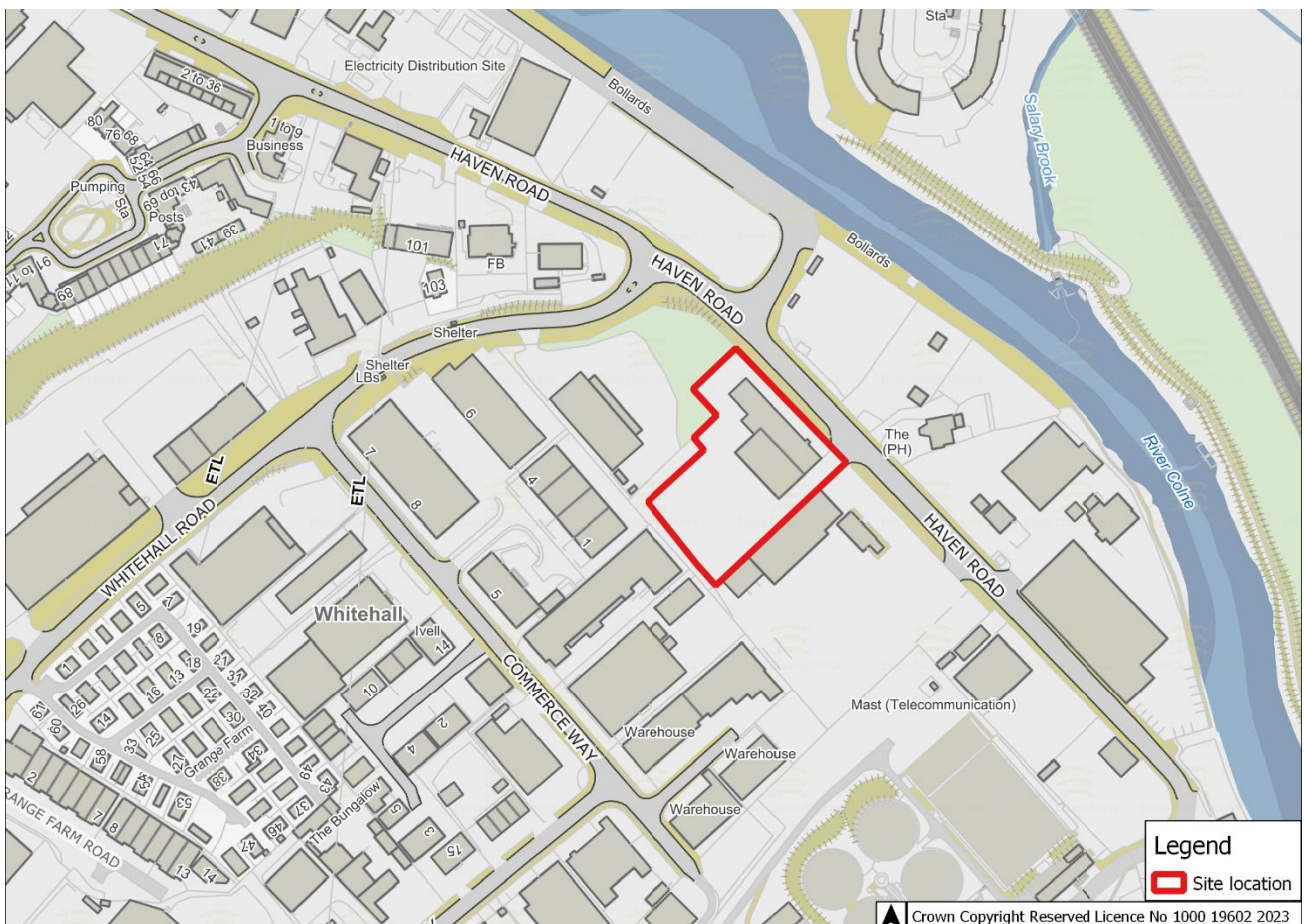
### **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Stansted



**DR/15/23**

<b>Report to:</b> DEVELOPMENT & REGULATION (26 May 2023)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT - Change of use of existing commercial building and yard to a waste transfer station and construction of retaining bays.	
<b>Ref:</b> ESS/26/23/COL	<b>Applicant:</b> ATS Mini Skips Ltd
<b>Location:</b> Oyster Haven Business Park, Haven Road, Colchester, Essex, CO2 8HT	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Claire Tomalin Tel: 03330 136821	
The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



## **1. BACKGROUND**

There is no previous waste planning history for this site; the application site is within the Whitehall Road Industrial Estate.

## **2. SITE**

The site is located in the south east of Colchester City accessed off Haven Road, in an area generally known as the Hythe. The site consists of two existing industrial style warehouse buildings that include offices that front the building, with a yard area to the rear.

To the southeast of the unit is a First National bus depot, south of which lies Hythe Waste Water Recycling Centre (sewage works). To the north west is an industrial unit producing steel products, which is located on slightly higher ground to the application site. To the north west, west and south east on slightly higher ground to the application site are the rears of further industrial/business units on Commercial Way, which are currently in use by such businesses as a motor bike dealers, roofing supplies and a vape shop.

On the east side of Haven Road opposite the application site is a vehicle hire business, recycled building materials supplier, a Thai Restaurant and to the south east Silverton Aggregates (building and landscaping suppliers). Further east lies the River Colne and beyond this the train line to Walton-on-the-Naze and the grounds and buildings of the University of Essex.

The nearest residential buildings are the University flats on the east side of the River Colne at approx. 160m and Grange Park Farm, which is chalet park i.e. semi-permanent structures approx. 200m to the southwest.

Public Right of Way 139 Colchester lies to the east of the site on the eastern edge of the River Colne.

Colchester Local Wildlife Site University Marshes lies approximately 120m to the east across the River Colne. The site also lies within the Risk Impact Zone for the Upper Colne Marshes SSSI. Also 3km from the site the Colne Estuary is designated as an SPA, SCA and RAMSAR site.

The site is designated in the Colchester Local Plan 2022 for Employment Uses and the site lies within the Hythe Special Policy Area.

The site is within an area identified as an "Area of Search" for waste management within the Waste Local Plan 2017.

## **3. PROPOSAL**

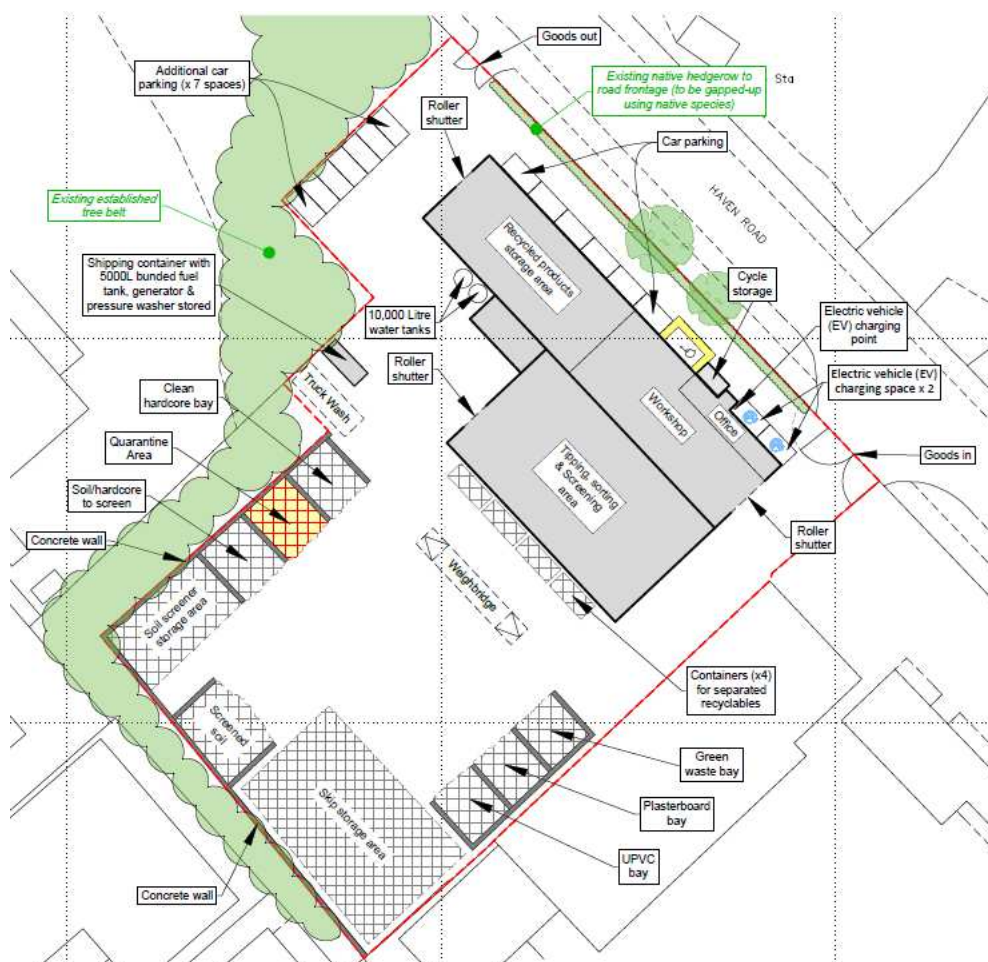
The proposal is for a change of use of the existing commercial buildings and yard to a waste transfer station and construction of retaining bays within the yard. The proposed facility would be used for the applicants existing skip hire business dealing with mixed non-hazardous household, industrial and commercial wastes, to be relocated from Nayland in Suffolk.

Waste would be brought to the site in skips and tipped within the buildings and sorted to recover recycled materials, which would then be stored in skips/containers prior to export from the site. Cardboard and some materials would be bailed before export, such that bailer would be used on site.

The applicant would also deal with some inert waste which would be stored in the yard and brought into one of the buildings when required to be screened to recover hardcore and soils, which would be subsequently stored in the yard. The processing of inerts would not include crushing of material.

The application also includes the installation of concrete retaining walls and bays to be located around the perimeter of the rear yard for storage of proposed and unprocessed inert waste, as well as storage of plasterboard, green waste, UPVC, hardcore and a bay for quarantined waste awaiting removal. Within the yard would also be an area for storage of empty skips, an area for storage of the inert screening plant and an area for skips used to store some recovered materials such as metal. The proposals include a vehicle washdown area within the yard.

Unrecyclable materials would be taken away in skips to a suitable permitted site.



