

# DR/25/22

**Report to:** DEVELOPMENT & REGULATION (22 July 2022)

**Proposal:** MINERALS AND WASTE DEVELOPMENT

Continuation of development permitted by planning permission ESS/01/11/CHL without compliance with condition 8 (restriction on number of nights on which night-time working is permitted) to allow an additional week night and weekend night working for a period of 2 years. ESS/01/11/CHL amended planning permission ESS/36/03/CHL which was for "Use of a coated roadstone plant and associated facilities for the manufacture of coated roadstone products using predominantly sand and gravel and recycled aggregates produced at the quarry"

**Ref:** ESS/10/22/CHL

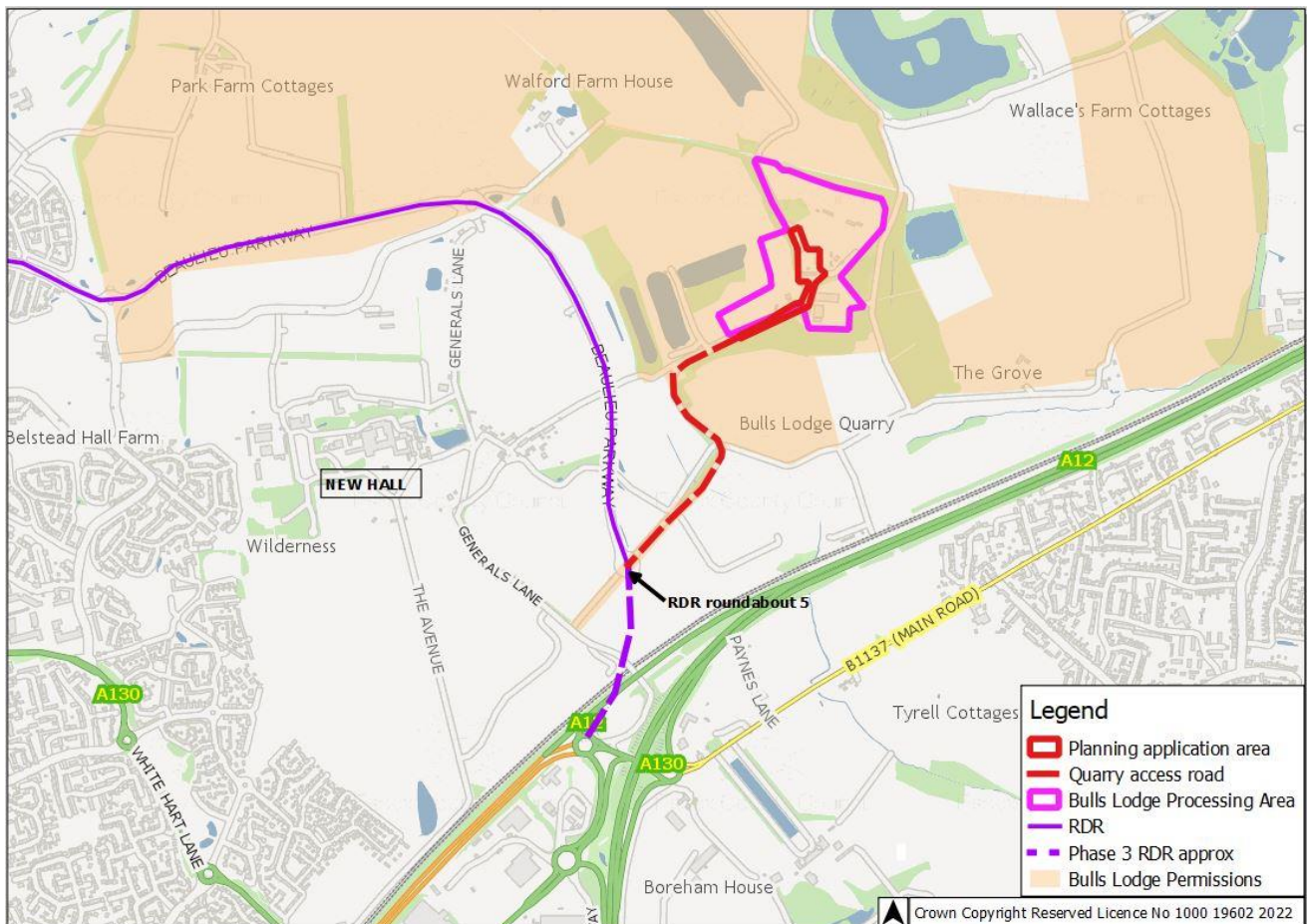
**Applicant:** Hanson Quarry Products Europe Limited

