



Essex County Council

Development and Regulation Committee

10:30	Monday, 01 November 2021	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Essex County Council and Committees Information

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		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on the 24th September 2021.	6 - 104

- 3 Identification of Items Involving Public Speaking**
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on Wednesday before the meeting.
- 4 Minerals and Waste**
- 4.1 Greenacres, Packards Lane, Wormingford 105 - 151**
To consider report DR/21/21 relating to the continuation of use of waste recycling facility without compliance with condition 11 (HGV Movement Times) of planning permission ESS/09/18/COL that was for "Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00 - 16:30 hours on Good Fridays" to now allow for 6 HGV movements between 05:30 - 06:00 hours; 10 HGV movements between 06:00 - 07:00 hours and 10 HGV movements between 07:00 - 07:30 hours to allow more flexibility in early morning movements periods.
Location: Greenacres, Packards Lane, Wormingford, CO6 3AH
Ref: ESS/11/21/COL
- 5 County Council Development**
- 5.1 Land between the A120 and A133, to the east of Colchester and west of Elmstead Market 152 - 272**
To consider report DR/22/21 relating to a new link road between the existing A120 and A133 inclusive of a grade separated dumbbell junction at the A120, with new accesses to an existing petrol station (Ardleigh South Services) and Colchester Waste Transfer Station; a new roundabout at the junction with the A133; and two intermediate roundabouts along the link road. Together with associated works and landscaping.
Location: Land between the A120 and A133, to the east of Colchester and west of Elmstead Market.
Ref: CC/TEN/31/21
- 6 Information Items**
- 6.1 Applications, Enforcement and Appeals Statistics 273 - 274**
To update Members with relevant information on Planning

Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by the Committee.

Report: DR/23/21

7 Date of Next Meeting

To note that the next meeting will be held on Friday 26 November 2021, in the Council Chamber, County Hall.

8 Urgent Business

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

Exempt Items

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

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

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

9 Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

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

Membership

(Quorum: 3)

Councillor C Guglielmi
Councillor J Jowers
Councillor J Fleming
Councillor M Garnett
Councillor I Grundy
Councillor M Hardware
Councillor D Harris
Councillor B Aspinell
Councillor S Kane
Councillor R Moore
Councillor M Steptoe
Councillor P Thorogood

Chairman
Vice-Chairman

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 24 September 2021 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris (departed at 11:48)	Cllr M Hardware
Cllr B Aspinell	

1. Membership, Apologies, Substitutions and Declarations of Interest

No apologies or substitutions were received.

Councillor C Guglielmi (Chairman) declared an interest in item 4.1 of the agenda (Minute 3) concerning the land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor P Thorogood declared an interest in item 4.2 of the agenda (Minute 66) concerning the land adjacent to Chelmsford City Racecourse as Braintree District Council, of which he was a Member, had put forward a strong objection to the application. Cllr Thorogood considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor P Thorogood declared an interest in item 4.3 of the agenda (Minute 76) concerning Bradwell Quarry as the site was in his division and he had previously expressed an opinion on the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would be excluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 23 July 2021 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

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

- 1) Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU
To consider report DR/16/21 relating to:
 - (i) Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN ("Proposed retention of water management

pipeline”) to enable the continued use until 30 September 2041.
Ref No: ESS/24/20/TEN.

(ii) Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN (“the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway”)
Ref No: ESS/25/20/TEN.

(iii) Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.
Ref No: ESS/26/20/TEN.

(iv) Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) Ref No: ESS/27/20/TEN.

(v) Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.
Ref No: ESS/29/20/TEN.

Location: Land at Martells Quarry, Slough Lane, Arsleigh, Essex, CO7 7RU

Ref: ESS/24/20/TEN, ESS/25/20/TEN, ESS/26/20/TEN, ESS/27/20/TEN and ESS/29/20/TEN

Public speakers:

- Agent, on behalf of Applicant: Ms Molyneux – speaking for
- 2) Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford
To consider report DR/17/21 relating to:
Pyrolysis Plant to generate electricity from imported solid recovered fuel, associated building and offices.
Location: Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP
Ref: ESS/61/21/CHL

Public speakers:

- Agent, on behalf of applicant: Mr Roberts – speaking for.
 - 3) Bradwell Quarry
To consider report DR/18/21 relating to:
Extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors compound via Woodhouse Lane, with restoration to agriculture and biodiversity (species rich grassland and wetland).
Location: Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane.
Ref: ESS/12/20/BTE

Public speakers:

- Local member: Cllr Paul Thorogood – speaking against.

4. Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

The Committee considered report DR/16/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 39.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of the development.
- Conformity with the development requirements set out in the MLP (Preferred Site) and WLP (Allocation) site profiles respectively.
- Landscape/Visual.
- Ecology.
- Noise and Dust/Other environmental aspects.
- Traffic.
- Restoration/Afteruse.

In accordance with the protocol on public speaking the Committee was addressed by Ms Abigail Molyneux, speaking as an agent on behalf of the Applicant. Ms Molyneux made several points:

- The proposed extension is allocated within the Minerals Local Plan as the only site for silica sand and gravel provision within Essex.

- At the time of the meeting, there were 2 years of minerals reserves left within the quarry. The applications would provide for a continued supply of these resources.
- The extension would provide for the continued employment of workers both at the site and within dependant external businesses.
- The proposed scheme has been subject to a robust environmental impact assessment.
- The proposal included a number of conditions in addition to a legal agreement that would secure an extended period of aftercare for ecological benefit and a highway contribution.

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

- That infilling of the existing site would take place before expansion. Officers reported that the majority of the material used for infilling would be waste residue that could not be recycled.
- The environmental impact of cement concrete production and use was commented upon, specifically regarding carbon dioxide production.
- It was noted that final restoration on the site would be completed by September 2041.
- The number of vehicles entering and exiting the site would be monitored, however, vehicle tracking was not felt to be appropriate due to the large number of third-party contractors entering the site and the number of drop-offs carried out by the vehicles.
- A recommendation from the County Highways Officer within the proposal included a £3,000 contribution from the applicant towards the feasibility, design and legal costs of the environmental weight restriction for Wivenhoe Road, where unnecessary HGV movements were considered inappropriate on the local network.
- Officers reported that conditions were in place to ensure that traffic and dust levels would be controlled to limit the impact upon local residents.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor D Harris. Following a vote of ten in favour, one against, it was

Resolved

That planning permission be granted subject:

(1) For Planning permission ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN the prior completion of an appropriate Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 legal agreement under the Highways Act 1980 to provide for:

- (i) Prior to any site preparation works being carried out in respect of planning permission ref no: ESS/29/20/TEN, a £3,000 financial contribution (index linked) shall be deposited with Essex County Council

towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network. Such contribution to be paid on commencement of development. (Payback 5 years).

- (ii) The carrying out of highway works for the creation of the new Slough Lane crossing point and
 - (iii) The carrying out of highway works at the Martells Industrial estate Slough Lane junction together with
 - (iv) Undertaking a formal Stage 1 Road Safety Audit outlining the junction detail/ crossing points design/ improvements for (ii) and (iii) above.
- (iv) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing Nos KD.MTQ.1.004 entitled "Restoration Plan" dated August 2019 and KD.MTQ.2.009 Rev D entitled "Concept Restoration" dated April 2021 and to ensure that this will apply for a minimum period of 15 years beyond the statutory five-year aftercare period i.e. a minimum total of 20 years

And

- (2) Following completion of the legal agreements referred to in (1) above planning permission be granted subject to the following conditions:

A. For ESS/24/20/TEN

Duration

1. All operations authorised or required by this permission shall cease, and the pipeline and any other supporting infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission either within four months of the date of the pipeline no longer being used in connection with its quarry water management role or not later than 30th September 2041.