The application anticipates a maximum of 40 vehicle movements a day (20 in, 20 out). This would primarily be made of skip lorries, but also include some van movements. In addition there would be staff movements, 16 members of staff are

anticipated with 16 parking spaces including 1 disabled space and 2 spaces for electric charging.

The site has two access points and the applicant proposes to operate a one way system, access by the southern gate and egress by the northern gate.

Up to 4 skip lorries, and transit van would be stored in the yard out of hours.

The facility is proposed to be operated during the following hours:

- Monday to Friday 07:00 – 18:00
- Saturdays 07:00 – 14:00
- Sundays and Bank Holidays - no working

The applicant has applied for an Environmental Permit for the site, on the basis that the site would only deal with non-hazardous household, commercial and industrial waste to a maximum of 75,000tpa.

The application was supported by a noise impact assessment and a Flood Risk Assessment and drainage strategy.

#### **4. POLICIES**

The following policies of the [Essex and Southend Waste Local Plan adopted 2017](#), [North Essex Authorities' Shared Strategic Section 1 Plan](#) adopted 2021 and the [Colchester Borough Local Plan 2017-2033 Section 2](#) adopted 2022 provide the development plan framework for this application. The following policies are of relevance to this application:

##### WASTE LOCAL PLAN (WLP)

Policy 4 - Areas of Search

Policy 10 – Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

##### NORTH ESSEX AUTHORITIES' SHARED STRATEGIC SECTION 1 (CLP1)

Policy SP1 – Presumption in Favour of Sustainable Development

##### COLCHESTER BOROUGH LOCAL PLAN 2017-2033 SECTION 2 (CLP2)

Policy SG3 Economic Growth Provision

Policy SG4 Local Economic Areas

Policy ENV1 Environment

Policy ENV5 Pollution and contaminated land

Policy DM20 Promoting Sustainable Transport and Changing Travel Behaviour

Policy DM21 Sustainable Access to development

Policy DM22 Parking

Policy DM23 Flood Risk and Water Management

Policy DM24 Sustainable Urban Drainage Systems

Policy DM25 Renewable Energy, Water, Waste and Recycling

Policy EC2 East Colchester / Hythe Special Policy Area

Policy EC3 East Colchester Allocations

## Policy EC4 Transport in East Colchester

### NEIGHBOURHOOD PLAN

There is no neighbourhood plan for this area

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

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

## **5. CONSULTATIONS**

COLCHESTER CITY COUNCIL (ENVIRONMENTAL HEALTH OFFICER): No objection subject to conditions, to require bulking, transfer and treatment of waste inside the building, operational hours as those proposed by the applicant, HGV movements restriction, submission of air quality management plan to control, fumes and odours, sheeting of vehicles and control of storage of fuels and oils



ENVIRONMENT AGENCY: No objection , but recommended treatment of waste be carried out within the buildings. The development would require an Environmental Permit.

NATURAL ENGLAND: Any comments received will be reported.

PLACE SERVICES (Ecology): No objection, the application has been screened for HRA due to downstream European designations within the Colne Estuary and concluded there would be no adverse impacts without mitigation. While no ecology report has been submitted there is no likelihood of protected and Priority species and habitats being present and affected by the proposal. Recommend that reasonable biodiversity enhancements are secured by a condition of any consent.

HIGHWAY AUTHORITY: No objection as meets Highways Development Management Standards.

LEAD LOCAL FLOOD AUTHORITY: No objection, subject to the development being operated in accordance with the submitted drainage strategy.

LOCAL MEMBER – COLCHESTER - ABBEY: Any comments received will be reported

## 6. REPRESENTATIONS

160 properties were directly notified of the application. 5 letters of representation have been received from 4 properties. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Haven Road is unable to take any more heavy duty vehicles. It floods daily and is in terrible state. A company with numerous HGV and smaller skip vehicles, which has a minimum of 60 vehicle movements a day in and out (total 120) will have a detrimental effect on the local roads.	The proposals is for 40 skip lorry/HGV movements a day (20 in 20 out) with additional staff movements. See appraisal.
The route for vehicles to the site is either via Old Heath Road and Whitehall Road, passing residential properties, schools with pedestrian crossings or via Haven Road which is already over capacity and in a diabolical state.	See appraisal
The additional traffic generated would only add to the deterioration of the road surface	See appraisal
Vehicles travelling to the site are likely to shed parts of their load with risk to other vehicles and vehicles.	See appraisal
Haven Road is subject to flooding, if vehicles break down in the road more vehicles are likely to use routes along resident roads.	See appraisal

A waste recycling facility was refused at Middlewick Ranges, on grounds of, debris and traffic

The Middlewick site was a different set of circumstances. The site was not identified as an allocate waste site or within area of search within the WLP

## 7. APPRAISAL

The key issues for consideration are:

- A. Principle of the development
- B. Traffic & Highways
- C. Noise, dust & odour
- D. Drainage
- E. Visual Impact, Landscape and Ecology

### A PRINCIPLE OF THE DEVELOPMENT

NPPF paragraph 7 states, inter alia, that “the purpose of the planning system is to contribute to the achievement of sustainable development”.

NPPF Paragraph 11 states, inter alia, that there should be a presumption in favour of sustainable development. This notion is also reflected in CLP1 Policy SP1 (Presumption in Favour of Sustainable Development ) which states, inter alia, that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The principle of recycling waste materials is supported by both the National Planning Policy for Waste and the Essex and Southend Waste Local Plan, as it facilitates waste management higher up the waste hierarchy.



The proposed site is within the Whitehall Road Industrial Estate which is designated in the Waste Local Plan as an Area of Search under Policy 4, where the principle of waste management use is supported subject to compliance with other development plan policies.. The WLP states “*Areas of Search also provide a policy steer for those waste management sites that serve a more local need to be located on*

*existing employment areas over other, less sustainable locations. Proposals coming forward in an Area of Search will still be subject to a full planning application and assessed against the policies in this Plan.”*

Colchester Local Plan policy SG3 (Economic Growth Provision) has allocated Whitehall Industrial Estate as an area for employment use and policy DM25 (Renewable Energy, Water, Waste and Recycling) supports proposals for sustainable waste management facilities, identified in the Waste Local Plan subject to the impacts on the communities living close to the sites being minimised.

The proposed waste recycling facility anticipates a maximum capacity of 75,000tpa. The skip business currently operates from Nayland in Suffolk utilising an adjacent recycling facility to manage the waste collected. The skip business would relocate to the proposed site and proposes to sort and recover recyclables itself from skip waste. The applicant anticipates that the skip business would serve the Colchester area.

As an Area of Search the principle of the location is acceptable subject to the proposals not giving rise to unacceptable adverse environmental impacts, these impacts are considered below.

## B TRAFFIC AND HIGHWAYS

The proposals anticipates 40 skip lorry/HGV movements a day (20 in 20 out), with additional movements for staff vehicle movements. The Highway Authority has raised no objection.

Representations have been received raising concerns about the additional traffic movements in the area. It is acknowledged that the two main routes to the site are either via from the north west via Old Heath Road and Whitehall Road or from the north east via Colchester Approach, Colne Causeway and Haven Road, both routes which pass through areas with residential development. In addition concern has been raised as to the condition of roads leading to the site and that additional traffic would lead to further deterioration of the roads. It has to be recognised that the site is allocated for employment uses in the CLP2 and as such any use of the site is likely to generate traffic movements, its previous use was as a freight distribution centre, possibly generating more movements than that currently proposed. It should be noted that the Whitehall Industrial Estate is a “Local Economic Area” safeguarded for economic uses under CLP2 policies SG4 (Local Economic Areas) and EC3 (East Colchester Allocations). The current planning application is only necessary because waste is a “sui generis” use, other non-waste development employment uses could commence without the need for planning permission. The applicant is willing to be limited to the proposed skip/HGV movements by condition. It is not considered a refusal could be warranted on highway safety or capacity grounds.

Concern has also been raised that Haven Road is subject to flooding and the additional traffic could result in vehicles not reaching the site and blocking access for other traffic. The application site and adjacent Haven Road are located in Flood Zone 1 having a low risk of flooding. However, it is acknowledged that Haven Road to the north of the site is located within Flood Zones 2 and 3 with a medium to high



risk of flooding (greater than 1% chance of flooding annually) and flooding of Haven Road does occur particularly when there are high tides in the River Colne and/or in combination with heavy rainfall, this is unfortunately a matter that cannot be easily addressed and as explained above, there would be traffic associated with any use of this industrial/commercial unit.

The applicant initially proposed 7 parking spaces, 2 vehicle charging point spaces and 1 disabled parking space, a total 10 spaces, however this runs short of that suggested for industrial use within the adopted parking standards, which would equate to a maximum of 22 spaces. While sustainable transport options are to be encouraged and the application includes cycle parking, there is not a frequent bus service near to the site. Upon request the applicant subsequently revised the proposals increasing the number of parking spaces to 16, including one disabled and 2 charging spaces. The Highway Authority has no objection to this proposed parking provision.

It is therefore considered subject to conditions to limit the number of skip lorry/HGV movements and the total throughput capacity of the site, the proposals are considered to be in accordance with WLP policy 10 (Development Management) and CLP2 policies DM20 (Promoting Sustainable Transport and Changing Travel Behaviour), DM21 (Sustainable Access to Development), DM22 (Parking) and EC4 (Transport in East Colchester).

#### C NIOSE, DUST and ODOUR

Noise – The application was supported by a noise impact assessment which concluded there would be no adverse impacts on residential amenity of the nearest residential properties, subject to the proposals being operated as detailed in the application. Colchester City Council's EHO has raised no objection subject to conditions to control: hours of operational; vehicle movements; and transfer, sorting and screening operations being carried out within the building. Such conditions could be imposed if planning permission were granted.

There is likely to be some movement of vehicles, plant and materials within the yard, but all sorting and screening would be carried out within the building minimising potential noise from these operations. It has to be recognised that other uses of the premises could take place at the site without the need for planning permission, e.g. the last use was freight distribution which would have resulted in vehicle movements within the yard, potentially over longer operational hours.

Dust – All sorting and screening of waste would be carried out within the buildings. Inert waste would be stored outside and brought into the building for sorting and screening. Recovered hardcore and soils would be stored in bays within the yard, sheeting or dampening of such materials could be required in periods of dry and windy conditions to prevent potential dust escaping from the yard. Loaded skip lorries arriving and leaving the site would be required to be sheeted to avoid shedding any load and minimising dust.

