

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 26 May 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr M Steel
Cllr B Aspinell	Cllr M Stephenson
Cllr L Bowers-Flint	Cllr L Mackenzie
Cllr J Jowers	Cllr M Garnett
Cllr M Steptoe	Cllr D Harris
Cllr S Kane	

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

Apologies were received from Cllr Mike Hardware, for whom Cllr Sam Kane substituted, and from Cllr Paul Thorogood.

### 2. Appointment of Vice-Chairman

Cllr Lynette Bowers-Flint proposed, and Cllr Mike Steptoe seconded the election of Cllr John Jowers as Vice-Chairman. Following a unanimous vote in favour, Cllr Jowers was duly appointed.

### 3. Minutes

The Chief Planning Officer (County Planning and Major Development) drew Members' attention to an error in the report in connection with Item 4 – Fairfield's Farm, Fordham Road, Wormingford referenced at Minute number 3.

These were: correcting the Local Plan document reference from 'Colchester Borough Council Local Development Framework Development Policies (adopted 2010, reviewed 2014)' to 'Colchester Borough Council Local Plan 2017 – 2033 Section 2 (adopted July 2022)' and including reference to Policy DM24 after Policy DM7.

The amended recommendation was therefore noted as:

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 Fairfield's 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

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Plan 2017 – 2033 Section 2 (adopted July 2022) Policies DM1; DM15; ENV5; DM7; DM24 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.

Subject to this correction the minutes of the meeting held on 28 April 2023 were agreed as a correct record and signed by the Chairman.

#### 4. Identification of Items Involved in Public Speaking

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

- 1) Ugley Landfill Site, Cambridge Road  
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

Public speakers:

- Applicant: Mr James Stewart-Irvine – speaking for the application
- 2) Oyster Haven Business Park, Haven Road, Colchester  
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

Public speakers:

- Agent on behalf of applicant: Thomas Benson – speaking for the application
- 3) Land North of Dry Street, Nethermayne, Basildon  
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.

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**Location:** Land North of Dry Street, Nethermayne, Basildon, Essex

**Ref:** CC/BAS/11/23

Public speakers:

- Agent on behalf of applicant: Mr Richard Clews – speaking for the application
- Local Member: Cllr Kerry Smith

Due to officer availability, the Chairman varied the order of the agenda so that item 5.3 Oyster Haven Business Park, Haven Road, Colchester was heard first.

**5. Oyster Haven Business Park, Haven Road, Colchester**

The Committee considered report DR/15/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of the addition of proposed Condition 22.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of the development
- Traffic and Highways
- Noise, Dust and Odour
- Drainage
- Visual impact, Landscape and Ecology

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

- The site had received its standard rules permit from the Environment Agency, which was a pre-requisite for the receipt, handling and treatment of waste. This permit would not have been granted unless the Environment Agency were satisfied that the appropriate controls and mitigation measures were in place.
- The recommendation from officers was to approve, with no objections or significant comments being made by statutory consultees or Council specialists.
- The number of vehicle movements associated with the operations was relatively low, below that of other waste related operations within the area and below that which could be associated with the site under other uses. There were no formal controls with regards to vehicle movements for the application site.
- The application complied with both national and local planning policy whilst also benefitting from being located within an area allocated for waste uses.

- There were no formal planning restrictions on the site in terms of operating hours, vehicle movements, dust or noise matters. The proposed conditions would give the Council a greater degree of control over the site in terms of regulation.

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

- Officers would likely visit the site once a year and would also respond to and follow up on any complaints received concerning sheeting on lorries. The proposed conditions required lorries to be sheeted when leaving and entering the site. Outside the red line of the site, the enforcement of sheeting on lorries was the combined responsibility of the police, the Highway Authority and the Council.
- Both standard and industrial sized skips would be carried into and out of the site.
- There was a section of planting in front of the palisade fence and the applicant was responsible for the maintenance of this. There was further planting which was outside the control of the applicant, however, this was unlikely to be removed.
- It was not unusual for a waste transfer station to have hours of control commencing at 0700.
- There was no requirement to submit annual tonnage to the authority for monitoring purposes. The Environmental Permit was for 75,000 tonnes per annum.

There being no further points raised, the amended resolution within the Addendum, including the addition of proposed Condition 22, as proposed by Cllr John Jowers and seconded by Cllr Dave Harris. Following a unanimous vote in favour, it was

### **Resolved**

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 13out) per day (Saturdays)

No goods vehicle or skip lorry movements shall take place outside the hours of operation authorised in Condition 4 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.