**Location:** Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford, CM3 3HR

**Report author:** Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at <https://planning.essex.gov.uk>



## **1. BACKGROUND**

Planning permission for sand and gravel extraction and a processing plant at Bulls Lodge Quarry was granted in 1990. The site has been operating since 1991. The currently permitted life of the quarry is until December 2030.

There have been various applications at the Bulls Lodge Quarry since 1990 mainly related to the processing plant, such that the processing area now includes: a bagging plant; an inert recycling facility; and the coated roadstone plant - the subject of this application.

The Bulls Lodge quarry was permitted by two planning applications (CHL/1019/87 and CHL/180/87) which are being worked together. Applications to amend these two main permissions are currently under consideration (ESS/147/20/CHL and ESS/148/20/CHL). These applications propose amending the phasing of working and timescale for completion of the overall mineral extraction to 2039. These applications do not directly impact the current application for the coated roadstone plant, but if approved in the future it is likely that the applicant would seek to retain the coated roadstone plant until 2039.

The coated roadstone plant was first granted planning permission in 2003 (ESS/63/03/CHL). At that time operation of the plant was permitted for a limited number of week nights in a month and a limited number of weekends in a year. In 2011 planning permission was granted for a 2 year period for unlimited night-time and weekend working; this was to facilitate provision of asphalt materials required for the Sadler's Farm highway improvements. The 2 year period ended in March 2013, whereupon the facility reverted to the originally permitted working hours.

The current application seeks to increase the number of week night and weekends when the coated roadstone plant is permitted to operate and export material.

## **2. SITE**

Bulls Lodge Quarry lies approximately one mile north of Boreham and three miles north-east of Chelmsford City Centre. The A12 and London/Norwich railway line lie 700m to the south. The mineral processing plant area is located below natural ground levels and the coated roadstone plant is located southwest of this area, with inert recycling facility at natural ground levels to the west of it.

Access to the quarry and coated roadstone plant is via a purpose built access road approximately 1km long which joins the Radial Distributor Road (RDR) (now to be known as Beaulieu Parkway) at RDR roundabout 5. Historically the access road joined Generals Lane which provided access to the Boreham Interchange. The RDR has been constructed as part of the Greater Beaulieu Park and Channels developments and will ultimately provide a through route for traffic from the A130 (Essex Regiment Way) to the A12.

Currently due to works being undertaken on Phase 3 of the RDR there is no direct link to the Boreham Interchange, thus all access to the quarry and coated roadstone plant is via the RDR and then to Essex Regiment Way (A130). Upon completion of the Phase 3 of the RDR, planned Spring 2023 vehicles from the

quarry will either be able travel north via the RDR and the A130 (Essex Regiment Way) to the north and west e.g. A120 and M11 or travel south on the RDR to the Boreham Interchange and then southwest or northeast on the A12.

The nearest residential properties to the coated roadstone plant are 800 metres to the north west (Mount Maskall [Listed Building] and Walford House). Brick House Farm lies 880m to the south east. 825m to the south of the A12 and the main London to Norwich railway line is Boreham Village. New Hall School (Listed Building and Registered Park and Garden) lies 1.2km to the west.

In addition, the expansion of North East Chelmsford is allocated in the emerging Chelmsford Local Plan and will bring new housing within 500m of the mineral processing area, including the coated roadstone plant.

To the west of the coated roadstone plant is Bulls Lodge Lagoons County Wildlife site, which is the site of the old quarry silt lagoons.

Bulls Lodge coated roadstone plant is safeguarded in the MLP under Policy S9.

Land to the south west of the mineral processing area and south of the quarry access road is designated as an Employment Area in the Chelmsford Local Plan, although currently the land is undeveloped.

The site is located in the parish of Boreham, but the RDR currently providing all highway access to the site passes through part of the parishes of Springfield, Broomfield and Little Waltham.