Odour – The proposals are for mixed waste which may contain some household or putrescible waste and/or green waste. The timescales for retention of waste would be controlled through the Environmental Permit ministered by the EA and unsorted

waste and waste requiring disposal would not normally be permitted to remain on site for more than 36 hours. Concern has been raised that there are already odour issues in the area from the waste water recycling centre (sewage works) to the south. This is not a matter that can be addressed through the current planning application. The EHO has requested an air quality management plan, with respect to odours and smells and this could be required by condition.

Subject to imposition of conditions as suggested, it is not considered that the proposals would warrant refusal on adverse impact from noise, dust or odour and that the proposals are in accordance with WLP policy 10 (development Management) and CLP2 policies ENV5 (Pollution and contaminated land).

## DRAINAGE

The site is within Flood Zone 1 (low risk of flooding) and the site has existing surface and foul drainage. The LLFA initially raised a holding objection requiring clarification with respect to the existing on site drainage arrangements and questioning the proposed discharge of surface water to foul water system as this should preferably be avoided. However, the applicant has clarified that surface water would be required to be directed to foul water system in order to obtain an Environment Permit from the EA. The LLFA withdrew its holding objection subject to drainage being in accordance with the submitted details. Water from the roofs of the buildings would be harvested to be used on site, such as for vehicle washing.

It is not considered that the application can be refused on adverse impact on flood risk or surface water management and the proposals are in accordance with WLP policy 10 and CLP2 policies DM23 (Flood Risk and Water Management) and DM24 (Sustainable Urban Drainage Systems).

## VISUAL IMPACT, LANDSCAPE AND ECOLOGY

The site is bounded to the front by a palisade fence and views into the yard area are limited by the buildings which lie at the front of the site. The south-eastern boundary is bound by the rear of the buildings of the First National bus depot. To the north and west the ground is at a higher level to the yard and is bound by the rear of industrial commercial/commercial buildings, such that are limited views into the site. There is existing vegetation trees on the slopes to the north and west.

The site lies within the East Colchester Hythe Special policy area (policy EC2) one of this policy's aims is to seek to improve the public realm. The grass verge to the front of the site has two existing trees and the applicant is willing to supplement these tree planting with a native hedge to the front of the site, to soften the appearance of the palisade fence. The details of such planting could be required by condition and would seek to include species beneficial to birds and insects.

The site lies close the River Colne, the University Marshes Local Wildlife Site east of the River Colne and north of the Upper Colne Marshes SSSI. The River Colne flows into Colne estuary designated as SPA, SCA and Ramsar. However, as the proposals do not involve composting of waste, drainage is to foul sewer and sorting and screening of waste is to be undertaken within the building, it is not considered that the proposals would give rise to pollution that might have an adverse impact on

ecology of these designated sites downstream. The County's ecologist has raised not objected to the proposals. Natural England has in turn been consulted and, at the time of publication, no comments have been received. Subject to there being no objection from Natural England, it is considered that the proposals would not give rise to adverse impacts on local, national, European or internationally designated sites and the proposals are in accordance with WLP policy 10 (Development Management) and CLP2 policy ENV1 (Environment).

## 8. CONCLUSION

The principle of recycling waste is supported by both national (NNPW) and local planning policy (WLP) as it sees waste treatment higher up the Waste Hierarchy.

The proposed site is an area allocated for employment use in the Colchester Local Plan (policies SG3,SG4 and EC3) and is within an area of Search for waste management within the Waste Local Plan (policy 4). Thus the principle of the location is considered acceptable subject to the development not giving rise to unacceptable environmental impacts.

As an area allocated for employment use it has to be acknowledged that in terms of traffic, noise etc, there would likely be some HGV/vehicular traffic and some noise. However, subject to conditions it is not considered that the proposal would give rise to unacceptable adverse impacts with respect traffic, noise, odour, dust, visual or landscape impact, or impacts upon the water environment or ecology (subject to no objection being raised before determination by Natural England) that would warrant refusal of the application.

## 9. RECOMMENDED

Subject to no objection from Natural England being received by 26 May 2023, that planning permission be granted subject the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference ESS/26/23/COL dated 14 March 2023 together with the following drawings:
  - Drawing No. 3173-004091 - Site Location Map dated 04/01/2023
  - Drawing No. 3173-00-02 Rev A – Site Location Plan dated 12/05/2023
  - Drawing No. 3173-004-03 Rev C – Site Layout Plan dated 10/05/2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend Waste Local Plan adopted 2017 (WLP) policies 4, 10, 11 and 12, North Essex Authorities' Shared Strategic Section 1 Plan Adopted 2021 (CLP1) policy SP1 and Colchester Borough Local Plan 2017-2033 Section 2 Adopted 2022 (CLP2) policies SG3, SG4, ENV1, ENV5, DM20, DM21, DM22, DM23, DM24, EC2, EC3 and EC4.*

3. No waste other than non-hazardous, commercial, industrial and household waste shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

4. The development hereby permitted shall not be carried out and no deliveries shall be received at, or despatched from the site outside of the following times:

0700 hours to 1800 hours Monday to Friday

0700 hours to 1400 hours Saturdays

and at no other times, including 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 WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

5. The throughput of waste the site shall not exceed 75,000 tonnes per annum.

*Reason: To minimise the harm to the environment and to comply with WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

6. From the date of implementation of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days of a written request.

*Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

8. The total number of goods vehicle and/or skip lorry (gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

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

26 movements (13 in and 13 out) per day (Saturdays)

No goods vehicle or skip lorry movements shall take place outside the hours of operation authorised in Condition 3 of this permission.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

9. No loaded good vehicles or skip lorries shall leave or arrive at the site unsheeted.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

10. 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 living and working environment.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

11. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

12. Stockpiles of inerts waste, soils and hardcore shall be sheeted and/or dampened during periods of dry and/or windy weather to prevent escape of dust from the site.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

13. Prior to intake of waste to the site a scheme of controls measures to control fumes, smells and odours shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the scheme of controls measures for the duration of the development hereby permitted.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

All sorting, screening and bulking of waste shall not be carried out accept inside the buildings with the roller shutter doors shut.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

14. There shall be no crushing of waste including stone, concrete, brick rubble or hardcore at the site.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

The concrete walls and bay walls identified on drawing no. 3173-004-03 Rev C shall not exceed 3m. The height of unprocessed and processed materials stored outside shall not exceed the height of the surrounding concrete walls and bay walls.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

15. Prior to intake of waste to the site, a scheme of sound insulation against internally generated noise shall be submitted to and approved in writing by the Waste Planning Authority. The sound insulation shall be implemented in accordance with the approved details and maintained throughout the life of development hereby permitted.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

16. The development shall be carried out in accordance with the Drainage Strategy, document reference 004-3173-Drainage, version 1.0 by Oaktree Environmental Ltd, dated 14/03/23.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP2 policy ENV5*

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls where the volume of the bund compound shall be at least equivalent to 110% of the capacity of the tank. If there is a multiple tankage, the compound volume shall be at least equivalent to 110% of the capacity of the largest tank or 110% of the combined capacity of any interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP2 policy ENV5*

18. Within 3 months of the date of commencement as notified under condition 1 a planting scheme shall have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. Following approval the scheme shall be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 14 of this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10 and CLP2 policy EC2.*

19. Any tree or shrub forming part of a planting scheme approved under Condition 13 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (*operations*) shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Waste Planning Authority.

*Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP2 policy EC2.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development is located within distance 3km to an International site (Colne Estuary – Mid Essex Coast Phase 2 RASAR) and would not be directly connected with or necessary for the management of that site for nature conservation.

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

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

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The

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recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