Reason: To restrict the period of the operations in accordance with the adjoining permitted quarry operations that require restoration of the quarry land by 30th September 2041 and to which the pipeline infrastructure are designed to serve and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Planning Practice Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high standard having regard to Policies S12 of the Essex Minerals Local Plan Adopted July 2014.

Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application ESS/14/18/TEN comprising:
- (i) Letter from PDE Consulting Limited dated 10/05/18

- (ii) Planning Application form from Sewells Reservoir Construction Ltd dated 10/05/18
- (iii) Supporting document entitled "Planning Application and Supporting Statement" from PDE Consulting Ltd dated May 2018.
- (iv) Drwg No: M13.227C.D.001 entitled "Water Abstraction Pipeline" dated May 2018.

As amended by those details reserved by condition 4 (Landscaping) of planning permission ref no: ESS/14/18/TEN those details set out in:

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18th October 2018;
- (ii) Landscape Plan details complied by R Smithyman of KEDD Limited dated 17th October 2018.

Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18th October 2018.

As amended by planning application ESS/24/20/TEN comprising those details set out in:

- (i) Application form from Sewells Reservoir Construction Limited dated 18th February 2020.
- (ii) Supporting document entitled "Planning Application and Supporting Statement, Variation of Condition 1 attached to planning permission reference ESS/14/18/TEN to allow for the retention of a water management pipeline until 30 September 2041" from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Availability of Plans

3. A copy of this permission and the approved plans shall be available at the operator's adjacent quarry site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Mineral Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014.

Landscape

4. Landscaping of the site shall take place in accordance with the details approved on 21st November 2018 comprising:

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18th October 2018;
- (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17th October 2018.

Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18th October 2018.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to the Essex Minerals Local Plan Adopted July 2014 Policies S10 and DM1; Tendring District Local Plan Adopted 2007 Policy QL11 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Landscape Management

5. Any tree or shrub forming part of the landscaping scheme undertaken as part of this application shall be maintained such that if it dies, is damaged, diseased or removed within a duration of 5 years following original planting, it shall be replaced during the next available planting season (October to March inclusive) with others of similar size and species, unless the Mineral Planning Authority gives written consent for any variation.

Reason: In the interest of replacing that planting stock removed as part of the application; that appropriate replacement landscape planting is provided to help integrate the land into the local landscape and that this landscaping is maintained until the planting becomes established to comply with Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Reinstatement

6. No removal of the pipeline shall take place until the operator has secured an approved scheme for the pipeline removal that details removal methods, land reinstatement and landscape planting. The pipeline and land reinstatement and landscaping shall then be undertaken in accordance with the approved scheme.

Reason: In the interests of clarity and to secure the reinstatement and landscaping of the land to integrate it back into the landscape having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites

B. For ESS/25/20/TEN

Commencement

1. The development hereby permitted shall be taken to have commenced September 2019 as set out in the letter from PDE Consulting dated 9th September 2019.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended]. To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Duration of Permission

2. The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 September 2040 in line with the cessation and restoration requirements of the permission ESS/27/20/TEN, to which this application area relates.

Reason: To restrict the period of the operations in accordance with the working and infilling of the Martells quarry to which this application is related and to enable the Waste Planning Authority to retain control over operations; and to ensure the clearance and future restoration of the land in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017)) and Policy QL11 of the Tendring District Local Plan 2007.

Approved Details

3. The development hereby permitted shall be carried out in accordance with the details submitted in respect of Planning Permission ESS/32/18/TEN by way of the:
 - (i) Planning Application form from PDE Consulting Ltd dated 20th September 2018
 - (ii) Planning Application Supporting Statement from PDE Consulting Ltd entitled "Planning application seeking for the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, and the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway" dated September 2018.

Supporting reports comprising:

- (iii) Noise Report produced by Walker Beak Mason dated 12th September 2018.
- (iv) Dust Assessment produced by PDE Consulting Ltd dated September 2018.
- (v) Flood Risk Assessment and Hydrological Impact Assessment produced by BCL Hydro dated September 2018.
- (vi) Landscape and Visual Impact Assessment produced by Kedd Limited dated August 2018.

- (vii) Ecological Report produced by Susan Deakin Ecology dated September 2018
 - (ii) Drwg Nos: M13.227(b). D.001A entitled "Site Location Plan" dated September 2018
- (ix) Drwg No: M13.227(b). D.003A entitled "Soils Wash Plant Elevations" dated September 2018
- (x) Drwg No: M13.227(b). D.004A entitled "Current Situation" dated September 2018
- (xi) Drwg No: M13.227(b). D.005A entitled "Weighbridge and Weighbridge Office Detail" dated September 2018.

As amended by the email from Abgail Molyneux to Terry Burns dated 15th February 2019 at 11:53 and accompanying:

- (i) Drwg No: M13.227(b). D.002C entitled "Soils Wash Plant Proposed Layout" dated February 2019.
- (ii) Drwg No: M13.227(b). D.007A entitled "Detailed Landscaping Plan" dated February 2019
- (iii) Drwg No: M13.227(b). D.008A entitled "Detailed Sump Area" dated February 2019.
- (iv) Drwg No: M13.227(b). D.009 entitled "Dimension Plans" dated February 2019.

As amended by those details reserved by Condition 6 (Processing Plant) of planning permission ref no: ESS/32/18/TEN those details set out in:

- (i) Letter from PDE Consulting Ltd dated 9th September 2019.
- (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
- (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

As amended by planning application ESS/25/20/TEN and those details set out in:

- (i) Planning application form from PDE Sewells Reservoir Construction Limited dated 18th February 2020. and
- (ii) Planning Application and Supporting Statement - Variation of conditions attached to planning permission reference ESS/32/18/TEN to allow for the continuance of permitted developments until 30 September 2040. Also, to allow an increase in waste imports and consequential HGV movements. To defer the submission of a restoration scheme for the recycling area until 30 December 2037" from PDE Consulting Ltd dated February 2020.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Availability of Plans

4. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

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

Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant (other than hydraulic excavator or plant for the movement of materials) except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

Reason: To enable the Waste Planning Authority to properly control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Processing Plant

6. The design of the processing plant shall be in accordance with the details approved on 26th September 2019 under Condition 6 of ESS/32/18/TEN comprising:
 - (i) Letter from PDE Consulting Ltd dated 9th September 2019.
 - (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
 - (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

Reason: To ensure that the recycling plant as commissioned accords with the proposed recycling plant details as provided for in the application documents and against which the environmental impacts were assessed against having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Stockpiles

7. Stockpiles of materials on site shall not exceed a height from original ground level of:
 - 3 metres for topsoil
 - 4 metres for subsoil (except where used as acoustic bund);

- 6 metres for unprocessed and processed aggregates, and
- 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Sale of Aggregate/Other Product

8. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Access Usage

- 9 The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017), and Policy QL11 of the Tendring District Local Plan 2007.