### **3. PROPOSAL**

The application seeks to extend the permitted hours of operation for the coated roadstone plant for a period of 2 years.

The currently permitted hours are as follows:

0500 to 1800 Monday to Friday  
0500 to 1300 Saturday

Except that:

weekday night working is permitted for no more than 5 nights in any month from 1800 to 2400 Monday to Thursday

and

weekend working is permitted 11 weekends in a year from 1800 Friday to 0500 Monday.

The application seeks to increase the number of weekday nights when the plant may operate and export from 5 to 10 nights a month and increase the number of weekends including nights from 11 to 22 weekends in a year. In effect a doubling of that currently permitted.

No other changes are proposed.

The justification for the increased number of week night and weekend working is as stated by the applicant below:

*The asphalt plant supplies coated roadstone (asphalt) to an extensive range of private, local authority and government agency building and infrastructure projects. Including, local and regional road scheme, new housing and commercial developments, motorway maintenance and utility company projects. Contracts for the supply of asphalt for road maintenance/improvement schemes increasingly require materials to be supplied during the night-time to minimise disruption to traffic flows.*

*It is common for road maintenance programmes to require deliveries of asphalt products outside of normal daytime periods in order for road works to be undertaken outside the peak travel periods to avoid causing unnecessary road congestion, hence why roadworks are undertaken into the evening and overnight and sometimes at weekends.*

*Asphalt is a temperature sensitive product that has to be made and laid in a very short time span as once it cools it becomes hard and unworkable. It is therefore essential that for road maintenance the provision is made to supply asphalt outside normal working hours.*

*It is for this reason that Hanson sought and obtained the allowances set out in the planning permission to enable the asphalt plant to operate on a limited number of weekday nights per month and weekends outside 'core' hours to facilitate the supply of asphalt materials for use in surfacing work.*

*During 2022/23 Hanson will supply asphalt materials from Bulls Lodge to the strategic highway projects on the A14 and A120 (as part of the government's Road Investment Strategy RIS2). The A120 is a key route for the local and national economy and the A120 Braintree to A12 proposals were developed by Essex County Council and Highways England [actually now National Highways].*

*An increase in the currently permitted weekday night working and weekend working allowances will provide increased flexibility to meet the supply needs of these critical infrastructure investment projects, which are planned months in advance.*

*As at the middle of January 2022 Hanson have utilised the 5 weekday nights monthly allowance for January and 2 weekend allowances supplying the A14 Highways England projects. It is therefore considered that the increase in allowances proposed will help to provide sufficient occasions for the A120 works and other local road infrastructure work over the next 2 years. Because of the nature of the construction works, night-time and weekend working of the asphalt plant will be at a greatly reduced level of output than during a normal working day. No raw materials (stone and bitumen) will be imported at night.*

*Hanson wish to seek a variation to the above condition 8 for a temporary period of 24 months to allow the effect of the proposals to be assessed/monitored by the local planning authority.*

#### **4. POLICIES**

The following policies of the Minerals Local Plan, (MLP) adopted July 2014, and the Chelmsford Local Plan 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

##### MINERALS LOCAL PLAN (MLP)

S1 - Presumption in favour of sustainable development

S2 - Strategic priorities for minerals development

S3 - Climate change

S9 - Safeguarding mineral transshipment sites and secondary processing facilities

S10 - Protecting and enhancing the environment and local amenity

S11 - Access and Transportation

DM1 - Development Management Criteria

##### CHELMSFORD LOCAL PLAN

DM29 Protecting living and working environments

##### NEIGHBOURHOOD PLAN

There no adopted neighbourhood plans relevant to this application.

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

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

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and

guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## 5. CONSULTATIONS

Summarised as follows:

**CHELMSFORD CITY COUNCIL (CCC):** Object. The doubling of weeknight and weekend working has potential to cause disturbance to residents in the new developments (Beaulieu and Channels) alongside and near to the Radial Distributor Road.

The further information provided on the acoustic impact of the proposals does not adequately address the issue of the noise impact of the change of routing of HGVs which requires all movements via the RDR.