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

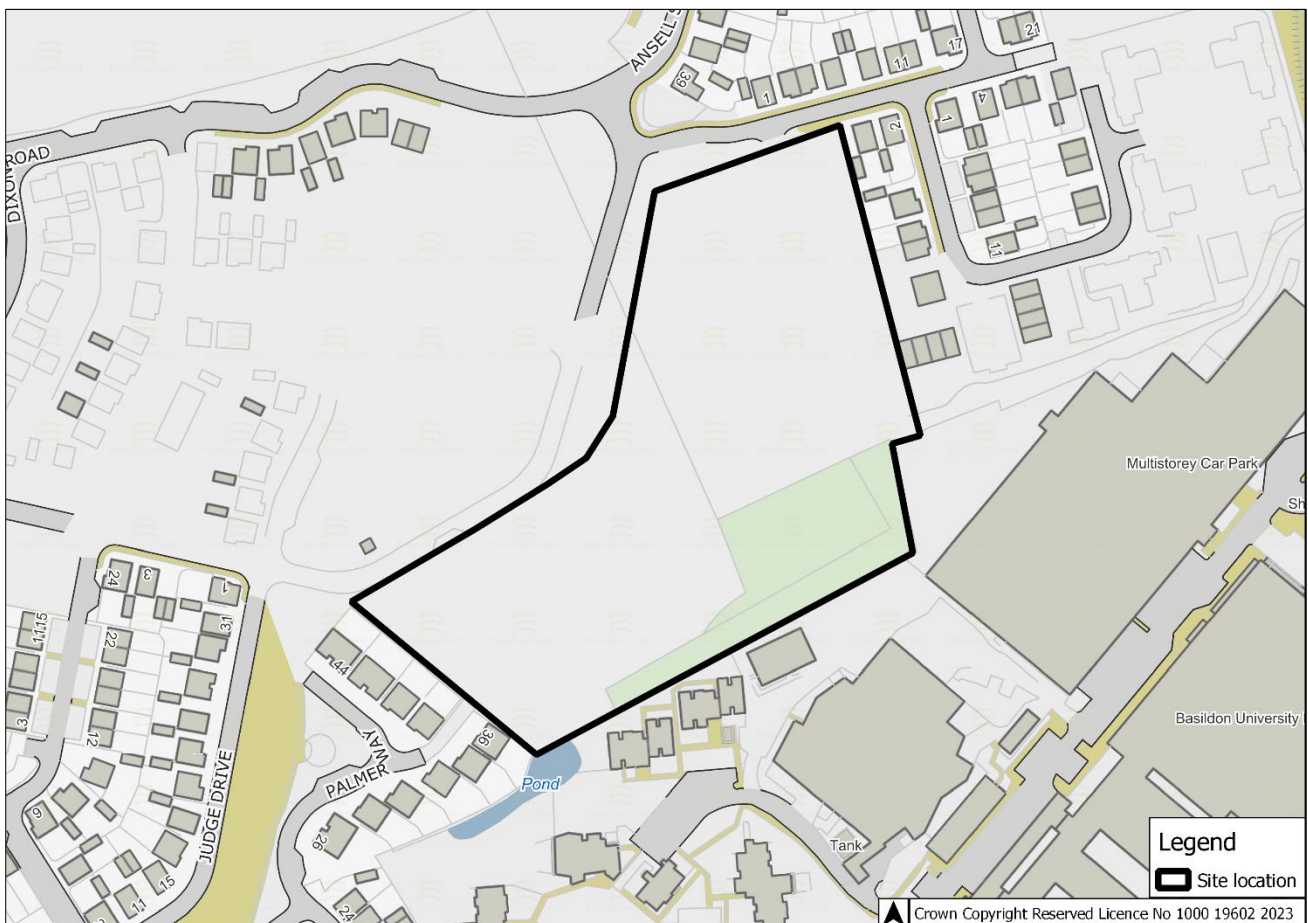
### **LOCAL MEMBER NOTIFICATION**

COLCHESTER - Abbey



**DR/16/23**

<b>Report to:</b> DEVELOPMENT & REGULATION (26 May 2023)	
<b>Proposal:</b> COUNTY COUNCIL DEVELOPMENT – Erection of a new primary school and integrated nursery, together with associated playing fields, hard and soft play areas and landscaping, parking, roof mounted PV and site infrastructure	
<b>Ref:</b> CC/BAS/11/23	<b>Applicant:</b> Essex County Council
<b>Location:</b> Land North of Dry Street, Nethermayne, Basildon, Essex	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Tom McCarthy Tel: 03330 320943	
The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



## 1. BACKGROUND AND SITE

In December 2013 outline planning permission was granted by Basildon Council, under reference 12/01080/OUT, for the demolition of the existing college buildings, including sports hall, riding school and stable facilities and the development of 725 homes, primary school, local retail centre, land set aside for future hospice expansion, open space, highway and access improvements to Nethermayne roundabout, A176 and Dry Street, and internal spine road and bus loop on land at Nethermayne, Basildon. The illustrative masterplan submitted with this outline application is replicated below, for reference in terms of the size of this emerging development and how the area secured for educational use, to which this application relates, fits in this wider picture.

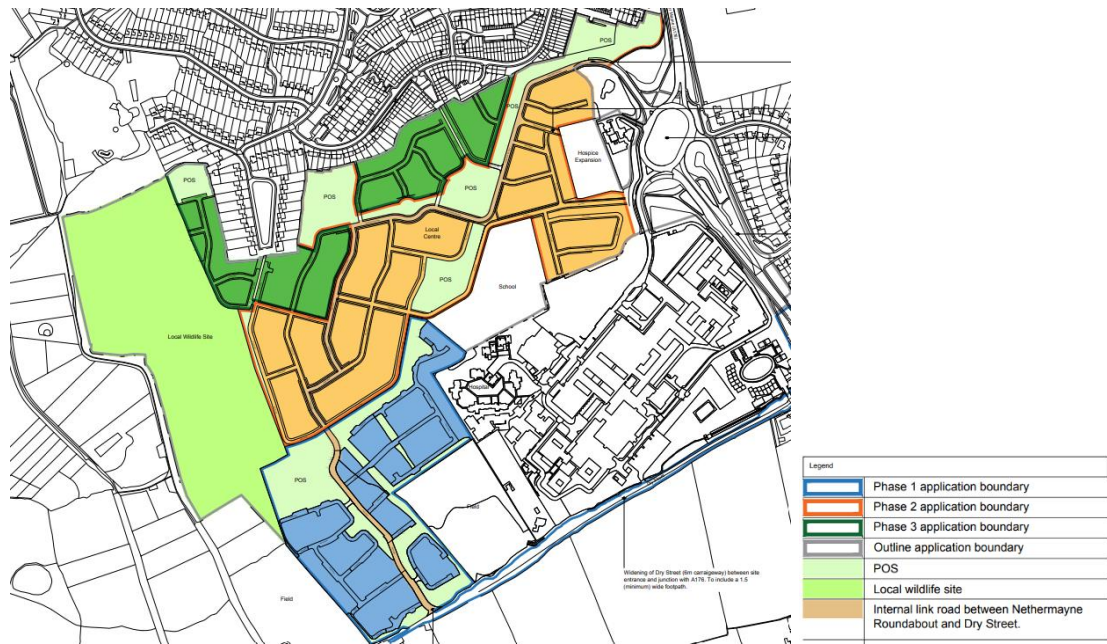
Extract from drawing titled 'Illustrative Masterplan', drawing no 3257\_406, submitted with 12/01080/OUT



Since the outline application was approved, details of phasing were subsequently submitted and approved to allow the submission of detailed reserved matters applications. That submitted and approved, in terms of phasing, principally sought to split the site into three main phases of development, as shown on the below plan.



Extract from drawing titled 'Preliminary Phasing Plan', drawing no 13 903 – SK25.16 (Rev C), submitted with 16/00023/COND



The school site, and area to which this application relates, sits between phases 1 and 2, relatively centrally within the emerging development. Phase 1 of the development is now fully built out with the residential development to the north and east the school site also close to being finished. On-site construction works are on-going on the western part of phase 2.

To the west of the school site, on the other side of the road, will be an area of public open space – albeit at a reduced scale to that shown on the above plan, together with a local retail centre which is currently approved to comprise a number of retail units on the ground floor with residential above. To the south of the site is the existing Basildon University Hospital, including associated multistorey car park.

Photo taking looking south, across the area to which this application relates, towards the Hospital

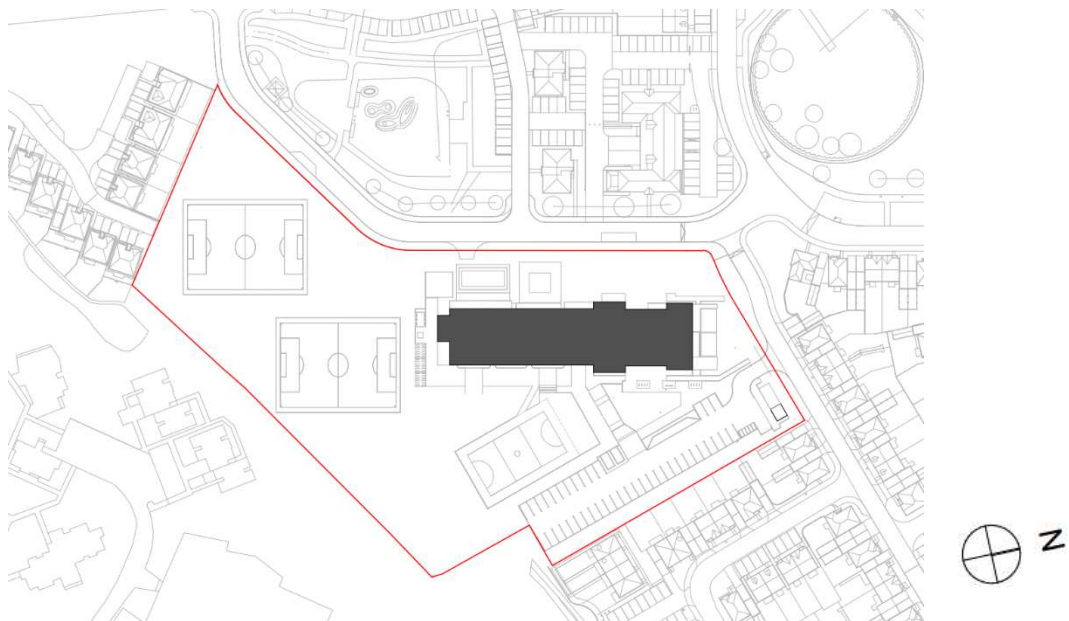


## 2. PROPOSAL

This application seeks planning permission for a new two full entry primary school (420 pupils) and 56 place nursery, together with associated playing fields, hard and soft play areas and landscaping, car and cycle parking.

The primary school is proposed to be accommodated predominately within a two-storey flat roofed building, which would be a linear structure proposed parallel with the spine road (George Street) which the site fronts (see below drawing, noting the proposed orientation of this). At the northern end, the building would drop from two to 1.5 storey, where the school hall would be located, before again dropping to single storey for the kitchen, plant room and nursery projection.

Extract from drawing titled 'Block Plan', drawing no. 121384-CDP-ZZ-XX-DR-A-2007-P1



Extract from drawing titled 'Proposed Elevations', drawing no. 121384-CDP-ZZ-XX-DR-A-2003-P3



The primary school element of the building would provide classrooms for reception age pupils through to year six. In addition to this staff rooms, offices, nurture and group rooms, a hall and kitchen, and other ancillary rooms would be provided. All reception and Key Stage One classrooms are proposed on the ground floor, with Key Stage Two classrooms proposed at first floor level.

To support the school and its function, a car park is proposed to the north-east of the site. Access to the car park would be gained via the vehicular access which has already been consented and constructed, as part of the wider site permission and S106. The car park would provide 43 vehicle parking spaces (inclusive of two disabled/accessible spaces) and five spaces for powered two wheelers (motorbikes). One electric vehicle charging point is proposed. With regard to cycle and scooter provision, a total of 158 cycle and scooter spaces are proposed at various locations across the site for use by both staff and pupils of the primary school and nursery.

Externally, the school would be supported by hard and soft play areas including a partially fenced MUGA; with the playing field capable of being marked out as two U7/U8 football pitches; and a habitat garden.

Access to the school, for pupils and visitors, is proposed from four points. It is proposed that the southern entrance off the George Street would serve as the main entrance for pupils, with the northern entrance acting as the main visitor entrance. The two accesses off Hazel Road would acting as a staff entrance and additional entrance to the nursery.

The school is proposed to be constructed in red brickwork; render; and charred timber cladding. The applicant has suggested that these materials were chosen to reflect the surrounding material palette of the residential development and adjacent retail centre. The materials are considered, by the applicant, to represent a robust and economic solution appropriate to a school environment.

### **3. POLICIES**

The following policies of the Basildon Local Plan (2007) provide the development plan framework for this application. The following policies are of relevance to this application:

Policy S3 – Areas of Special Reserve  
Policy BE12 – Development Control

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined

in accordance with the development plan, unless material considerations indicate otherwise.