Sheeting

10. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Routeing Requirements/HGV movements

11. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/27/20/TEN) hereby permitted shall not exceed the following limits:

- daily HGV movements of 160 (80 in and 80 out) (Monday to Friday)
- daily HGV movements of 80 (40 in and 40 out) (Saturdays)
- The total movements shall apply to all vehicles associated with the development, hereby approved, including recycling and infilling operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

12. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 13.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

ENVIRONMENTAL PROTECTION

Operating Hours

13. The development hereby permitted shall only be carried out during the following times:

07:00 – 18:30 Monday to Friday,
07:00 – 13:00 Saturdays

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

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Lighting

14. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007

Noise Limits – Temporary Operations

15. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties identified in Condition 16 of this permission shall not exceed 70dB LAeq, 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These noise limits and timescales apply to the cumulative operations on land under the applicant's control i.e., the processing plant hereby consented and the extraction, processing and restoration activities consented under ESS/27/20/TEN. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Noise Limits – Normal Operations

16. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr

Ardleigh Park	51 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

Measurements shall be made no closer than 3.5 metres from the façade of the properties or other reflective surface and shall be corrected for extraneous noise.

The above noise limits are for noise arising from all combined activities on land under the applicant's control i.e., the processing plant hereby consented, and the extraction, processing and restoration activities consented under ESS/27/20/TEN

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Noise Monitoring

17. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission, except the frequency of monitoring shall be increased during periods of mineral extraction or restoration operations within 400m from Coronation Cottages, noise levels shall be monitored at this location only on a fortnightly basis and the results submitted to the Waste Planning Authority within 1 week of the date of monitoring unless agreed otherwise by the Waste Planning Authority;

Unless specified otherwise noise measurements should be made at the following noise sensitive locations Ramage House, Ardleigh Park, Coronation Cottages, Slough Farm, Carringtons and George Hall. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Noise – Vehicle reversing/silencers

18. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

19. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Restoration

20. Prior to the completion of the excavation of sand and gravel from the western extension land approved under permission ESS/29/20/TEN or by the 30th December 2037, whichever date is the earlier, a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

Landscaping

21. The development hereby permitted shall be implemented in accordance with the landscaping provisions set out on Drwg No: M13.227(b).D.007A entitled "Detailed Landscaping Plan" dated February 2019 accompanying the email from Abigail Molyneux to Terry Burns dated 15th February 2019 at 11:53.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the

Tendring District Local Plan 2007.

22. All landscaping shall be maintained to the satisfaction of the Waste Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting shall be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

C. For ESS/26/20/TEN

1. The development hereby permitted under ESS/43/14/TEN shall be carried out in accordance with the details of the application dated 23 October 2014 together with the accompanying:
- (i) Supporting Statement, dated October 2014;
 - (ii) Drawing ref. MQ1 entitled "Location Plan";
 - (iii) Drawing ref. MQ2 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Plan showing land under applicants control and application area";
 - (iv) Drawing ref. MQ3 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Application drawing".

As amended by the Non-Material Amendment for a replacement mineral processing plant details approved on 14th September 2017 comprising:

- The Application form from Sewells Reservoir Construction Limited 30th August 2017.
- Drwg No: M2500 E4 Layout dated 02/12/2011
- Drwg No: SP907 –LAYOUT-01A entitled "Wash Plant Layout" dated 02/03/2017
- Set of 8 no photographs untitled and undated showing elevations of the mobile plant in place on site.

As amended by planning application ESS/26/20/TEN comprising:

- a. Planning application form from PDE Sewells Reservoir Construction Limited dated 18th February 2020. and
- b. the planning statement entitled "Planning Application and Supporting Statement, Variation of Condition 2 attached to planning permission reference ESS/43/14/TEN to allow for the continuance of permitted developments until 30 September 2039" from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the 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 having regard to Policies DM1, DM3 and S12 of the Essex Minerals Local Plan Adopted July 2014. Tendring District Local Plan policies QL11, COM23 and EN1.

2. The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref: ESS/18/07/TEN and as amended through subsequent permissions the latest iteration being permission ESS/27/20/TEN and for the western extension land permitted under ESS/29/20/TEN; the plant shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan policies QL11, COM23 and EN1.

D. For ESS/27/20/TEN

Notification Dates

1. The Mineral Planning Authority shall be notified in writing 7 days prior to the following:
 - (a) Intention to start soil stripping within any area.
 - (b) Completion of silica sand extraction.
 - (c) Commencement of the landfilling.
 - (d) Completion of landfilling.
 - (e) Completion of restoration
 - (f) Completion of final restoration to agriculture.

(for clarity, the commencement of extraction was notified as 22 March 2010, submitted to the Mineral Planning Authority on 15 March 2010 under condition 3 of planning permission reference ESS/18/07/TEN.

The commencement of mineral importation was notified as 23 October 2017 to the Mineral Planning Authority on 16 October 2017 by email from John Snow of PDE Consulting Ltd at 17:12.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan ((Adopted July 2014)) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Duration of Permission

2. Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Reinstatement of the land to and including topsoil level shall be completed by 30 September 2041.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014), and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

3. With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site by 30th September 2041 and the land restored by 30th September 2042. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases, the recycling facility and landfilling and in any case not to prevent the restoration of the site by 30 September 2042. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of clarity and to enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a beneficial use in compliance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policies 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

4. The landfilling hereby permitted shall cease by 30 September 2040 and the site shall be restored within 1 year in accordance with the details set out Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.

Reason: In the interests of clarity and to provide for the completion and progressive restoration of the site within the approved timescale and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

5. The use of land adjacent to the processing plant for stockpiling shall be for a limited period and shall expire on 30 September 2040 when the use shall cease, and the site shall be cleared and restored in accordance with the approved scheme of restoration as determined under Condition 57 of this permission.

Reason: In the interests of clarity and to enable the Minerals/Waste Planning Authority to adequately control the development and to ensure the clearance and future restoration of the stockpiled area once extraction onsite has ceased, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Approved Details

6. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/18/07/TEN) dated 29 March 2007 and the Environmental Statement dated March 2007 together with drawing numbers;

Fig 1.1 Location – Dated January 2007

Fig 2.1 Site – Dated January 2007

Fig 2.2 Local Delivery Area – Dated January 2007

Fig 2.7 Location of groundwater and monitoring boreholes – Dated January 2007

Fig 3.4 Site Investigation – Dated January 2007

Fig 5.1 Working Areas – Dated January 2007

Fig 5.2 Rev B Pre-Settlement Contours - Dated January 2008

Fig 5.3 Rev A Post Settlement Contours - Dated January 2008

Fig 5.4 Progressive Working of Area A - Dated January 2007

Fig 5.5 The progressive working of Areas B & C Dated January 2007

ENV/BB/111 Drying shed, associated plant, hardstanding office Dated May 1997

As amended by planning application reference ESS/46/14/TEN dated 31 October 2014 together with;

- Covering Letter – Dated October 2014
- Planning Statement 'Martell's Quarry – Planning Application to vary Condition 2 of Planning Permission ESS/18/07/TEN under section 73 of the Town and Country Planning Act 1990 –Proposed Re-phasing of Operations at Martell's Quarry' – Dated October 2014
- Drawing No M13.227.D.001 (Undated)
- Drawing No M13.227.D.002 (Undated)
- Drawing No M13.227.D.003 (Undated)
- Drawing No M13.227.D.004 (Undated)
- Emails dated 10 November 2014 and 11 November 2014

As amended by those details reserved by condition of planning permission ref no: ESS/18/07/TEN:

- a. For Archaeological Field Work Investigation those details set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.
- b. For Soil Movement those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.
- c. For Machine Movements those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.
- d. For Soil Bund Management those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009
- e. For the Noise Monitoring, those details set out in the report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.
- f. For the Highway Improvement Works those details set out in the application for approval of details reserved by condition received 15 June 2009, together with the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).
- g. For the Highway Works to Haul Road Entrance – those details set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009.
- h. For the Standard Road Warning Signs those details set out in the approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.
- i. For the Highway Directional Signs those details set out in Drawing no:D122418-01 Revision P2 as amended by the e-mail from Andrew Wright dated 30 July 2009.
- j. For the Wheel Washing those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008. reserved by condition received 15 June 2009.
- k. For Dust Suppression those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and amended Environmental Dust Scheme updated February 2009 and received 10 February 2009.