**HIGHWAY AUTHORITY:** No objection. Following construction of the Radial Distributor Route (RDR) and the demolition of Generals Lane bridge to make way for an alternative bridge to link the RDR route to the Boreham Interchange, access to Bulls Lodge Quarry was diverted, with all vehicles accessing/egressing via Essex Regiment Way and the newly opened RDR route.

The Radial Distributor Route has been built to provide mitigation for nearby developments and to provide a PR1 route connection between Essex Regiment Way and Boreham Interchange, thus reducing the level of through traffic on White Hart Lane/Colchester Road, freeing up capacity for traffic related to the new development.

It is acknowledged that since the quarry traffic has been routed along the RDR, residents nearby have raised concerns about the vehicles using the route, in terms of noise, speed and frequency.

Whilst the Highway Authority can sympathise with the residents, that for a long period of time the RDR route has been built and not open to traffic and residents have enjoyed the lack of traffic using the route. Currently, the quarry lorries using the RDR route are going to be more obvious because there is limited traffic using the road. The route is adopted highway and there are no restrictions on the type or timings of traffic that can use the route.

Once the Generals Lane bridge replacement is complete and the new alignment is open (expected Spring 2023) the quarry traffic may disperse north and south resulting in a reduction of quarry traffic utilising the RDR to Essex Regiment Way. However, once the bridge is complete, the RDR will provide a link between Essex Regiment Way and Boreham Interchange and it is anticipated much through traffic currently using White Hart Lane will divert along this route, the quarry traffic will then be a much smaller element of general traffic on the RDR. It is appreciated that the opening of the road is a change to nearby residents, but the road was

planned and built at the same time as the houses, so a level of use and noise should have been anticipated by the residents.

COUNTY'S NOISE CONSULTANT: Holding objection -in summary, whilst we consider it likely that the operation of the coating plant would comply with relevant night-time and weekend noise limits, the effects of the additional traffic noise from HGVs using the public highway has not been adequately assessed.

BOREHAM PARISH COUNCIL: No objection

SPRINGFIELD PARISH COUNCIL: No objection to weeknight working, but object to weekend working due to impact on the loss of amenities for occupiers of nearby residential properties in particular excessive noise

BROOMFIELD PARISH COUNCIL: No comments received

LITTLE WALTHAM PARISH COUNCIL: Object. When the original permission was granted the access to the quarry was well away from houses and thus had little impact upon residents. However due to the work at Generals Lane, heavy good vehicles are now using the radial distributor road (RDR) to access the site and it is expected that this will be the case for at least another 2 years. This road runs in close proximity to the substantial Beaulieu Park and Channels developments. The Parish Council has received complaints from residents of the adverse impact upon their lives. The Parish Council understands that at present around 50 lorries a day are using the RDR to access the site and the noise created, particularly in both acceleration and braking from the lorries is loud and intrusive and a blight upon the lives and indeed mental health of the residents.

Were the application to be granted it would mean even more HGVs using the road and an increase in the adverse impact upon residents which would be worse at night due to the lack of day time ambient background noise.

LOCAL MEMBER – CHELMSFORD – CHELMER: Any comments received will be reported

LOCAL MEMBER – CHELMSFORD – SPRINGFIELD: Any comments received will be reported

LOCAL MEMBER - BROOMFIELD AND WRITTLE: Object to overnight operations if this results in matching truck movements.

Currently, there are several planning permissions that control activities at the quarry. The main mineral permission limits extraction and sand and gravel processing plant to the following hours of operation, 7am to 6pm Monday to Friday, 7am to 1pm Saturdays, no working Sundays and public holidays. However, HGVs loaded the night before may leave the site between 6am and 7am. There is a separate planning permission for a coated roadstone plant (asphalt plant) located at Bulls Lodge Quarry. This facility is permitted to operate from 5am to 6pm Monday to Friday and 5am to 1pm Saturdays. Because of the need to service highway contracts, some of which are undertaken at night, they are also permitted a certain number of weeknight and weekends of working.

The main complaint I have received from residents are due to the diversion that has recently been put in place. Prior to this diversion, Bulls Lodge Quarry used to obtain access from Generals Lane to the Boreham Interchange and onward routes including the A12. With the removal of the Generals Lane bridge, Quarry traffic is diverted along the Radial Distributor Road RDR (north from the quarry access), Essex Regiment Way and White Hart Lane to gain access to the Boreham Interchange. This arrangement is planned until the bridge linking the RDR to Boreham interchange is complete, anticipated earliest Spring 2023.