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14. 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.

15. 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.

16. 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.

17. 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.

18. 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

19. 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

20. 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 21 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.

21. Any tree or shrub forming part of a planting scheme approved under Condition 20 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.

22. Rain water from the roofs of the building shall not be discharged to surface water drainage, but shall be stored in the two storage tanks as shown on drawing no. 3173-004-03 Rev C.

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

## **6. Ugley Landfill Site, Cambridge Road**

The Committee considered report DR/13/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of the addition of proposed Condition 43.

Policies relevant to the application were detailed in the report and addendum.

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

The Committee noted the key issues:

- Principle of Development and Need
- Landscape and Visual Impact
- Highways Impact
- Amenity Impact
- Ecological Impact



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- Flood Risk
  - Heritage Impact
  - Restoration

In accordance with the protocol on public speaking the Committee was addressed by Mr James Stewart-Irvine, speaking as the applicant. Mr Stewart-Irvine made several points:

- The development represented a significant investment in environmental management controls in the long-term and had been developed to provide a more sustainable solution, whilst providing an opportunity to significantly reduce the applicant's carbon emissions.
- The restoration scheme provided opportunities for biodiversity net gain and a significant contribution to the management of habitats that would be re-established upon completion of this temporary operation in line with the requirements of national legislation and local planning policies.
- The applicant was also committed to continuing to generate electricity from non-fossil fuel sources. As landfill gas generation at sites such as Ugley reduced, electricity generation also dropped. These sites presented an opportunity for solar development since they offered large areas of open ground and an existing connection into the National Grid.
- The scheme had been carefully designed to fit in with the revised restoration and biodiversity net gain proposals to make the best use of the south facing slopes of the site, whilst minimising the visibility of the solar arrays from outside the site. It would be capable of providing around 2.4 megawatts of electrical capacity which, according to Ofgem figures, was sufficient for the average power requirements of 5,000 homes.
- The Environmental Permit application was soon to be submitted, whilst the Waste Recovery Plan had been approved by the Environment Agency which determined that the activity was a recovery operation rather than a disposal operation in permitting terms.
- The proposals would lead to significant improvements in the environmental controls that applied to the site and would support UK energy security and the Government's target of Net Zero by 2050 by providing a source of renewable energy, in addition to the delivery of valuable biodiversity net gain.

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

- The solar array would cover an area of approximately 4.9 hectares.
- Uttlesford's most recent Local Plan was from 2005.
- Practices such as the watering of hard surfaces to prevent dust creation were the industry standard for dust management.
- The applicant would have the responsibility to maintain the structural integrity of the solar panels, including following any sinking of the panels over time.
- Tankering would continue with a gradual decrease from 12 per week to 60 per year over time to negate any increase of leachates caused by the additional weight.

- The site was a historical landfill that had not settled as expected. This application was a remediation scheme, and the proposed location of the solar arrays considered the future anticipated settlement.

There being no further points raised, the resolution, including the addition of proposed Condition 43 in the Addendum (with a minor amendment to confirm the Waste Planning Authority's approval is required), was proposed by Cllr Barry Aspinell and seconded by Cllr Lynette Bowers-Flint. Following a unanimous vote in favour, it was

### **Resolved**

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) 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.

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) Policies 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) Policies 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) Policies 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) Policies 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) Policies 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.

43. No later than twelve months prior to 31 May 2063 or the cessation of the solar array, whichever occurs sooner, a decommissioning plan for the solar array shall be submitted to and be approved in writing by the Waste Planning Authority. The solar array shall then be decommissioned in accordance with the approved plan.

Reason: In the interests of land remediation, to limit the impacts on local amenity 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.'

#### 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.

#### **7. Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden**

The Committee considered report DR/14/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 30.

Policies relevant to the application were detailed in the report and addendum.

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

The Committee noted the key issues:

- Highways
- Amenity

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

- Officers would discuss the issues raised by Widdington Parish Council and third parties regarding lorry wheel washing and litter with the operator. In addition, officers would help to facilitate further dialogue between the operator and the Parish Council, if requested. Any formal complaints received with regards to the site and operations on-going would be investigated.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Cllr John Jowers and seconded by Cllr Dave Harris. Following a unanimous vote of in favour it was

### **Resolved**

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

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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 ref: 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 23rd 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 may be guilty of an offence.

#### **8. Land North of Dry Street, Nethermayne, Basildon**

The Committee considered report DR/16/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed Conditions 2, 3, 4, 5, 6, 8, 9, 10, 18, 19, 20, 21 and 22.