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- I. For Landscaping those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:
- (i) Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
 - (ii) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
 - (iii) Plan MQ/L12A Landscape proposals dated 8 March 2009,
 - (iv) Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).
- m. For Landscaping retention and protection those details set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and
- (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
 - (ii) Plan MQ/L12A Landscape proposals dated 8 April 2009,
 - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
 - (iv) details as varied by letter dated 21 April 2009.
- n. For Habitat Management and Creation those details set out in the application for approval of details reserved by condition 13 November 2008 for the habitat management plan including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and:
- (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
 - (ii) Plan MQ/L12A Landscape proposals dated 8 April 2009,
 - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
 - (iv) details as varied by letter dated 21 April 2009.

As amended by the planning application reference no: ESS/23/15/TEN comprising:

- (i) Planning application form from Heaton Planning dated 11 May 2015 and
- (ii) Planning statement entitled "Application to vary condition 7 of planning permission ESS/46/14/TEN under Section 73 of the Town and Country Planning Act 1990 to enable the importation of material" dated May 2015
- (iii) Drwg No: M13.277.D.005 entitled "FINAL".

As amended by the planning application reference no: ESS/53/17/TEN comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 27th October 2017.
- (ii) Letter from PDE Consulting Limited dated 27th October 2017.
- (iii) Supporting report from PDE Consulting Limited entitled "Planning Application and Supporting Statement" dated October 2017.

- (iv) Drwg No: M13.227(a). D.001 entitled "Site Location Plan" dated October 2017.
- (v) As amended by the Letter from PDE Consulting Limited dated 17th May 2018.

As amended by those details reserved by condition of planning permission ref no: ESS/53/17/TEN comprising:

- a) For Waste Importation – (Condition 29) those details as set out in:
 - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
 - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.
- b) For Condition 34 (Odour Emissions): those details as set out in:
 - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
 - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018.

As amended by the planning application reference no: ESS/61/19//TEN comprising:

- (i) Letter from PDE Consulting Ltd dated 9th August 2019.
- (ii) Planning application form from Sewells Reservoir Construction Limited dated 9th August 2019.
- (iii) Report entitled "Planning Application and Supporting Statement - Variation of Condition 6 attached to planning permission reference ESS/53/17/TEN to allow for: I. revisions to approved details of mineral extraction and landfilling; II. The implementation of a Planting Establishment and Management scheme; III. Retrospective permission for the provision of a water tank" dated August 2019.
- (iv) Drwg No: KD/MTQ/1.002 Status Final entitled "Current Situation and Proposed Extraction" dated August 2019.
- (v) Drwg No: KD/MTQ/1.003 Status Final entitled "Landfill Placement" dated August 2019. (Now superseded by ESS/27/20/TEN see below)
- (vi) Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.
- (vii) Drwg No: KD/MTQ/1.006 Status: Final entitled "Post Stabilisation Plan" dated August 2019.
- (viii) E-mail from David Marsh dated 15th November 2019 and accompanying report entitled "Slope Remediation Specification 3.0, Reference 1147/RS3.0" dated 15th July 2019 and the cross-section plan within referenced: 1147/502/Rev A entitled "Remedial Works Sections" dated 25/02/19.
- (ix) Letter from PDE Consulting Ltd dated 25th November 2019.

- (x) Letter from PDE Consulting Ltd dated 21st January 2020 and accompanying Drwg No: KD/MTQ/1.005A Status Final entitled "Planting, Management and Maintenance Plan" dated January 2020.

As amended by the planning application reference no: ESS/27/20/TEN comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 18th February 2020.
- (ii) Supporting Report entitled "*Planning Application and Supporting Statement, Variation of conditions attached to planning permission reference ESS/61/19/TEN to allow for the continuance of permitted developments and subsequent restoration. Also, to allow changes to the approved details to facilitate mineral extraction and landfilling and the inclusion of noise mitigation within the recycling area.*
To allow an increase in waste imports and consequential HGV movements.
To defer the submission of a restoration scheme for the recycling area until 30 December 2037" from PDE Consulting Ltd dated February 2020.
- (iii) Drwg No: KD/MTQ/1.008 Status Final entitled "Updated Landfill Plan" dated February 2020.

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

Availability of Plans

7. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Mineral Planning Authority shall also be available in the same location.

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

Ecological Interests

8. Prior to any ground disturbance taking place along the existing slope batters within the excavation void written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests present or affected. Such confirmation shall relate to a period not more

than 6 days prior to entry of the above locations

Reason: To conserve Protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and Section 40 of the Natural Environment and Communities Act 2006 (Priority habitats & species) and having regard to the Essex Minerals Local Plan Adopted July 2014 Policies DM1, DM2 and S10 and The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to minimise impacts on biodiversity interests.

Prior Archaeology

9. No groundworks, in any area, shall take place until the applicant has implemented a programme of archaeological field work investigation and recording in accordance with the agreed scheme of archaeological investigation approved in June 2008 under Condition 3 of planning permission ref no: ESS/18/07/TEN. The approved scheme of archaeological investigation is as set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.

Reason: To ensure that adequate archaeological investigation and recording has been undertaken prior to development and groundworks taking place within the site and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and TR9 Tendring District Local Plan 2007.

Working Arrangements

10. The land to which this permission relates shall only be worked in conjunction with the processing plant, drying plant, haul roads, storage area, recycling facilities as indicated on Drwg Figure 2.1 dated January 2007 and as an extension of the existing workings at Martell's Quarry.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and in accordance with Policies S1, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014). and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and EN4 of the Tendring District Local Plan 2007.

Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant (other than hydraulic excavator, or plant for the movement of materials) except as detailed

within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 22, COM 23, and QL11 of the Tendring District Local Plan 2007.

Quarry depth

12. The depth of extraction of sand and gravel and of underlying clays for restoration purposes shall not exceed 15m AOD.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details and in the interests of local and environmental amenity and highway safety, in accordance with Policies S12, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014) , Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN7, COM 23, and QL11 of the Tendring District Local Plan 2007.

Stockpiles

13. Stockpiles of materials on site shall not exceed a height from original ground level of:
- 3 metres for topsoil
 - 4 metres for subsoil (except where used as acoustic bund);
 - 6 metres for unprocessed and processed aggregates, and
 - 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

14. The bunds indicated on Figure 5 of planning application ESS/25/04/TEN shall be retained for the life of the recycling operations.

Reason: In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

Maintenance of haul road

15. The section of the internal haul access road between the wheel washing facility and the public highway shall be metalled, drained and kept clear of debris throughout the life of the site.

Reason: In the interests of highway safety and to prevent material being taken onto the public highway and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

16. The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017), and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

Wheel wash

17. The development hereby permitted shall be implemented in accordance with the details of the wheel washing facilities approved on 6 February 2009 under Condition 16 of planning permission reference ESS/18/07/TEN. The approved details of the wheel washing facilities are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008.