This is currently causing unacceptable noise levels in a densely populated residential area. I have already been seeking mitigation and restrictions to alleviate this problem.

The extension of overnight working will make this worse, and even if granted, truck movement should not be allowed to take place overnight and there should be no change on the departure and arrival of trucks, whilst the diversion is in place. Indeed, during this period, ECC Highways should be considering reducing the hours traffic movements are allowed, as the original planning permission did not envisage all movements being via the RDR.

## **6. REPRESENTATIONS**

No properties were directly notified of the application as the site is not within 250m of residential properties. No letters of representation have been received.

While no letters of representation have been received directly in relation to this application, there have been complaints regarding HGVs from the quarry using the RDR, both during the day and with respect to movements occurring from 5am in the morning. These complaints were received in November/December 2022 and arose from the phase 3 works of the RDR. The Phase 3 works required the closure of General Lane south from the Bulls Lodge Quarry in November 2022, and as planned as part of the Greater Beaulieu Park development required all quarry traffic to temporarily use the RDR. The movements at 5am from the quarry are only associated with the coated roadstone plant, no other plant or HGV movements from other elements of quarry are permitted before 6am.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Need
- B. Traffic & Highways
- C. Noise

### **A NEED**

The coated roadstone plant at Bulls Lodge Quarry is safeguarded by Policy S9 of the MLP, along with 6 other asphalt plants in the County. The existing coated roadstone plants are considered of strategic importance in policy terms as there are a limited number in Essex, their location and distribution promotes sustainable transport close to strategic road networks and the relative difficulty of providing new facilities due to environmental constraints. As stated in the MLP Paragraph



3.154

*Asphalt is a vital product as it is used in many different applications. These include road construction and maintenance, pavements, airport runways, school playgrounds, car parks, most footpaths and cycleways, and the roofing of buildings.*

The applicant is seeking an increase in the number of week nights and weekends when the plant may operate and export material.

As explained within the Proposals section of the report highway works are often undertaken at night and weekends to avoid traffic congestion from road works in weekdays. Ashplant cannot be stored for long periods thus in order to service night time and weekend road works it is necessary for coated roadstone plants to sometimes operate at night and at weekends.

The applicant has contracts in relation to the A120 and A14, which the Chelmsford facility could serve. The applicant is seeking to operate up to 10 as opposed to 5 week nights a month and up to 22 weekends as opposed to the permitted 11 weekends a year to give greater flexibility to deliver these contracts for a 2 year period. It is not the case that the applicant would use all of the applied for additional nights and weekends, but it would give greater flexibility to serve the contracts as required. However, it is acknowledged that if permitted the maximum could be utilised.

The need to service night-time contracts has always been a necessity of coated roadstone plants as acknowledged by the existing condition to allow some night-time and weekend working. For a period of 2 years from 2013, hours of operation restrictions were removed to allow greater flexibility to service contracts at that time.

It is considered that there is justification for the additional hours proposed and the proposals are in accordance with S1, S2, S3 and S9 of the MLP, subject to there being no adverse environmental impacts, which are considered below.

## **B HIGHWAYS AND TRAFFIC**

The operation of the coated roadstone plant for additional week night and weekends would give rise to additional HGV movements. Until Spring 2023 all HGVs associated with the quarry and the coated roadstone are having to utilise the RDR whether wishing to travel to the north or south of the county. In Spring 2023 it is anticipated phase 3 of the RDR will be completed, providing the link to the Boreham Interchange.

Bulls Lodge quarry and its infrastructure was in operation prior to any applications for mixed use development being permitted for Greater Beaulieu Park and/or Channels developments. The diversion required while the Phase 3 RDR works were undertaken was always known and planned for as part of the Channels and Greater Beaulieu Park developments dealt with by CCC. In addition, in considering these mixed-use development applications CCC also recognised that the RDR would be used by the quarry traffic and that this included permitted day,

night time and weekend working. The impact of the traffic using the RDR both during the temporary diversion and upon fully opening of the RDR was addressed in the Traffic Assessments that accompanied these applications dealt with by CCC in consultation with the Highway Authority. The volume and nature of traffic that would use the RDR, which included the quarry traffic was assessed as part of the Traffic Assessment and the design and capacity of the RDR was demonstrated to be acceptable.