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

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

#### **4. CONSULTATIONS**

Summarised as follows:

BASILDON COUNCIL – No objection in principle. In terms of design and layout, the main entrance and visitor entrance is proposed off George Street which seems logical and the proposed floor plans similarly show a logical layout of the classrooms, hall and kitchen areas. The proposed use of renewable energy (the roof mounted PV) is encouraged as this would contribute towards sustainability and climate change.

It is recommended that the applicant considers further tree planting along the south western boundary of the site, adjacent to the residential properties here. This would seek to provide additional screening and improve the overall ecology and biodiversity value of the site.

It is noted that the proposed car park could rise to potential noise impacts, for nearby residential properties, during peak arrival and departure times. Due consideration, as part of determination, should be given to this.

Confirmation should be provided as to if any community use of the school site is proposed, given the potential such activities have for further noise and disturbance outside the normal school hours. In additional confirmation should be sought in terms of whether any floodlights are proposed.

The proposals incorporate an extensive area of parking. Additional provision for electric vehicle charging points is nevertheless encouraged as is a maximisation of cycle and scooter parking. Congestion caused by parents dropping off and

collecting children is an issue on a number of school sites within the borough and early consideration, as part of the School Travel Plan, should be given to how this can be effectively managed.

BASILDON COUNCIL (ENVIRONMENTAL HEALTH) – No objection subject to conditions limiting the hours of use of the MUGA to school hours (plus pre/after school clubs); a restriction on the installation of floodlighting; and a land contamination assessment.

ENVIRONMENT AGENCY – No comments received.

SPORT ENGLAND – No objection subject to a planning condition relating to the design and construction of the natural turf playing field area. Request is also made to the securement of community use of the school's sports facilities.

HIGHWAY AUTHORITY – No objection subject to conditions including the securement of exact design details for the proposed access points not already constructed.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme; and a maintenance plan for the different elements of the drainage scheme proposed.

ESSEX FIRE & RESCUE – No objection. Further observation on access and facilities for the Fire Service will be considered at Building Regulation stage.

ESSEX POLICE – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

#### COUNCIL'S URBAN DESIGN, LANDSCAPE, ECOLOGY AND TREE CONSULTANTS

Urban Design – The proposed school layout and design have reached an acceptable standard and we have no objection from an urban design perspective. However, it is considered that further design refinement could have increased the standard of design, enhanced the usability of the school and the quality of the internal and external spaces as a learning environment.

Landscape – No objection subject to conditions covering the proposed landscape scheme and its subsequent management.

Ecology – No objection subject to the securement of biodiversity mitigation and enhancement measures by way of condition.

Trees – No objection subject to conditions seeking to ensure appropriate tree protection during the construction phase of the development.

LOCAL MEMBER – BASILDON – WESTLEY HEIGHTS – Any comments received will be reported.

## 5. REPRESENTATIONS

This application was advertised by way of site notice and press advert. In addition, 15 properties were directly notified of the application. Three letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Request that consideration is given to some form of parking permit/parking warden/parking control and enforcement when the school is opened. Such restrictions should also be appropriately communicated to parents.	See appraisal
Request consideration be given to 'flipping' the development, so the school building covers the southern half of the site and car park runs adjacent to the hospital, rather than the residential properties on Swan Grove.	See appraisal. For reference, this was considered but dismissed by the applicant in favour of the proposals as submitted.
Concerns about loss of sunlight as a result of the proposed landscaping scheme.	See appraisal.
The proposed lighting columns within the car park seem excessive and are likely to cause undue pollution and nuisance.	See appraisal.

## 6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Site Layout, Design and Landscaping
- C. Amenity
- D. Highways
- E. Other Issues
  - Climate Change and Sustainability
  - Flood Risk and Drainage

### A PRINCIPLE OF DEVELOPMENT

The NPPF, in relation to educational facilities (paragraph 95), states that the Government considers it important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting



this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

As detailed, this site was secured for educational purposes by way of the S106 pursuant to the wider Nethermayne approval (ref: 12/01080/OUT). Whilst the acceptability of the design of the school will be considered further within the proceeding sections of this report, in land use terms no in-principle objection is considered to exist to an educational use coming forward.

In respect of this and need, the 10 Year Plan for Meeting the demand for mainstream school places in Essex 2022-2031, produced by Essex School Organisation Service shows that there is predicted need for primary school places in the relevant school planning group (Basildon central and west). A projected deficit in primary school places is predicted to exist from academic year 2029/30, with this deficit rising to over a full form entry by 2031/32. The decision to submit this planning application, and attempt to bring the new school forward now, is on the basis of progress being made with the wider Nethermayne development and pressure this housing is putting on the schools within closest proximity.

## B SITE LAYOUT AND DESIGN

There are no specific policies relating to the development of schools within the Basildon Local Plan (2005), although it is considered reference/advice can be sought from the general development control policy BAS BE12. Policy BAS BE12 details that planning permission for new development will be refused if it causes harm to the character of the surrounding area, including the street scene.

### Site Layout

Initially focussing on the proposed site layout, it is, as considered by Basildon Council, that the proposed location for the school building is logical in respect of the adjacent local retail centre and also the school having a presence on George Street. Through the early masterplans presented for the wider development, the school building was always shown to the north, facing out towards George Street and it is considered that there would be significant difficulties and disadvantages to alternative locations.

Representations were received, from third parties, questioning whether consideration had been given to siting the building to the south, with the car park then adjacent to the hospital car park. Locations for the school building was something which was explored in detail through pre-applications discussions with officers, and also by the Essex Quality Review Panel (EQRP) to which the proposals were also presented at pre-app stage. The view presented by the applicant in that *“an alternative arrangement, with playing fields to the north and the school to the south, [created] a disjointed relationship with the surrounding townscape that would poorly relate to the land uses beyond the site that have already been established”* was however agreed by all and accordingly no

objections are raised to the location of the school building and car park, as put forward.

Changes were nevertheless suggested by both officers and the EQRP at pre-app in an attempt to improve the immediate relationship to the street and in-particular how the building would interact with the street. Specifically in respect of this, and changes made in comparison to the proposals at pre-app, the development now includes multiple entrance points on both the north and western boundaries.

The EQPR, in context that opposite the southern part of the school site is an area of public open space, considered that the public realm/main pupil entrance (to the south of the school building) should be as oversized as possible. The EQPR was strongly of the view that this would be the area where the majority of pupils would congregate. Whilst a relationship was needed with the local retail centre, the relationship with this adjacent open space was equally, if not more, relevant and important – in terms of fostering a sense place and a safe and welcoming school environment. Significant improvements to the design and landscaping piece associated with this entrance point have been made by the applicant between pre-app and submission of this application with these changes (and the landscaping scheme in general) discussed in more detail later in this report.

### Design

The layout of this school, and accordingly its building form and mass, follows the blueprint baseline design for a school of this size (with integrated nursery) issued by the Education & Skills Funding Agency. Essentially, these baseline designs were development to demonstrate good practice and how the standards/areas required for schools of different sizes, as set by the Department for Education within Building Bulletin 103, could be delivered.

The baseline designs as you would expect are standardised such that they can be applied across the board. However, they do seek to show a way in which an educational facility can be delivered within cost and area allowances. It is acknowledged within the guidance that these baseline designs can be developed, or alternatives proposed. Albeit, it is also suggested that the designs are achievable within funding allocations, inter-alia, because they have efficient wall to floor ratios; use orthogonal forms with no curves; have minimal indents; maximise stacking where possible; have efficient circulation routes; and include design replication and repetition.

In this case, as shown below on the proposed general arrangement drawings for the ground and first floors of the school building, it is considered that this baseline design guidance has been followed quite stringently.

Extract from drawing title 'General Arrangement Plans', drawing no. 121384-CDP-ZZ-XX-DR-A-2001-P2



In respect of this, both floors of the main part of the school building would be accessed via a central circulation area/corridor. On the ground floor, two classrooms for Reception, two classrooms for Year 1 and two classrooms for Year 2 are proposed, together with a nurture room, various group/meeting rooms and offices including the main school reception. The northern part of the ground floor, the 1.5 storey projection, would comprise the school hall and a studio, with the single storey projection housing the kitchen, plant room and nursery. On the first floor two classrooms are each proposed for Years 3, 4, 5 and 6 together with a food/science/DT room, the main staff room and reprographics. Access between the floors would be via two staircases at either end of the building with a lift also proposed to ensure full DDA accessibility.

The budgetary pressures associated with building a school are acknowledged. Accordingly, it is considered it would be illogical for the applicant not to take heed of guidance issued in context that it is evident the baseline designs ensure delivery of an efficient school. No in-principle objections are therefore raised to overall proposed building scale, mass and form. That said, it is considered that the development has a uniform, blocky and utilitarian appearance.

When this development was presented to the EQRP, the Panel considered *“that a flat roof form [was] a sensible approach for this building. However, the ends of the elevation appear bolted on, and a simpler building [would] contrast nicely with the surrounding pitched roofs and gables that are within the surrounding architecture.*

*The proposed building currently feels like two separate forms, and the Panel [questioned] if more could be done to integrate the forms so that the nursery still feels part of the main school.”*

The applicant attempted to take on board this feedback, as part of the proposals submitted with this application, by seeking to refine/simplify the proposed material palette of the nursery (now predominately red brick), together with making the southern staircase part of the internal fabric of the building – at pre-app this was an external projection.

With regard materials, in general, the building is proposed to be constructed in red brick with render and charred timber cladding elements, shown on the below visualisation.

### Visualisation of school frontage



The EQPR commended *“the hierarchy in materials and how they have been applied to the building façade, where there is evidence of brick and different colours of render for the entrance and nursery”*. Design can be subjective and whilst officers do have some reservations, particularly around the charred timber and proposed colour choices for the render (grey, green and orange), it is considered that this is a matter of personal taste rather than a reason to warrant alternative materials for planning reasons. The external materials proposed are of an acceptable quality and, when viewed with the landscaping proposals, it is considered overall that the development would complement the local area.

### Landscaping

To support the development of the school, a detailed soft landscaping proposal has been submitted. The applicant notes that mixed native hedges, with trees at regular intervals, are proposed along all school boundaries to address the need for biodiversity enhancement, create a soft visual and sound buffer and provide screening at the interfaces between the school and neighbouring residential properties.

Internally within the site, circulation areas would be formed and contained with planting, with a specific habitat garden (doubling as an external learning resource) proposed to the east of the school building.