Reason: In the interest of preventing material, dust or detritus from affecting the public highway safety and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

Mineral export

18. The total quantity of mineral leaving the site shall not exceed a level of 125,000 tonnes per annum from the date of commencement of the development. Records shall be kept for the life of mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: In the interest of the amenity of the locality and surrounding residential occupiers, highway safety, also in order that the Mineral Planning Authority can monitor throughput at the site, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

Importation Restrictions

19. No more than 20,000 tonnes of mineral per annum shall be imported into the processing area as defined on Drawing No M13.227.D.005 entitled "Final". The imported mineral shall only be used in blending with the indigenous mineral arising from within the Martell's Quarry site (as defined in planning permission ESS/18/07/TEN). Records of the importation shall be kept for the life of the mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: To ensure that there are no adverse impacts on the local amenity from development not assessed in the application details and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

Sale of Aggregate/Other Product

20. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Sheeting

21. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

Highway Works to Haul Road Entrance

22. The development hereby permitted shall be implemented in accordance with the improvements to the haul road entrance approved on 23 July 2009 under condition 71 of planning permission reference ESS/18/07/TEN. The improvements are set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8

July 2009, and shall be maintained throughout the development. The entrance shall be kept free of potholes and mud and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

Highway Improvement Works

23. The development hereby permitted shall be implemented in accordance with the details of the highway improvements approved on 9 July 2009 under condition 11 of planning permission reference ESS/18/07/TEN. The approved details of the highway improvements are set out in the application for approval of details reserved by condition received 15 June 2009, including the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).

Reason: In the interest on amenity of the locality and highway safety, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

24. The development hereby permitted shall be implemented in accordance with standard warning signs approved on 5 March 2010 under condition 72 of planning permission reference ESS/18/07/TEN. The standard warning sign locations are set out in the application for approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.

Reason: In the interest of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

HGV Directional Signs

25. The development hereby permitted shall be implemented in accordance with the HGV directional signs approved on 8 October 2009 under condition 19 of planning permission reference ESS/18/07/TEN. The approved HGV directional signs are set out in the application for approval of details reserved by condition received 15 June 2009, including drawing number D122418-01 Revision P2, as amended by email from Andrew Wright dated 30 July 2009. The approved HGV directional signs shall be maintained for the duration of operations hereby permitted.

Reason: In the interests of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

Routeing Requirements

26. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:

- The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the permission ESS/26/20/TEN) hereby permitted shall not exceed the following limits:
- daily HGV movements of 160 (80 out and 80 in) (Monday to Friday)
- daily HGV movements of 80 (40 out and 40 in) (Saturdays)

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Minerals/Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

27. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 37.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

28. The surfaced section of access roads linking to crossover of Slough Lane shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

Monitoring Records

29. From the date that landfilling commences the operators shall maintain records of their monthly waste inputs and outputs and shall make them available to the Waste Planning Authority upon request. All records shall be kept for the duration of the permitted operations.

Reason: In the interests of clarity, to enable appropriate monitoring of the rates of importation in order to ensure compliance with the approved details having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; and Policies DM1, DM3, S6, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014) and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Infilling Phase

30. Only Commercial and Industrial, solid inert and Mechanical and Biological Treated waste residues shall be imported into the site for landfill where the origin is only from within a 20-mile catchment of the application site's boundaries, and/or within the administrative area of Essex & Southend-on-Sea and/or is residual waste from London beyond 2015.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives and is in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

31. For Waste Importation – The scheme to address waste importation shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 29 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

- (i) The letter from PDE Consulting Ltd dated 18th October 2018;
- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and
- (iii) PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives of the Essex and Southend Waste Local Plan, in accordance Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies , QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

32. No waste other than inert waste, commercial and Industrial waste and waste residue and Mechanical Biological Treatment waste residue shall be received for recycling or landfilling.

Reason: In the interests of clarity under which the original permission was determined and to which waste materials other than the stipulated categories could raise additional environmental concerns, which would need to be considered afresh; and to comply with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy COM 23, of the Tendring District Local Plan 2007.

33. As landfilling progresses through each phase, at 3 yearly intervals from the commencement of development, the operator shall reassess the allowances being made for settlement and submit their findings in writing to the Waste Planning Authority for formal approval. Where shown that surcharging is less than originally predicted, the pre-settlement contours shall be adjusted, and landfilling undertaken to accord with the revised calculations for settlement.

Reason: To ensure that the approved pre-settlement contours are adjusted to reflect anticipated reductions in the proportion of bio-degradable waste being landfilled and that the post settlement contours will enable the site to be absorbed back into the local landscape in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b and COM 23, of the Tendring District Local Plan 2007.

34. No deposition, storage, processing, handling or transfer of waste shall take place on the site outside of the confines of the approved designated areas.

Reason: To ensure controlled waste operations and the containment of waste materials in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

35. No non-inert waste shall be disposed of to landfill within 250 metres of any adjacent residential property.

Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

36. For Odour Emissions – The scheme to address Odour Emissions shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 34 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

- (i) the letter from PDE Consulting Ltd dated 18th October 2018;
- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018. No intake of waste shall take place until a scheme giving details of measures to prevent fugitive odour emissions from the landfilling of waste has been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

ENVIRONMENTAL PROTECTION

Operating Hours

37. The development hereby permitted shall only be carried out during the following times:

07:00 – 18:30 Monday to Friday,
07:00 – 13:00 Saturdays

And, at no other times or on Sundays, Bank or Public Holidays.

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23 and QL11 of the Tendring District Local Plan 2007.

Storage

38. No scrap, mobile or fixed plant, equipment, skips, containers trailers or vehicles shall be placed or parked other than within designated areas.

Reason: To help minimise the visual impact of the development, to limit the impacts on locality and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007

39. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

Noise Limits – Temporary Operations

40. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties shall not exceed 70dB LAeq, 1hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community. In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

Noise Limits – Normal Operations

41. Except for temporary operations, the free field Equivalent Continuous Noise Level (LA eq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51 dB LAeq 1hr
Coronation Cottages	55 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

Measurements shall be made no closer than 3.5 metres from the façade of the properties or other reflective surface and shall be corrected for extraneous noise.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

Noise Monitoring

42. The development hereby permitted shall be implemented in accordance with the details of the noise monitoring approved on 15 July 2009 under condition 21 of planning permission reference ESS/18/07/TEN. The approved details of the Noise Monitoring are set out in the application for approval of details reserved by condition received 25 June 2009, including report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

43. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission at the following noise sensitive locations Rumage House, Ardleigh Park, Coronation Cottages, Slough Farm and Park Corner. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Minerals/Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

Noise – Vehicle reversing/silencers

44. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

45. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

46. No imported waste, other than inert excavated soils, shall be deposited on the excavated area of the site until engineering works have been carried out so as to prevent the drainage of surface and groundwater into the excavated area.

Reason: To protect groundwater from pollution and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

47. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drum's capacity with a sealed sump within the bunded area and no direct discharge to any watercourse, land or underground strata. All fill draw and overflow pipes shall be within the bunded area. All measures shall be maintained for the lifetime of operations on site.

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

48. There shall be no removal of existing vegetation between March and August inclusive.

Reason: To ensure protection of birdlife during the nesting season and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Soil Handling and Storage

49. Topsoil, subsoil and soil making material shall only be handled / moved when they are in a dry and friable condition. This requires

(a) There to be no movement of soil between the months of November and March (inclusive) unless otherwise approved in advance in writing by the

Mineral/Waste Planning Authority.

(b) An assessment determining dry and friable, based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

50. The operator shall notify the Waste Planning Authority at least 5 working days in advance of the commencement of final subsoil placement to allow a site inspection to take place.

