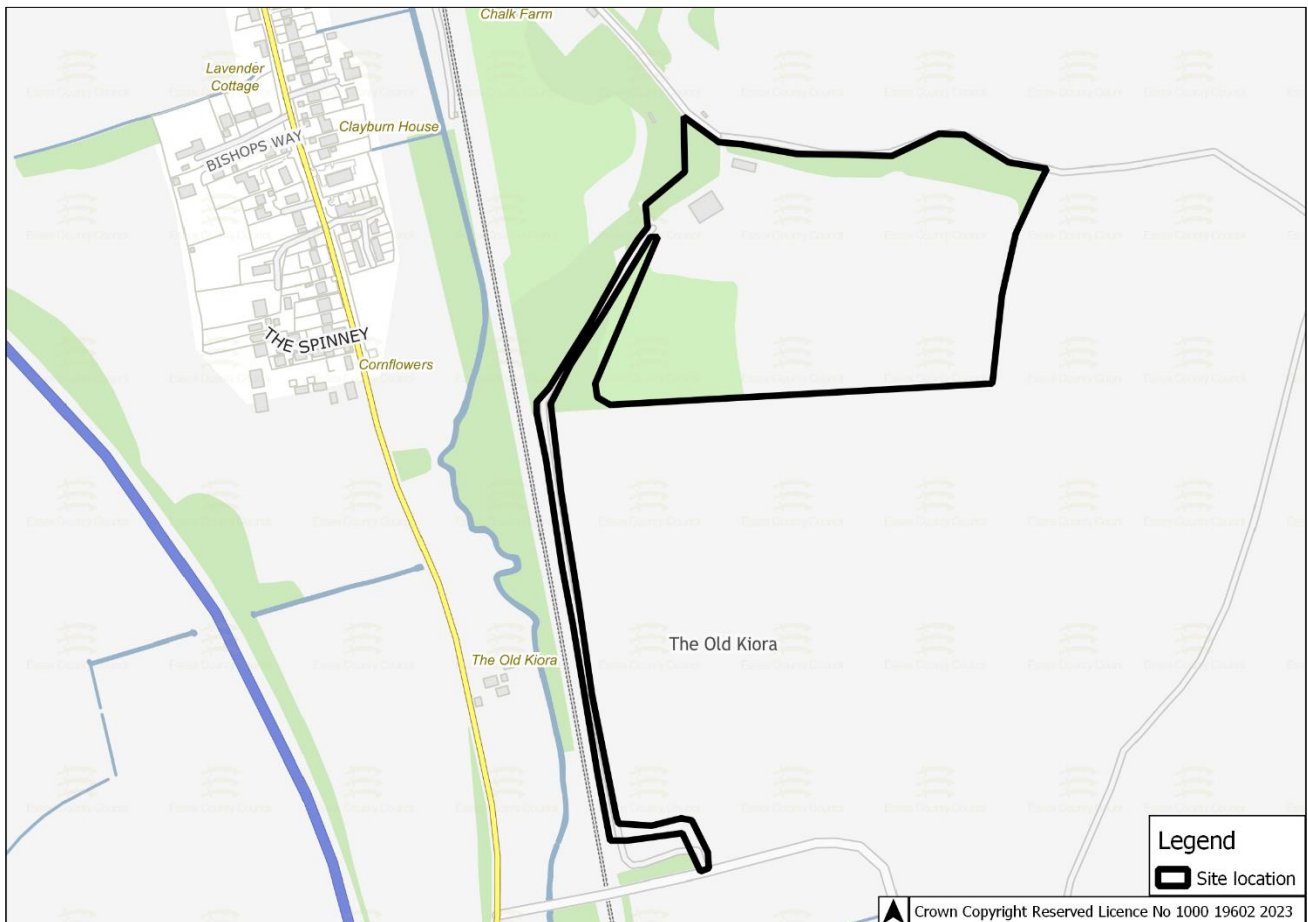


DR/14/23

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



1. BACKGROUND & SITE

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

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

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



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

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

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

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

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

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

2. PROPOSAL

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

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

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

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

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

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

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

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

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

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

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

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

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

3. POLICIES

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

Essex Minerals Local Plan

Policy S10 – Protecting and Enhancing the Environment and Local Amenity

Policy S11 – Access and Transportation

Essex and Southend Waste Local Plan

Policy 10 – Development Management Criteria

Policy 12 – Transport and Access

Uttlesford District Council Local Plan

Policy GEN1 – Access

Policy GEN4 – Good Neighbourliness

Policy ENV11 – Noise Generators

Newport and Quendon & Rickling Neighbourhood Plan

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

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

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

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

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

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

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

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

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

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

4. CONSULTATIONS

Summarised as:

UTTLESFORD DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

NETWORK RAIL – No comments received.

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

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

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

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

NEWPORT PARISH COUNCIL – No comments received.

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

5. REPRESENTATIONS

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

Observation

Lorries are very noisy travelling along the haul road. More lorries equals more noise.

The site opens at 7am and the noise continues all day.

The haul road is in poor condition and the advisory speed limit on the haul road is not adhered to.

Mud/debris, as existing, is often spread on the highway from this site.

Increase in rubbish discarded into verges.

Comment

See appraisal.

No change is proposed to the permitted hours of operation. As existing hours of operation are limited to 07:00 to 18:00 hours Monday to Friday; and 07:00 to 13:00 hours Saturday; with no operations allowed on Sundays, Bank and/or Public Holidays. See appraisal for comment in respect of noise nuisance.

The condition of the haul road has been raised by officers as part of recent site monitoring reports. It is expected that the haul road will be maintained in a suitable condition during the life of the development.

With regard to the speed limit on the haul road, as the haul road is not adopted, management of this speed limit is entirely within the gift of the applicant. That said, as part of the details secured by way of condition 8 (vehicle routing management) officers do have potential to further raise this with the applicant if the accusations can be substantiated.

See appraisal.

Noted. However, as the allegation relates to rubbish being discarded along a public highway, there can be no guarantee that the increase in rubbish within the verges is actually the applicant's (or their contractors) sole doing.

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

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

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

See appraisal.

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

See appraisal.

Further degradation of the railway bridge.

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

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

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

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

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

6. APPRAISAL

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

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

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

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

Highways

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amenity

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

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

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

7. CONCLUSION

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

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

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

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

8. RECOMMENDED

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

planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. The development shall be implemented in accordance with the details as set out in the document titled 'Hard and Soft Landscape Scheme', dated 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/29/1.

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

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

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

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

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

31. The development shall be implemented in accordance with the details as set out in the document titled 'Landscape and Ecological Management Plan (LEMP)', dated 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 is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.**

BACKGROUND PAPERS

Consultation replies
Representations

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

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

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

LOCAL MEMBER NOTIFICATION

UTTLESFORD – Stansted