As suggested in the preceding section of this report, the two pedestrian entrances on George Street have now been sized to have a significant street presence. The main school visitor entrance is proposed to be more formally landscaped but the pupil entrance would be more open and non-cluttered to maximise the potential for this to actively used as an extension of the public realm during school drop-off and pick-up times.

Extract from drawing titled 'Outline Planting Plan', drawing no. 121384-CDP-ZZ-XX-DR-L-2003-P6



Overall, no objections are raised to landscaping scheme with the benefits being realised from this from an ecological perspective furthermore considered acceptable.

## C AMENITY

Policy BAS BE12 in addition to referencing design and harm to character of surrounding area, also details that planning permission should be refused if proposals cause harm to amenity namely through overlooking; noise or disturbance to the occupants of neighbouring dwellings; and/or overshadowing or over-dominance.

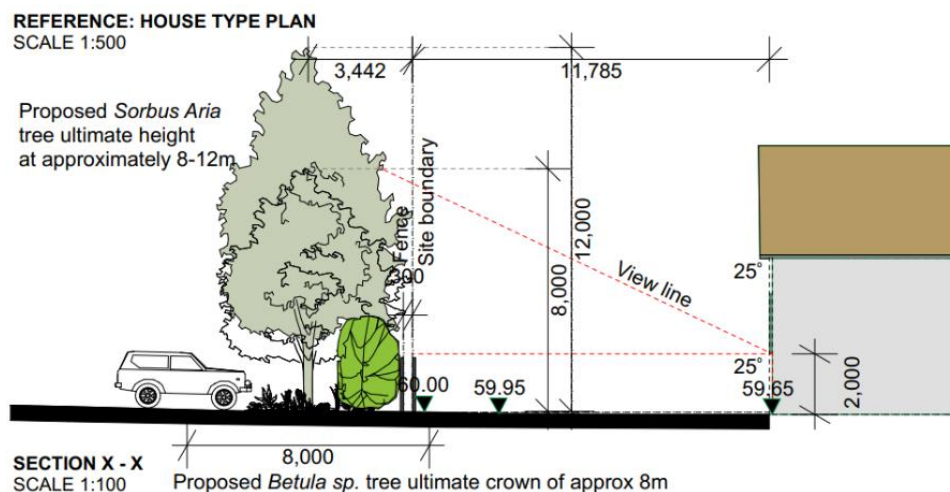


### Overlooking, overshadowing and over-dominance

It is initially noted that concerns have been received about potential loss of light, as result of the landscaping proposed around the car park. The close proximity to properties to the east of the site, on Swan Grove, especially in context of the land level changes, does render this boundary potentially sensitive. To support the proposals, the applicant has sought to confirm that the properties on Swan Grove are 11.7m from the boundary of the site. The Essex Design Guide states that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the façade and a spacing of at least 10m between opposing development fronts. At 11.7m it is noted that the school boundary landscaping is positioned in excess of the spacing advocated and as such it is not considered that loss of light would likely be an issue for adjacent residential properties.

The landscaping proposed on the school boundary, adjacent to the properties on Swan Grove, would, as shown below, nevertheless breach the 25 degree view line, beyond 10m. The applicant has suggested, in respect of this, that these trees would not however form a dense belt of vegetation given that these would be planted circa 8m apart. The trees proposed to be planted along this boundary, namely common whitebeam and birch trees, do have the potential to grow to 8-12m. That said, the trees would take a number of years to reach this height and in any case the trees would be subject to appropriate management/pruning by the school.

### Extract from drawing titled 'Boundary Treatment Assessment', drawing no. 121384-CDP-ZZ-XX-DR-L-2014-P2



### Noise and Air Quality

As a result of the school (in-particular the use of the playing field) it is considered there may be some noise nuisance (whistles being blown or isolated shouting). However, per-se the school use is not considered to likely change the noise character of the area or result in levels to cause significant nuisance to nearby residential properties.

In terms of plant, machinery and/or equipment proposed externally, the exact specification of this is not yet known by the applicant and therefore the exact impact or implications have not been able to be confirmed and assessed. Whilst it is considered unlikely that the siting of such externally plant, machinery and/or equipment would give rise to undue nuisance, it is considered appropriate that a condition be imposed, in the event planning permission is granted, to ensure that such plant, machinery and/or equipment does not result in noise levels significantly above background levels.

Vehicles entering and leaving the site also have the potential to give rise to impacts. Such impacts would however likely only be during daytime hours and associated noise levels are not estimated, as such, to result in significant nuisance. In terms of air quality, similarly, the development (and associated vehicle movements) is not considered likely to lead to significant air quality impacts.

### Lighting

An external lighting plan has been submitted with this application. The accompanying light spill drawing submitted demonstrates only limited light spill outside the site, at very low level (circa 1 lux). Whilst in principle no objections are therefore raised to the external lighting proposed, it is noted that the 6m high columns within the car park, adjacent to these residential properties, does seem quite excessive. In addition, no details have been provided as to the operation of the external lighting i.e. hours of illuminance and details of which if any lighting would double-up as security lighting and as such potentially be subject to sensory activation outside of normal hours of opening of the school. For this reason, it is considered appropriate to restrict the installation of any external lighting until further details. This would also give the applicant the opportunity to review the proposed height of the lighting within the car park in context of the reservations about this (albeit it accepted that in practice that the lighting currently proposed has been demonstrated not to give rise to undue impact and accordingly, if they were to remain, would unlikely be deemed unacceptable).

Overall, no objections are raised to the development coming forward from an amenity perspective, subject to the imposition of suitably worded conditions.

## D HIGHWAYS

The Transport Assessment submitted in support of this application has sought to assess likely impact of the school use on the local highway network by predicting likely vehicular trip rates during the AM school peak (08:00-09:00), PM school peak (15:00-16:00) and network PM peak (17:00-18:00). A snapshot of the results of this is provided in the below tables:

Table 5.1 of the submitted Transport Assessment – Primary School Vehicular Trip Rates

	AM Peak (08:00-09:00)		PM Peak (15:00-16:00)		Network PM Peak (17:00-18:00)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Primary School Trip Rate per pupil	0.354	0.290	0.173	0.253	0.023	0.051
Primary School Trips for 420 pupils	149	122	73	106	10	22

Table 5.2 of the submitted Transport Assessment – Early Year’s Childcare Facility Vehicular Trip Rates

	AM Peak (08:00-09:00)		PM Peak (15:00-16:00)		Network PM Peak (17:00-18:00)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Early Year’s Childcare Facility School Trip Rate per pupil	0.185	0.137	0.055	0.069	0.113	0.161
Early Year’s Childcare Facility School Trips for 56 pupils	11	8	3	4	7	9

Collectively, as shown within the above tables, when at full capacity the school and nursery is predicted to generate some 290 vehicle movements in the school AM peak and 186 movements in school PM peak.

The Transport Statement submitted in respect of this suggests that *“implementation of a dedicated Travel Plan alongside the additional proposed cycle and scooter parking the proposed school development [should] generate a significantly lower level of vehicular trips”* than that set out above. Currently there is no local primary school and/or nursery within the Nethermayne development and as such existing occupiers of properties with children have no option but to travel to access education. In this context, it is suggested that the vehicle movements associated are already on the network and in theory the trip generation represents a redistribution of trips rather than new trips solely resulting from this development. Over time it is suggested that the development would actually *“significantly reduce the length of trips associated with accessing education”* in this area and also the reliance on the private car.

The Highway Authority has, in context of the above and Transport Statement submitted, raised no objection to the development coming forward on highway safety and efficiency grounds.

In terms of parking provision, the car parking standard for a primary school, as advocated by the Essex Parking Standards - Design and Good Practice (2009), is a maximum of one space per 15 pupils with minimum cycle standards of one space per five staff plus one space per three pupils. For nurseries (or a day care centre as termed within the Standards) a maximum of one car parking space per full time equivalent staff and minimum of one cycle space per four members of staff are advocated. The Standards also proclaim some form of drop off/pick up facilities for day care centres.



Whilst no specific drop off/pick up facilities are proposed as part of this development, the car park proposed would provide 43 vehicle parking spaces (inclusive of two disabled/accessible spaces) and five spaces for powered two wheelers (motorbikes) for staff and visitors. With regard to cycle and scooter provision, a total of 158 cycle and scooter spaces are proposed at various locations across the site for use by both staff and pupils of the primary school and nursery. Based on the school pupil roll and the number of full time (equivalent) staff, the proposed parking provision for both vehicles and cycles/scooters is considered acceptable and no objections are raised.

Given the proposals do not include a specific drop-off/pick-up facility, the applicant notes that *“a walk time of ten minutes is generally considered the maximum acceptable to directly access any local facility or amenity and equates to a distance of 800 metres”*. An 800m catchment in this case would cover the entire Nethermayne development. In theory, it is therefore suggested that for majority of likely pupils accessing the school via sustainable transport would be an option. That said, it is accepted that for all parents/pupils this will not be realistic, for a range of reasons. It is noted that *“the pedestrian and cycle infrastructure within the [wider] development area has been specifically designed to encourage these modes as the primary means of accessing local facilities and amenities”*.

In terms of parent parking, it is considered that parking on nearby roads could result – particularly, as alluded above not all pupils will access the school by sustainable means and the nearby roads do not currently contain any parking restrictions. The applicant in respect of this has sought to reaffirm the likely catchment of this school and that sustainable transport and initiatives such as a walking bus will be encouraged through the School Travel Plan. In due course, it is also noted that there is the option to explore the potential of facilitating use of the car park associated with the local retail centre for parents.

## E OTHER ISSUES

### Climate Change and Sustainability

Basildon Council is fully committed to developing an ongoing programme of greenhouse gas reduction measures, with an ambitious target to deliver zero carbon emissions across the borough by 2030, and net zero emissions by 2050.

In the interests of conserving energy, making the most efficient use of water and other resources, initially the applicant has sought to suggest that the building would be constructed to modern standards in terms of insulation, sustainable energy and water usage. The development takes a ‘fabric first’ approach to reducing energy demand and CO2 emissions. Each classroom would have two natural ventilation units installed alongside openable windows to promote user comfort. The main hall, similarly, is proposed to be naturally ventilated through utilisation of roof mounted units providing a mixing strategy during winter months to avoid cold draughts and during summer months by drawing fresh air in through the lower-level windows and exhausting hot, stale air out the top of the space.