Reason: To ensure that the site is ready for topsoil spreading and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

51. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 27 May 2009 under condition 37 of planning permission reference ESS/18/07/TEN. The approved scheme of soil movement are set out in are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

52. The development hereby permitted shall be implemented in accordance with the scheme of machine movements approved on 20 March 2009 under condition 38 of planning permission reference ESS/18/07/TEN. The approved scheme of machine movements are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

53. Before any part of the site is excavated or traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part), all available topsoil and/or subsoil shall be stripped from that part and stored in accordance with the details agreed under Condition 51.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

54. For top soil and sub-soil stripping:
- (a) The top soil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of re-instated sub-soil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent re-use.
 - (b) When the sub-soil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden / low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent reuse.
 - (c) Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, and to aid the final restoration of the site and to comply with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

55. At no time shall the pre-settlement contours, inclusive of capping, subsoil and topsoil, following landfilling in each phase, exceed the 42 metres AOD crown or any of the contours as shown on Drawing No. Fig 5.2 Rev B dated January 2008. A competent land surveyor shall check the levels on site once infilling is complete (on any phase or part phase) and prior to the placement of the clay cap and these levels shall be submitted to the Waste Planning Authority within 14 working days.

The operator shall give the Waste Planning Authority 5 clear working days' notice to enable an inspection to be made prior to the placement of the clay cap or any phase or part phase.

Reason: To ensure that the final post-settlement landform does not exceed 39 metres AOD and so that it can be returned to a satisfactory and beneficial after-use to support amenity use, improve its appearance in the interests of visual amenity and assist in absorbing the site back into the local landscape in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

56. The development hereby permitted shall be implemented in accordance with the soil bund management scheme approved on 7 May 2009 under condition 41 of planning permission reference ESS/18/07/TEN. The approved soil bund management scheme are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance, to ensure the retention of the existing soils on the site for restoration purposes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

57. Prior to the cessation of the infilling element activities undertaken within the Western extension land under Planning Permission ESS/29/20/TEN or by 30th December 2037 whichever is the sooner, a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall have been submitted to the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Landscaping

58. The development hereby permitted shall be implemented in accordance with the landscaping provisions approved on 22 June 2009 under condition 31 of planning permission reference ESS/18/07/TEN. The approved landscaping is set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009

with accompanying:

- Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
- Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
- Plan MQ/L12A Landscape proposals dated 8 March 2009,
- Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

- 59 All landscaping shall be maintained to the satisfaction of the Mineral Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting must be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Habitat Management

- 60 The development hereby permitted shall be implemented in accordance with the habitat management plan approved on 7 May 2009 under condition 35 of planning permission reference ESS/18/07/TEN.

The approved habitat management plan are set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited, Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008, Plan MQ/L12A Landscape proposals dated 8 April 2009, Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and details as varied by letter dated 21 April 2009.

Reason: To ensure protected species are sheltered from the development and if necessary, moved to alternative habitats, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of

The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Aftercare south of Slough Lane

61. All operational land south of Slough Lane, associated with this development shall be restored to a condition suitable for agriculture within the periods and with the agreed restoration scheme previously approved and identified under Condition 6 and managed through the aftercare scheme as provided for under Condition 62, with all soils being placed to their original settled profiles using the indigenous subsoil and topsoil stored in earth bunds.

Reason: To aid the final restoration of the site in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, QL11 and COM 23 of the Tendring District Local Plan 2007.

62. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard suitable for agriculture shall be submitted to and approved in writing by the Waste Planning Authority prior to commencement of restoration works on site. The submitted scheme shall:

A) Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five-year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

B) Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Waste Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare programme shall be carried out in accordance with the approved Scheme.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

E. For ESS/29/20/TEN

Commencement and Duration

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

such commencement.

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include any ground preparation works or any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access across Slough Lane).

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

3. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, shall be removed and the site restored in accordance with the conditions of this permission not later than 17 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with Condition 2.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Mineral Planning Practice Guidance that seeks to minimise the adverse effect of workings within the environment and the National Planning Policy Framework that restoration and aftercare of such sites is achieved at the earliest opportunity and to a high standard having regard to Policy S12 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Approved Details

4. The development hereby permitted shall be carried out in accordance with the following details
 - a) Planning Application form from Sewells Reservoir Construction Limited dated 18th February 2020.
 - b) Supporting Report entitled "Planning Application and Supporting Statement, Western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, subsequent restoration using inert materials along with the creation of new access" from PDE Consulting Ltd dated February 2020.

- c) BCL Consultant Hydrogeologists Limited report entitled: "Sewells Reservoir Construction Limited, Martells Quarry Slough Lane, Ardleigh, Colchester, CO7 7RU, Western Extension to mineral extraction area; and subsequent restoration using inert materials, Hydrological & Hydrogeological Impact Assessment" dated January 2020
- d) Drwg No: KD.MTQ.2.001 entitled "Site Location Plan" dated February 2020.
- e) KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020.
- f) Letter from PDE Consulting dated 7th December 2020 and accompanying:
- g) Drwg No: Figure 1 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout" Rev B dated 05/12/20.

As amended by the letter from PDE Consulting Limited dated 28th January 2021 and accompanying:

- h) Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021.

As amended by the email from D. Marsh to Terry Burns dated 20th May 2021 @ 17:31 and accompanying:

- i) Letter from PDE Consultants dated 11th May 2021.
- j) Drwg No: KD.MTQ.2.004 entitled "Phase 1 - Working and Restoration" Rev B dated April 2021.
- k) Drwg No: KD.MTQ.2.005 entitled "Phase 2 - Working and Restoration" Rev B dated April 2021.
- l) Drwg No: KD.MTQ.2.006 entitled "Phase 3 - Working and Restoration" Rev B dated April 2021.
- m) Drwg No: KD.MTQ.2.007 entitled "Phase 4 - Working and Restoration" Rev B dated April 2021.
- n) Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021.

As amended by the email from D. Marsh to Terry Burns dated 2nd August 2021 @ 10:29 and accompanying Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Availability of plans

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

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

Protection of Existing Trees and Perimeter Vegetation

6. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme based on Drwg No: KD.MTQ.2.015 entitled "Development Cross Sections" Rev A dated April 2021 showing the provision and protection measures of the standoff/buffer of the extraction areas and the attenuation ponds; drainage ditches and perimeter veteran trees/vegetation has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:

- a) Measures to demarcate the standoff from any affected tree/hedgerow/woodland.
- b) Maintenance of the demarcation measures during the life of the site activities.
- c) Programme of works to achieve a) and b) above.

For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction –Recommendations.