When the diversion was commenced in November 2022, the MPA and CCC received a number of complaints with respect to HGVs using the RDR and movements early in the morning i.e. at 5am. Currently while the RDR is open to all traffic unrestricted without the final link to the Boreham Interchange the only traffic on the RDR at the moment is that associated with the completed parts of Channels and Greater Beaulieu Park developments, construction traffic associated with the on-going development of Channels and Greater Beaulieu Park and that of Bulls Lodge Quarry. The use by quarry vehicles would have been a noticeable change in November 2022. However, it was always planned that the RDR would become the main through route between the A130 and the A12 (until such time as the Chelmsford North East Bypass is constructed) and when the RDR is complete (planned Spring 2023), the volume of traffic including HGV traffic will significantly increase.

In Spring 2023 this will mean that traffic associated with the quarry and that of the coated roadstone will become less obvious as there will be other traffic on the road. In addition, quarry traffic including that associated with the coated roadstone plant wishing to access the A12 will be able to access the Boreham Interchange more directly going south on the RDR, reducing the number of movements from the quarry required to use the RDR north from RDR roundabout 5.

The Highway Authority has raised no objection to the increased hours and associated traffic movements, both in relation to the current temporary access arrangements or in the medium term when the RDR is complete.

The change in access arrangements both temporary and in the long term has arisen as a result of non-mineral development, not as a result of any changes arising from development at the quarry. Mineral infrastructure is safeguarded through Policy S8 of the MLP, which seeks to ensure that non mineral development permitted after the mineral development does not result in adverse impact on the effective working of the mineral development. This principle is established in the NPPF in Paragraph 187 *“Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

The change in access arrangements has not arisen from changes by the mineral developer, but from the non mineral development. As the traffic assessments for the non mineral development showed there would not be highway capacity or safety issues arising from the change in access route to the quarry including the coated roadstone plant, the MPA was content that the mineral infrastructure would not be adversely affected by the non mineral development.

The number of HGV movements permitted between 1800 and 0500 in any one period is already limited by condition to no more than 60 HGV movements.

It is therefore considered there is no justification for refusal for an increase in HGV movements on week nights and weekends from a highway safety or capacity perspective and the proposals are in accordance with MLP policies S11 and DM1.

## C NOISE

The application was supported by a noise assessment and has been subject to consultation with both the County's Noise Consultant and CCC Environmental Health Officer.

The noise assessment has demonstrated that the plant itself could operate in accordance with the maximum noise limits imposed by existing conditions.

The coated roadstone plant has been in operation since 2006 and there have been no complaints with respect to the operation of the plant itself both during the normal working day or out of hours or in relation to the HGV traffic arising from its operation until November 2022. As explained prior to the closure of Generals Lane in November 2022 HGV movements were all via Generals Lane passing no residential properties to the Boreham Interchange. Deliveries to the north of the site would have then required HGVs to use Colchester Road, White Hart Lane and Essex Regiment Way, passing near to residential properties in Springfield and Beaulieu, but as this route is currently the main route between the A130 and A12 the HGV traffic would have been part of existing traffic and would not have been particularly noticeable.

Both the County's noise consultant and the Chelmsford City Council EHO have raised concerns that there is no assessment of the noise impact of the additional HGVs on the RDR arising from the additional hours. While it is acknowledged that the proposals would give rise to additional HGVs out of hours including during the night, these movements are considered only particularly noticeable at the moment because they are the only movements on the RDR at this time. Upon completion of the RDR, the RDR is planned to be used by all through traffic from the A130 to the A12 which will include HGV movements at any time. The RDR was planned with this in mind.