Where a natural ventilation strategy is not possible, due to rooms being internal or need for cooling to meet sensitive environment, supply and extract heat recovery units are proposed to be installed. The strategy has been modelled and developed to satisfy overheating requirements based on predicted 2050 weather conditions.

With regard to energy consumption, solar panels are proposed across the majority of the building roof, which pro-rotas should generate enough energy to ensure the building operates at net-zero carbon.

### Flood Risk and Drainage

This site is located within Flood Zone 1, at a low probability of fluvial and/or tidal flooding. As the proposed developed area is in excess of 1ha a Flood Risk Assessment has been submitted. The primary method proposed for dealing with surface water is by discharging into the wider Nethermayne development drainage system at a controlled rate (of 3.5 l/s). The connection to this drainage system is to the north of the site, where the land level is the highest, so to facilitate the movement of water around the site, and the attenuation proposed, a pumping station to be installed to the south of the car park area.

With regard to foul water management, similarly, the proposal is simply to connect to the sewerage system installed as part of wider Nethermayne development, of which a connection has already been provided. The flow rate of wastewater is estimated to be 8.09 l/s.

The Lead Local Flood Authority have raised no objection in-principle to the development coming forward subject to a finalised drainage details being secured by way of condition.

## **7. CONCLUSION**

It is considered that there is clear policy support within the NPPF for improved or new education facilities to cater for existing or identified demand, as is the case here. The provision of a primary school and nursery on this site has previously been established through a wider permission and an assessment of the development proposals has failed to identify any significant impacts or overriding concerns. Subject to the imposition of appropriate conditions, the proposals are accordingly considered policy compliant and representative of sustainable development as per the NPPF definition.

## **8. RECOMMENDED**

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 27/01/2023 and shown on drawings titled: 'Location Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2001-P2, dated 27/01/23; 'Block Plan', drawing number: 121384-CDP-ZZ-XX-DR-A-2007-P1, dated 02/02/23; 'Levels Strategy', drawing number: 121384-CDP-ZZ-XX-DR-C-4009 P1, dated 09/01/23; 'General Arrangement Plans', drawing number: 121384-CDP-ZZ-XX-DR-A-2001-P2, dated 17/01/23; 'Roof General Arrangement', drawing number: 121384-CDP-ZZ-RF-DR-A-2002-P2, dated 16/01/23; 'Proposed Elevations', drawing number: 121384-CDP-ZZ-XX-DR-A-2003-P3, dated 16/01/23; 'Proposed Building Signage', drawing number: 121384-CDP-ZZ-XX-DR-A-2006-P1, dated 22/12/22; 'Proposed Sections 1 of 2', drawing number: 121384-CDP-ZZ-XX-DR-A-2004-P2, dated 12/01/23; and 'Proposed Sections 2 of 2', drawing number: 121384-CDP-ZZ-XX-DR-A-2005-P2, dated 12/01/23 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policy BAS BE12 of the Basildon Local Plan (2007) and the National Planning Policy Framework (2021).

3. No development beyond damp proof membrane shall take place until details of the materials to be used for the external appearance (including all windows and doors) of the development hereby permitted have been submitted to the County Planning Authority for review and approval in writing. The details shall confirm the exact specification of the materials to be used including manufacturer, colour and finishes/application proposed. The development shall be implemented in accordance with the approved details.

Reason: In the interests of design, the amenity of the local area and to comply with policy BAS BE12 of the Basildon Local Plan (2007) and the National Planning Policy Framework (2021).

4. The development hereby permitted shall be implemented in accordance with the hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates) detailed within drawings titled 'Outline Planting Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2003-P6, dated 06/03/23; 'Detailed Planting Plan (Overall Layout)', drawing number: 121384-CDP-ZZ-XX-DR-L-6901-P1, dated 17/04/23; 'Detailed Planting Plan (1 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6902-P1, dated 19/04/23; 'Detailed Planting Plan (2 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6903-P1, dated 19/04/23; 'Detailed Planting Plan (3 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6904-P1, dated 19/04/23; 'Detailed Planting Plan (4 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6905-P1, dated 19/04/23; 'Detailed Planting Plan (5 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6906-P1, dated 19/04/23; 'Detailed Planting Plan (6 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6907-P1, dated 19/04/23; 'Detailed Planting Plan (7

of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6908-P1, dated 19/04/23; 'Detailed Planting Plan (8 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6909-P1, dated 19/04/23; 'Detailed Planting Plan (9 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6910-P1, dated 19/04/23; 'Detailed Planting Plan (10 of 10)', drawing number: 121384-CDP-ZZ-XX-DR-L-6911-P1, dated 19/04/23; 'Surfacing Plan', drawing number: 121384-CDP-ZZ-XX-DR-C-4004 P04, dated 17/01/23; 'Surfacing and Edging Details', drawing number: 121384-CDP-ZZ-XX-DR-C-6002 P02, dated 18/01/23; and 'Proposed Fencing and Gate Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2011-P2, dated 12/01/23. With regard to this, the approved soft landscaping scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the construction phase of the development.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), in the interests of the environment and the amenity of the local area and to comply with policy BAS BE12 of the Basildon Local Plan (2007) and the National Planning Policy Framework (2021).

5. The soft landscaping scheme hereby approved shall be managed and maintained in accordance with the details contained within the document titled 'Landscape Management Plan' (version V1.0), produced by Concertus, dated 10/01/2023. In the event that any tree or shrub, forming part of the approved soft landscaping scheme, dies, is damaged, diseased or removed within 5 years of the date of beneficial occupation of the development hereby permitted, that tree or shrub shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interests of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policy BAS BE12 of the Basildon Local Plan (2007) and the National Planning Policy Framework (2021).

6. No development or any preliminary groundworks shall take place until:
  - a) All trees on-site to be retained during the construction works, as shown on the drawing titled 'Tree Survey', drawing number: 141004-P-130a, dated 18/10/22, have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction"; and
  - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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

Reason: To ensure protection for the existing natural environment, in the interests of visual amenity and to comply with policy BAS BE12 of the Basildon Local Plan (2007).

7. Prior to beneficial occupation of the development hereby permitted, a Biodiversity Enhancement Strategy shall be submitted to the County Planning Authority for review and approval in writing. The strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) Detailed designs to achieve stated objectives;
  - c) Locations of proposed enhancement measures by appropriate maps and plans;
  - d) Timetables for implementation
  - e) Persons responsible for implementing the enhancement measures; and
  - f) Details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations and the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with the National Planning Policy Framework (2021).

8. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to the County Planning Authority for review and approval in writing. The details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Any lighting approved shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To ensure limited nuisance or disturbance to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policy BAS BE12 of the Basildon Local Plan (2007).

9. Prior to beneficial occupation of the development hereby permitted, details of the external sound level emitted from all external plant, machinery and equipment installed shall be submitted to the County Planning Authority for review and approval in writing. The details shall furthermore outline any mitigation measures proposed to ensure that the external sound level emitted from plant, machinery and equipment proposed to be installed would be equal or lower than the existing background sound level. The assessment shall be made in accordance with BS 4142:2014+A1:2019 and the assessment shall be based on all plant, machinery and equipment operating together at design duty with impact predicted/assessed at a range of nearby sensitive receptors (or areas respective to the location of these). The development shall subsequently be implemented and managed in accordance with the details approved.

Reason: In the interests of adjacent residential amenity and to comply with policy BAS BE12 of the Basildon Local Plan (2007).

10. The Multi Use Games Area (MUGA) hereby permitted as part of this development, as shown on drawing titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23, shall only be used by or in association with the school and nursery and only during normal school hours plus pre/after school clubs. The MUGA is not permitted to be used for any purposes outside of the above or outside the aforementioned times.

Reason: In the interests of adjacent residential amenity, that an assessment of potential impact from use outside of aforementioned hours has not been submitted and assessed and to comply with policy BAS BE12 of the Basildon Local Plan (2007).

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to the County Planning Authority for review and approval in writing. The scheme should include but not be limited to:
- Limiting discharge rates to 3.5l/s for all storm events up to and include the 1 in 100 year plus 40% allowance for climate change;
  - Providing sufficient storage on-site to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
  - Demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
  - Final modelling and calculations for all areas of the drainage system;
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
  - Detailed engineering drawings of each component of the drainage scheme;
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features; and

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to comply with the National Planning Policy Framework (2021).

12. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements, of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to the County Planning Authority for review and approval in writing.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended and to ensure mitigation against flood risk as failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to comply with the National Planning Policy Framework (2021).

13. No development of the natural turf playing field shall commence until the following documents have been submitted to the County Planning Authority for review and approval in writing:
- A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - Based on the results of the assessment to be carried out pursuant to the above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full, and the land shall thereafter be maintained and made available for playing field use in accordance with the details of the development approved.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

14. Prior to beneficial occupation of the development hereby permitted, the pedestrian/cycle and emergency vehicle access from George Road, as shown in-principle on drawing titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23, shall have been constructed at right angles to the carriageway and provided with an appropriate dropped kerb vehicular crossing of the footway, as per the full technical approval subsequently issued by the Highway Authority. Similarly, the vehicular access from Hazel Road, again as shown in principle on drawing

titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23, shall be constructed at right angles to the carriageway, as per the full technical approval subsequently issued by the Highway Authority. The visibility splays of both accesses shall, following construction, be retained free of any obstruction at all times.

Reason: In the interests of highway safety and to comply with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

15. Prior to beneficial occupation of the development hereby permitted, the car parking area as shown on drawing titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23 shall be constructed and laid out as approved, so that the vehicular turning areas as shown on drawing titled 'Vehicle Tracking', drawing number: 121384-CDP-ZZ-XX-DR-L-2015-P1, dated 06/04/23 can also be achieved. The electric vehicle charging point within the approved car park area, as shown on drawing titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23, shall, for the avoidance of doubt, be installed be ready for use at the point of beneficial occupation. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: To provide a suitable level of parking on-site, in the interests of highway safety and to comply with the Parking Standards adopted as County Council Supplementary Guidance in September 2009.

16. Prior to beneficial occupation of the development hereby permitted, details of the cycle and scooter parking provision, as indicatively shown on drawing titled 'Proposed Landscape Plan', drawing number: 121384-CDP-ZZ-XX-DR-L-2002-P16, dated 17/02/23, shall be submitted to the County Planning Authority for review and approval in writing. The details shall include the design, location and number of spaces to be provided prior to the beneficial occupation of the development hereby permitted and details of additional spaces including the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. The development hereby permitted shall be carried out in accordance with the approved details and the facilities constructed/installed shall thereafter be retained and maintained in perpetuity.