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

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design

and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Slough Lane crossing point

8. No site preparation works (as defined in Condition 2 of this permission) shall take place until the crossing point over Slough Lane has been constructed and been commissioned. The scheme shall make provision for accommodating the details as set out in:
 - a) Letter from PDE Consulting dated 07/12/20.
 - b) Design of the site access being based on Drawing No: Figure 1 Rev B dated 05/12/20 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout".
 - c) Provision of gates at the entrance such that any gates provided shall be inward opening only.
 - d) Temporary Traffic Management Plan, which shall be adhered to during the construction phase of the works, The Plan should include details regarding any temporary traffic management/signage; access for pedestrians, if required, wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
 - e) Management and Maintenance of the crossing point during the life of the permission.
 - f) Provision for photographic and design record of the existing access arrangements to inform future works at reinstatement stage.
 - g) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
 - h) Provision of advance signage on both approaches to the proposed Slough Lane crossing points. The signage shall be installed before the road junction / crossing point is first used by vehicular traffic.
 - i) Modifications/ provision of advance signage on both approaches to the existing Bromley Road/Slough Lane crossing points.
 - j) The proposed crossing points on Slough Lane shall be provided with a clear to ground visibility splay in accordance with drawing: Figure 1 Access Plan Revision B, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / crossing point is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To make adequate provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development in accordance with policy DM1, DM2, DM9 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

9. No unbound material shall be used in the surface treatment of the vehicular access within 12 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

10. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

11. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Tree Protection - Slough Lane crossing point

12. No site preparation works (as defined in Condition 2 of this permission) nor any ground disturbance in preparation for the construction of the Slough Lane crossing point as referenced in Condition 8 of this permission shall proceed until a scheme for the protection of the roadside trees within the sightlines of the proposed crossing point has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as approved. The scheme shall make provision for:

- a) Cross sections for the access / crossing of Slough Lane in relation to the protection of trees T84, 85 and 86 as indicated within the Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021 on Drwg No: SHA 1334 TPP SW entitled "Tree Protection Plan" dated 20/01/21.

- b) Cross sections indicating the relationship of the 3-metre-high bund along Slough Lane to the hedge H86.

The development shall be implemented in accordance with the approved scheme and managed through the life of the permission.

Reason: To provide clarity for those details approved and to ensure that trees and hedgerows are suitably protected and not impacted by the development activities having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Martells Industrial Estate/Slough Lane Junction Improvements

13. Within 18 months of the date of this permission the stretch of carriageway, together with the existing northern and southern crossing point bell mouths located at the entrance to the Martell's Industrial Estate, shall have been improved in accordance with the Section 278 Highways Agreement and the improvements works commissioned.

Reason: To provide suitable provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development and in the interests of pedestrians and vehicular traffic safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; Polices DM1 of the Essex County Council Highway Development Management Policies February 2011 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Ecological Interest

Construction Environmental Management Plan (CEMP): Biodiversity

- 14.. No site preparation works shall take place (as defined in Condition 2 of this permission) until a scheme for addressing the biodiversity aspects of the land has received the written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity

features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the development period in accordance with the approved scheme.

Reason: To conserve protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Time Limit on development before further ecological surveys are required

15. No new Phases of mineral working including vegetation clearance and soil stripping as depicted on the Working Phase drawings Nos: KD.MTQ.2.004 – 007 Rev B's dated April 2021 shall take place until:
- a) an assessment by a qualified ecologist has been undertaken to determine whether or not further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures. The supplementary surveys shall be of an appropriate type for habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.
 - b) Such further ecological survey work as may be required in (a) above with any actions completed and this has been confirmed in writing to the Mineral Planning Authority.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site and to allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Bird Nesting

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16. No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

Reason: In the interests of wildlife and to ensure breeding birds are not disturbed by removal of habitat having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Biodiversity Enhancement Strategy

17. Within 3 months of the date of this permission a Biodiversity Enhancement Strategy for Protected and Priority species and habitats shall be submitted in writing to the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall make provision for:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the details as may subsequently be approved in writing by the Mineral Planning Authority. The Strategy shall be retained in that manner thereafter.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site and to allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Archaeology

18. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until a Written Scheme of Investigation to address archaeological mitigation has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as subsequently. The scheme shall make provision for a mitigation strategy which identifies areas proposed for archaeological excavation, geoarchaeological investigation and archaeological and

geoarchaeological monitoring.

Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

19. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until written confirmation has been submitted to the Mineral Planning Authority confirming the completion of the programme of archaeological excavation and geoarchaeological test pitting identified in the Written Scheme of Investigation provided for in Condition 18 above.

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

Provision of reports

20. Post excavation assessments will be submitted to the Mineral Planning Authority:
- a) Within 4 months of the completion of the fieldwork for each phase of working.
 - b) An overarching post excavation assessment within 6 months of the completion of the programme of investigation. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

Topographical surveys

21. Topographical surveys shall be submitted;
- (i) A survey of site levels within each phase of working as depicted on the series of drawing Nos: KD.MTQ.2.004 - 007 referenced in Condition (xx) above shall be carried out at intervals of not less than every 12 months, starting from the date on which excavation of overburden/mineral takes place from within each

Phase. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

(ii) At the completion of final formation contours as depicted on Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021. to confirm topographical levels are in accordance with the restoration plans. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

Reason: In the interests of clarity, to enable appropriate monitoring of the site; and to ensure the proper working/restoration of the site in accordance with the approved details having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Vehicle Routeing

22. A record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The record shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.

Reason: In the interests of clarity, to enable appropriate monitoring of the site generated vehicle movements in order to ensure compliance with the approved details having regard to Policy DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Highway Cleanliness

23. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

HGV Movements

24. No mineral or other material as may be permitted by this permission shall be exported or imported other than via the existing site processing plant/weighbridge facility located on the north side of Slough Lane and then along the internal haul road located east of Slough Lane to the crossing point linking through to the

application land as depicted on Drawing No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020.

Reason: In the interests of clarity and the provisions of the planning application upon which determination of the application an important aspect of the acceptability of the application; to limit the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

Sheeting Vehicles

25. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the existing site processing plant/weighbridge facility located on the north side of Slough Lane.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

Vehicle Maintenance

26. No servicing, maintenance or testing of vehicles or plant shall take place other than within the quarry void or the extant processing plant area operated under Planning Permission ESS/27/20/TEN.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Reason: To minimise any nuisance and to protect the amenities of neighbouring landusers and the rural environment/local area having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Landscape, Ecology and Management Plan (LEMP): Biodiversity

27. No site preparation work, as defined in Condition 2 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) Risk assessment of potentially damaging construction activities;

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

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner relating to the biodiversity aspects of the scheme having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007 and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Sale of Aggregate/Other Product

28. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Restriction on further Phase entry until Restoration Achieved within wider Quarry complex

29. No topsoil/soil stripping or mineral extraction shall take place beyond the Phase 1 land within either the Phase 2 or 3 sequences as identified on the Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020 until the land identified in green and identified on Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021 has been brought up to final formation level (topsoil level) and confirmation provided in writing from the Mineral Planning Authority that these levels have been achieved.

Reason: To confirm those details against which the acceptability of the development was determined, and to restrict the development to the design approved and the achievement of restoration from within the rest of the quarry complex footprint having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

ENVIRONMENTAL PROTECTION

Hours of Operation

30. No operations authorised or required by this permission shall be carried out on the site except between the following times:

0700 – 1900 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

There shall be no operations on Sundays or Bank/National Holidays.

This condition shall not apply in cases of emergency when life, limb or property is in danger or for water pumping activities. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policies DM1, DM3 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Rubbish

31. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed management facility.

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Burning

32. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policies DM1; DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Lighting

33. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:
- a) Lighting point location.
 - b) Lighting design details including:
 - (i) height,
 - (ii) tilt,
 - (iii) lighting controls,
 - (iv) lighting design,
 - (iv) illuminance levels,
 - (v) uniformities,
 - (vi) spill light contour lines on to an Ordnance Survey mapping base.
 - c) Assessment of sky glow and light spillage outside of site boundary.
 - d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Noise – Monitoring

34. No site preparation works shall take place, as defined in Condition 2 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 36 of this permission and as identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations" during the life of the development.