Chelmsford CC when determining the outline planning applications for mixed use developments at Channels and Greater Beaulieu Park did consider the impacts of traffic noise from the RDR. It was considered by CCC that the impact of noise from traffic on the RDR could be dealt with through standard mitigation measures i.e. noise insulation of properties. Conditions were imposed by CCC on the outline permissions that set maximum internal noise limits for residential properties, below is an example of such a noise condition for the Greater Beaulieu Park planning permission (09/01314/EIA):

### *18 Noise Levels*

*All reserved matters applications for built development shall be accompanied by a noise report including where necessary details of a scheme of sound insulation to*

*provide internal noise levels in habitable rooms with windows closed not in excess of 38dBA LAeq (07:00-23:00 hours) and 35dBA LAeq (23:00-07:00 hours). The development shall be implemented in accordance with the recommendations contained within the subsequently approved report.*

As each reserved matters application is submitted to CCC the developers are required by CCC to demonstrate that the noise insulation would meet these noise requirements.

It is acknowledged that the additional night and weekend hours results in the mineral developer in this instance becoming the “agent of change”, but the additional HGV traffic from the coated roadstone plant at night, while adding more instances of passing traffic, would not be louder than any other HGV that will eventually travel on the RDR. It is appreciated that at the moment residents benefit from the fact that the RDR is not fully in use and thus they are not experiencing disturbance from any other traffic. However, from Spring 2023 (if progressed as planned) the RDR will be open to all traffic unrestricted and the coated roadstone plant traffic will become less obvious, and become part of general traffic noise, including HGVs on the RDR.

MLP policy DM1 and CLP policy DM29 seek to minimise the impact of development on residential and local amenity. While both the County’s noise consultant and EHO have requested assessment of the noise impact of HGVs it is considered that this matter was addressed through the outline planning applications for the Channels and Greater Beaulieu Park developments. If residents of Channels and Greater Beaulieu Park consider that the noise insulation is not meeting the required standards this matter should be taken up with CCC and/or the developers of Channels and Greater Beaulieu Park.

It has been suggested that the additional hours should only be permitted to commence once the RDR is fully open, but there is really no reasonable justification for this, the current RDR is public highway with no restrictions and was intended to carry HGV traffic at any time of the day or night. In addition, Hanson have explained in the 2 year temporary period they are applying for, the work they currently have contracts for is in relation to the A120 and A14, such that the movements in any event would be north on the RDR to the A130 and onwards to A131.

It is not considered that refusal could be justified due to the noise impact of the additional HGV traffic; the existing residential properties should be appropriately noise insulated to ensure the maximum noise limits set by CCC are not exceeded. The coated roadstone traffic will from Spring 2023 only be a relatively small element of much greater traffic on the RDR. The purpose of the RDR as a through route between the A130 and A12 has always been planned as part of the north east expansion of Chelmsford and residents adjacent to the RDR should have anticipated that there would be some traffic noise.

The out of hours HGV movements would only be for export of asphalt, the importation of materials such as bitumen and other necessary imported materials for manufacture of asphalt would be undertaken in normal workings hours and this could be controlled by condition.

The existing noise condition for the coated roadstone plant does not set specifically set out the maximum noise limits. The County's noise consultant has advised that now background data is available it is now possible to set specific maximum limits for both day time and night time maximum noise levels for properties near the coated road stone plant itself. Therefore, a suggested revised noise condition forms part of the recommendation. Three monthly noise monitoring would be required to assess compliance with these maximum noise limits. In addition, a condition requiring mobile plant which operates on site to be fitted with tonal reversing alarms is also considered appropriate.

It is therefore considered, subject to revised and additional noise conditions with respect to operation of the plant and maximum number of night HGV movements, and the control of importation of materials in normal working hours, the increased out of hours working for a 2 year period is acceptable and in accordance with MLP policy DM1 and CLP policy DM29.

## **8. CONCLUSION**

Coated roadstone plants provide important materials for construction and some night operation is essential for these facilities to provide materials to night-time and weekend road works. The doubling of week night and weekend working would provide greater flexibility to the operators to serve contracts over the next 2 years. It is considered there is a justified need and this meets the social and economic threads of sustainable development.

In terms of the environmental thread of sustainable development, the housing development and RDR was designed in the knowledge of the existence of the coated roadstone plant and quarry and the need to accommodate access to the facility during the construction of Phase 3 of the RDR and in the long-term. The proposed level of additional out of hours traffic would not give rise to highway safety or capacity issues.

It is acknowledged that the additional hours of night-time and weekend working will increase the number of HGV movements and their associated noise, but the housing development has been permitted such the appropriate mitigation has been required within properties such the noise experienced by residents from all traffic that will eventually use the RDR will be within the acceptable limits.