Reason: To ensure a suitable level and quality of cycle and scooter parking on-site, in the interests of highway safety and to comply with the Parking Standards adopted as County Council Supplementary Guidance in September 2009.

17. 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 any pedestrian or vehicular access unless they are sited clear of the highway and open inward only. With regard to the main vehicular access from Hazel Road, any gate installed is to



be set back a minimum distance of 6 metres from the back edge of the footway.

Reason: In the interests of highway safety and to comply with the Parking Standards adopted as County Council Supplementary Guidance in September 2009.

18. The construction phase of the development hereby permitted shall be completed in accordance with the document titled 'Construction Management Plan', produced by Barnes Construction, dated January 2023.

Reason: In the interests of amenity and highway safety and to comply with policy BAS BE12 of the Basildon Local Plan (2007)

19. No development shall take place until a desktop study including site walk-over survey has been carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). The desktop study shall be submitted to the County Planning Authority for review and approval in writing.

Reason: In the interests of environmental protection and to comply with the National Planning Policy Framework (2021).

20. If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. The site investigation report shall be submitted to the County Planning Authority for review and approval in writing prior to commencement of development.

Reason: In the interests of environmental protection and to comply with the National Planning Policy Framework (2021).

21. Following approval of the site investigation report, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to the County Planning Authority for review and approval in writing prior to commencement of development. All requirements of this, as approved, shall subsequently be implemented and completed to the satisfaction of the County Planning Authority. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

If during development contamination not previously considered is identified, then the County Planning Authority shall be notified immediately, and no further work shall be carried out until an additional method statement detailing a

scheme for dealing with the suspected contamination has been submitted to the County Planning Authority for review and approval in writing.

Reason: In the interests of environmental protection and to comply with the National Planning Policy Framework (2021).

22. Following completion of measures identified in the remediation scheme, a full closure report shall be submitted to the County Planning Authority for review and approval in writing. The closure report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the previously approved details.

Reason: In the interests of environmental protection and to comply with the National Planning Policy Framework (2021).

#### Informative

Prior to the beneficial occupation of the development a finalised school travel should be prepared, in liaison with the Highway Authority, and this should be subsequently implemented, managed and monitored in perpetuity.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

BASILDON – Westley Heights

**DR/17/23**

**Report to:** DEVELOPMENT & REGULATION (26 May 2023)

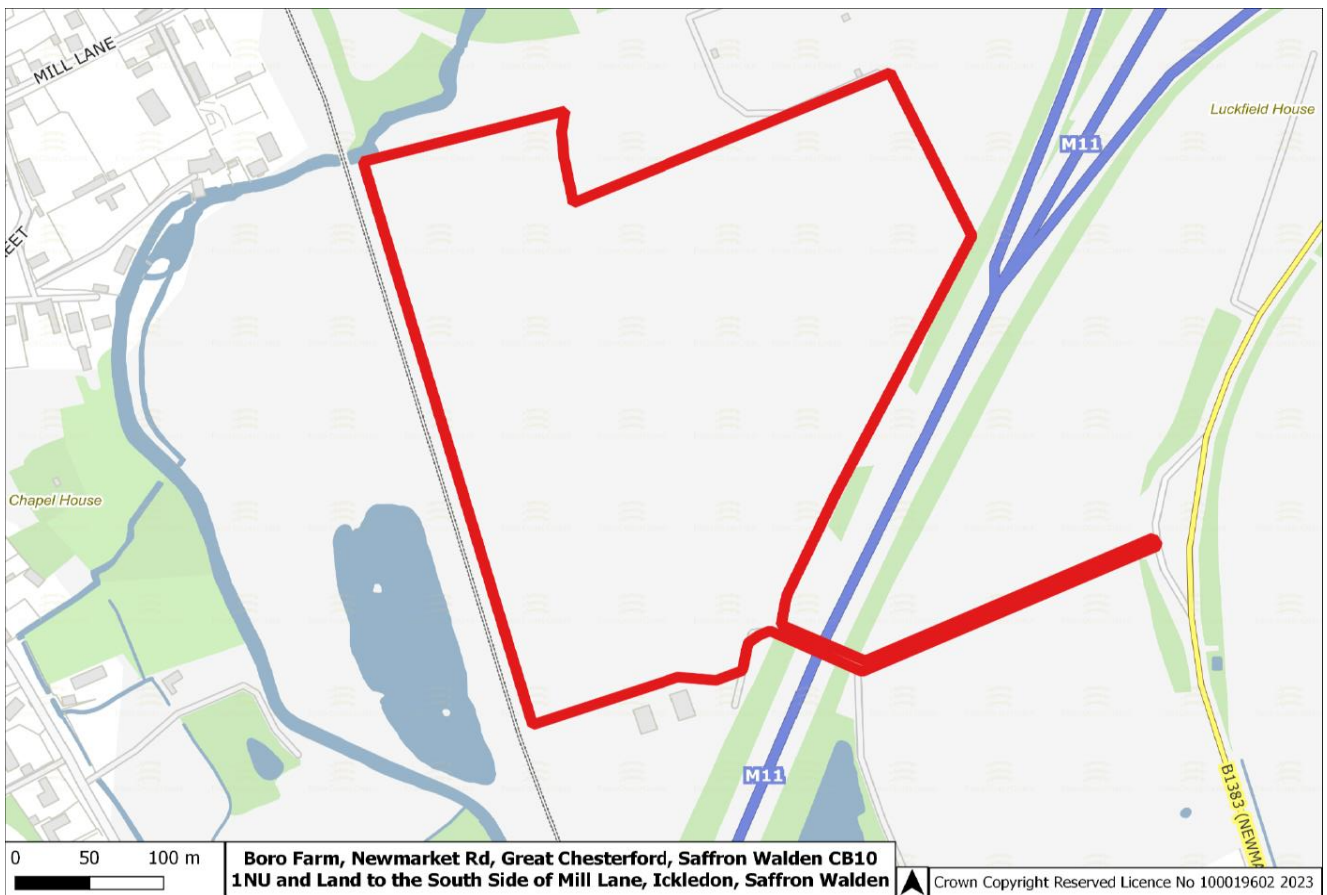
**Enforcement:** INFORMATION ITEM - UNAUTHORISED MINERALS AND WASTE DEVELOPMENT - Without the benefit of planning permission, a material change of use of the land from agricultural to land used for waste and aggregate recycling involving the importation, deposit, spreading and storing of waste and other materials, landraising/creation of bunds and the installation and use of associated plant, equipment, and machinery

**Ref:** ENF/1172

**Location:** Land at Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden, CB10 1FN and Land to the South Side of Mill Lane, Ickleton, Saffron Walden

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

**Enquiries to:** Shaun Long Tel: 03330 322837



## **1. SITE AND BACKGROUND**

The site is located between Great Chesterford and Ickleton, sandwiched between the M11 to the east and the London to Cambridge railway line to the west. Access to the site is provided by a road/track accessible via a layby off Newmarket Road approximately 300m to the east, which passes under the M11.

The site represents the northern part of a site known to the Waste Planning Authority (WPA) as 'Land adjacent to the M11, Great Chesterford, Saffron Walden'. The lawful use of the land is agriculture with planning permission historically approved to import inert waste for agricultural improvement (application refs: ESS/16/10/UTT and ESS/46/11/UTT). The importation permitted was completed and the site was in year four of agricultural aftercare when the unauthorised development commenced.

To the immediate south of the area to which this unauthorised development relates, is another development subject of an Enforcement Notice (appeal pending). The extant use of this area is also agricultural. However, this area is currently in use as a recycled aggregate production facility and involves the importation and export of materials by way of HGV and the processing and storage of such material on-site.

Following a site visit in October 2022 the WPA considered it expedient to serve a Temporary Stop Notice (TSN), in respect of this northern parcel of land, and require the temporary cessation of the importation, deposition and spreading of waste which was alleged to be taking place. The TSN was in force for a 28-day period and was complied with.

In November 2022, the WPA subsequently served a Planning Contravention Notice (PCN) to the landowner and all other interested parties in an attempt to formally establish the nature of the activities on-going. Responses to the PCNs served were received. However, following a further site visit in March 2023, the WPA concluded a material change of use of the land had occurred and that the land was being used for waste and aggregate recycling involving the importation, deposit, spreading and storing of waste and other materials, landraising/creation of bunds and the installation and use of associated plant, equipment, and machinery.

Accordingly, on 26 April 2023, the WPA served an Enforcement Notice. It was expedient to take this action as the unauthorised development is considered incompatible with its countryside setting and is harmful to landscape character and appearance, agricultural land quality and local amenity.

## **2. CURRENT POSITION**

The Enforcement Notice served on the 26 April 2023, takes effect on the 31 May 2023 unless an appeal is made against it beforehand. The Enforcement Notice requires the landowner to:

- Cease, and do not resume any further, importation, deposition, storage and spreading of waste materials and aggregates within 1 day from the date the Notice takes effect.

- Restore the Land (i) to the levels as approved under planning permission ref: ESS/46/11/UTT and shown on the drawing titled 'Proposed Final Landform' drawing no. 0614/L/2c dated 25 June 2010 and (ii) to its condition prior to the commencement of the unauthorised development within 5 months from the date the Notice takes effect.
- Remove from the Land any remaining waste materials and aggregates and all plant, equipment and machinery associated with the unauthorised development within 5 months from the date the Notice takes effect.

Officers will continue to monitor the site in relation to the Enforcement Notice to ensure compliance.

#### **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Saffron Walden

**DR/18/23****Report to:** DEVELOPMENT & REGULATION (26 May 2023)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of March	52
Nº. Decisions issued in April	3
Nº. Decisions issued this financial year	3
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in April	2
Nº. applications where Section 106 Agreements pending at the end of April	20

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of March	8
Nº. Decisions issued in April	3
Nº. Decisions issued this financial year	3
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in April	3

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in April	5
Nº. Committee determined applications issued in April	1
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	5
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of April	46
Nº. of referrals to Secretary of State under delegated powers in April	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of April	5
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	1

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of March	22
Nº. of cases cleared this financial year	0
Nº. of enforcement notices issued in April	1
Nº. of breach of condition notices issued in April	0
Nº. of planning contravention notices issued in April	0
Nº. of Temporary Stop Notices issued in April	0
Nº. of Stop Notices issued in April	0