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, Design and Landscaping
- Amenity
- Highways
- Other Issues
  - Climate Change and Sustainability
  - Flood Risk and Drainage

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

- The application followed pre-application engagement with officers, public consultation, and had been reviewed by the Essex Quality Review Panel (EQRP). The EQRP discussion was positive, and the panel considered the design to be smart and well-conceived with good sustainability credentials, including the proposed large area of solar panels on the roof in order to achieve net zero operation.
- There were several refinements made to the proposal following the EQRP, including amendments to the external finishes and parking arrangements, providing details of the playing field and landscaping, and the creation of a more generous access for pupils.
- The design and layout were agreed to be the most suitable and remained largely unchanged since submission.
- Most consultees had had no objections from the outset of the application, and there were no objections outstanding.
- Ten detailed planting plans had been provided during determination. Considerable attention had been paid to the playing field and play spaces, the boundary planting, buffers with neighbouring properties, fencing and accesses. This was in response to comments from neighbours and Basildon Borough Council, regarding sunlight, a buffer to the parking, and the extent of the boundary planting.
- The three responses received from neighbours had been addressed within the detailed landscaping scheme and additional clarifications. It had been confirmed that the buffer between the car park and dwelling boundaries was over five meters wide and that the likely ultimate height of the trees along the boundaries, as well as their position and spacing, ensured that they would not unduly block light into the gardens.
- The proposed school was ideally positioned for transport to and from school, as it was a ten-minute walk to the Nethermayne development, with the main pupil entrance situated opposite the open space to encourage sustainable transport.

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

- The lack of drop off area was due to planning policy which required the promotion of sustainable transport. The proposed school would initially open as a single form entry before progressing to a double form entry, which would allow time for the school travel plan to be established.
- It was not foreseen that a scheme of lining and signage would be required in the wider area around the school, and as a result this was not proposed as part of this application. It was anticipated that most pupils would be accessing the proposed school by foot, with connectivity to the site suitably provided for as part of the wider Nethermayne permission.
- The proposed car parking on-site would solely be for staff and visitors. There was no designated parking for parents.
- The vehicular access points to the school would be required to be constructed in accordance with the technical approval issued by the Highway Authority. Conditions as part of the recommendation sought to ensure that these access points were constructed in full accordance with the technical approval prior to



beneficial occupation. The technical approval stage would consider the need for lining and signage.

- Landscaping was considered to be particularly important to this site and a detailed landscaping scheme, which was usually secured by way of condition, had already been submitted for this reason. This scheme submitted was considered acceptable and therefore conditions as part of the recommendation sought to ensure implementation and maintenance of this going forward. A range of tree species were proposed to be planted and maintenance of the landscaping would be the responsibility of the Academy Trust.
- A deficit in school places, as per the 10-year plan for school places produced by the Essex School Organisation Service, was not predicted until 2029.
- The foundations of the proposed school would not allow a further level to be added to the building without substantial additional groundworks.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Cllr Mike Garnett and seconded by Cllr Lynette Bowers-Flint. Following a unanimous vote in favour it was

### **Resolved**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application 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 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 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 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 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 the National Planning Policy Framework (2021).

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 the National Planning Policy Framework (2021).

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 the National Planning Policy Framework (2021).

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 the following hours:
  - 07:30 to 18:30 hours Monday to Saturdayand at no other times or on Sundays, Bank or Public Holidays.

Reason: In the interests of adjacent residential amenity and to comply with the National Planning Policy Framework (2021)

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.

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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 the National Planning Policy Framework.

19. No development shall take place until a timetable has been submitted to the County Planning Authority, for review and approval in writing, setting out a programme and scope for investigating potential sources of contamination and any required remediation. In accordance with the agreed timetable, a desktop study including site walk-over survey shall be 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.

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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 in accordance with the agreed timetable.

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 (if required), 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 accordance with the agreed timetable. 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 (if required), 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). If identified as being required, 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.

**9. Land at Boro Farm, Newmarket Road and Land to the South Side of Mill Lane, Ickleton, Saffron Walden**

The Committee considered report DR/17/23, by the Chief Planning Officer, relating to an unauthorised minerals and waste development.

The Committee NOTED the report.

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

The Committee considered report DR/18/23; applications, enforcement and appeals statistics, as at the end of April 2023.

The Committee NOTED the report.

**11. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30 on Friday 23 June 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 13:04.