The development is considered to be in accordance with the development plan, subject to conditions.

## 9. RECOMMENDED

That planning permission be granted subject to:

- 1) re imposition of existing conditions (updated as appropriate). The full wording of all conditions is set out in Appendix 1.
- 2) imposition of the following additional conditions

### Condition 17

There shall be no importation of materials e.g. bitumen via the public highway outside of the following hours 0700 to 1800 Monday to Friday and 0700 to 1300 hours Saturday.

*Reason: To minimise the number of out of hours vehicle movements in the interests of local amenity and in accordance with MLP policy DM10 and CLP policy DM29.*

### Condition 18

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

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area to comply with MLP policy DM1 and CLP policy DM29*

- 3) amendment of condition 8 (hours of working) to read as follows:

For a period of 2 years from the date of commencement of this planning permission the permitted hours of operation and export of materials shall not be outside the following:

0500 to 1800 hours Monday to Friday;  
0500 to 1300 Saturdays;

and at no other time on Sundays and Public Holidays except for essential plant maintenance works and except for the following:

a) weekday night working 1800 to 2400 hours Monday to Thursday and 0000 to 0500 hours Tuesday to Friday, subject to no more than 10 weekday nights working in any month

b) weekend working 1800 Friday to 0500 Monday, subject to no more than 22 weekends in a year.

Upon expiration of the two year period from the date of commencement of

this planning permission the hours of operation and export of material shall not be outside the following:

0500 to 1800 hours Monday to Friday  
0500 to 1300 Saturdays

and at no other time on Sundays and Public Holidays except for essential plant maintenance works except for the following:

a) weekday night working 1800 to 2400 hours Monday to Thursday and 0000 to 0500 hours Tuesday to Friday, subject to no more than 5 weekday nights working in any month

b) weekend working 1800 Friday to 0500 Monday, subject to no more than 11 weekends in a year.

Reason: In the interests of local amenity and in accordance with DM1 and CLP policy DM29.

- 4) Amendment of condition 10 (maximum noise limits and noise monitoring) to read as follows:

The free field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hr}}$ ) at noise sensitive locations listed below, due to all permitted combined operations at Bulls Lodge Quarry between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours Saturday shall not exceed, the levels as set out below:

Location	Criterion dB $L_{Aeq, 1 \text{ hr}}$
Wallace's Lane	53
Generals Lane (Bulls Lodge Cottages)	51
Brick House Farm	55
Mount Maskall	47
Beaulieu Park A	51
Beaulieu Park B	51

The free field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hr}}$ ) at noise sensitive locations listed below, due to operations at the site between 1300 and 1800 hours Saturday and 0700 and 1800 hours Sunday (subject to the requirements of condition 8) shall not exceed, the levels as set out below:

Location	Criterion dB $L_{Aeq, 1 \text{ hr}}$
Wallace's Lane	47
Generals Lane (Bulls Lodge Cottages)	44
Brick House Farm	54
Mount Maskall	43
Beaulieu Park A	44

The free field Equivalent Noise Level at noise sensitive locations listed above, due to operations at the site when operational between 1800 and 0700 Mondays to Sundays (subject to the requirements of condition 8) shall not exceed 42 dB  $L_{Aeq\ 1hr}$

Maximum noise limits apply at the residential properties in the vicinity of the locations points named above. The locations points are identified on drawing in Appendix C of Walker Beak Mason report entitled "Additional Week Night and Weekend Night Working Noise Impact Assessment" Ref 5247 dated 1 June 2022

Noise levels shall be monitored by the operating company at three monthly intervals at the above locations. Measurements shall be made no closer than 3.5 metres from the façade of properties. The results shall include the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. All noise measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Monitoring should preferably be undertaken in calm weather conditions avoiding wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C).

The survey shall be for a minimum of two separate 15 min periods during the daytime working hours and a minimum of two 15 min periods during night-time working hours and should avoid meal breaks and periods of plant breakdown. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.

*Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.*

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## **BACKGROUND PAPERS**

Consultation replies

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## **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 (as amended) is not required.



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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Chelmer  
CHELMSFORD – Broomfield and Writtle