- b) Unless determined by the Mineral Planning Authority noise monitoring to be at three monthly intervals.
- c) Monitoring during typical working hours with the main items of plant and machinery in operation.
- d) Monitoring to be carried out for at least 2 separate measurements of at least 15 minutes at different times during the working day at each monitoring location which shall include Saturday periods whilst typical site operations are occurring.
- e) That if noise compliance is not clear cut, as determined by the County Noise Consultant) then additional measurements such that at least 1 hr of data is obtained at the relevant locations is provided for.
- f) The logging of all weather conditions including wind speed and direction.
- g) The logging of both on-site and off-site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
- h) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 36 of this permission.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Noise – Temporary Operations

35. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 36 of this permission shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals

Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

Noise - Normal Levels

36. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51
Coronation Cottages	55
Slough Farm	54
Park Corner	55
White House	55
Carringtons	55
George Hall	55
Hull Farm	51

Measurements shall be made no closer than 3.5 metres to the façade of properties or other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

Loudspeakers

37. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

Reversing alarms

38. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site and in control of the applicant.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

Dust

39. No site preparation works shall take place, as defined in Condition 2 until a Dust Management Plan for the land has received the written approval of the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Confirmation based on a review of more recent Tendring District Council Local Air Quality Management publications and other available air quality data to confirm that PM10 concentrations are below 17µg/m³
 - b) The Dust Management Plan to incorporate such dust mitigation, management and monitoring procedures as provided for within the extant dust monitoring/management/control schemes accommodated under ESS/61/19/TEN.
 - c) Details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e. under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints.
 - d) Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (such as during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages and Slough Farm.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

Surface Water Drainage and Pollution Protection

40. No site preparation works shall take place (as defined in Condition 2 of this permission) until a detailed surface water drainage scheme for the site's restoration stage, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been

submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:

- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- (ii) Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- (iii) Final modelling and calculations for all areas of the drainage system.
- (iv) Detailed engineering drawings of each component of the drainage scheme.
- (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising to both neighbouring sensitive receptors and the rural environment as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Surface Water Drainage Scheme Management

41. No site preparation works shall take place (as defined in Condition 2 of this permission) until a Maintenance Plan during the development site life and Aftercare period has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.

- b) Funding arrangements during life of the development permitted by this permission.
- c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
- d) Maintenance frequency.
- a) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

42. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

43. Any fixed or free-standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage. If there are multiple tankages, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and there shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

44. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

45. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

46. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Fixed Plant and Buildings

47. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with, or without modification) no plant/structures whether fixed/static or mobile nor stocking of minerals or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Mineral Planning Authority

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Handling and Storage of Soil and Soil Forming Material

48. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped.

The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

49. No movement of any soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

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

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

51. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and

removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

52. Any soil storage mounds that may be required and insitu for more than 6 months shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the e Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Restoration

53. Within one year of the date of this permission, a revised restoration scheme based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) Design details for the ground features including water bodies, including profiles and cross sections.
- b) Incorporation of the recommendations set out in para 3.22 of the Susan Deakin Ecological Assessment report dated February 2020.
- c) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- d) Removal of all site structures including access entrance.
- e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use/To retain control over the development to not prejudice the restoration and afteruse of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration

and Aftercare of mineral sites.

Landscaping

54. No site preparation works shall take place as defined in condition 2 of this permission, until a scheme of landscaping, based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 has received the written approval of the Mineral Planning Authority.

The scheme shall be implemented in accordance with the details as approved and shall be maintained for the life of the permission. The submitted scheme shall make provision for:

- a) Detailing of the advance planting provisions.
- b) Details of the longer-term boundary management.
- c) For a) and b) above the details shall address the:
 - i) Planting species including native trees; berry bearing shrubs, size, density, numbers and location planting arrangements;
 - ii) husbandry management of the existing perimeter hedgerows/trees and buffer planting,
 - iii) a programme of implementation to include the provision for planting during the first available season of the planting process.
 - iv) a programme of maintenance including final recommendations for tree management.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

55. Trees, shrubs and hedges planted in accordance with the approved scheme/s of this permission shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Agricultural Aftercare

56. Within two years of the date of the commencement of site preparation works as provided for by Condition 2, an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five-year period during which they are to be taken and shall make provision for:

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, Natural England, landowners and interested parties to review performance.

The period of agricultural/meadowland aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Amenity Aftercare

57. Within two years of the date of the commencement of site preparation works as provided for by Condition 2 of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation habitat shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for:
- i. a management plan and strategy;
 - ii. a programme to allow for monitoring the establishment of the habitat types which shall provide for:
 - a) such works as necessary to enable the establishment of i) above; and

- (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
- (c) for the habitat areas the:
 - cultivation practices;
 - post-restoration secondary soil treatments;
 - soil analysis;
 - fertiliser applications, based on soil analysis;
 - drainage;
 - planting and maintenance;
 - weed control;
- (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

All areas the subject of amenity aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of amenity aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an amenity use during the 5-year aftercare period having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Cessation

58. In the event of mineral extraction/infilling activities being discontinued for six months in the period specified in Condition 3 of this permission then the land as disturbed within the application footprint shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that mineral extraction has not taken place in the six-month period and shall include the requirements of Conditions 49 - 52 (inclusive) of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral

sites.

5. Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford

The Committee considered report DR/17/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of an additional proposed condition, and changes to proposed condition 3.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need and Policy Considerations
- Air Quality
- Noise and Dust
- Landscape and Visual Impact
- Design and Lighting
- Ecology and Trees
- Traffic, Highways and PRow
- SuDs and Drainage
- Historic Environment
- Climate Change

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

- The pure pyrolysis technology was aimed to act as a green replacement for incineration, which was viewed as unpopular by the general public.
- Any materials that could be recycled would be removed from the residual waste before the pyrolysis process and EasyPower was hoping the technology would become net zero within three to five years.
- This site would act as a demonstrator for the technology, and as an Essex based company, EasyPower hoped that the skilled jobs associated with the technology would be based within the county.
- This specific location had been chosen as Chelmsford City Racecourse had approached EasyPower with a desire to enhance their sustainability and provide heat to the racecourse facilities.

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

- The Environmental Permit would be administered by Chelmsford City Council, rather than the Environment Agency. The permit would control the nature of the waste, but not necessarily ensure that 60% of the feed stock would be biogenic. Officers reported that it was not uncommon for the planning application and the Environmental Permit application to be twin tracked, but this was not the case.

However, the planning application was supported by an air quality assessment that had considered worst case scenarios, and both the County's Air Quality Consultant and the Environmental Health Officer were satisfied that the emissions from the facility would be within acceptable limits.

- During development of the site, the public right of way would be protected using fencing. Once the site was operational, the public would be prevented from gaining access due to acoustic fencing to the south and further fencing to the north of the site. In addition, the public right of way would be separated from the site with vegetation. There would be one crossing point where pedestrians would cross the access road to the site, at which there would be signs for both pedestrians and road users. Essex County Council would be responsible for maintaining the public right of way.
- Officers reported that whilst it was normal practice for the stack to be higher than the adjacent building; both the County's Air Quality Consultant and the Environmental Health Officer were satisfied that the air quality assessment demonstrated that there would not be significant adverse impacts from the emissions. This was partly due to the gas engine being located away from the building, as well as the temperature at which the gas engine would be operating, resulting in improved dispersion, hence, the stack would be adequate at 8 meters high.
- It was noted that the technology behind pyrolysis plants had existed for decades, but the plant itself would be a demonstrator.
- The generator engine would be contained within an ISO container, equivalent to a metal container on an HGV lorry. The noise generated would be mitigated by acoustic fencing on the southern half of the site, as described in the noise assessment within the report.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a vote of eight in favour and two against, it was

Resolved

That planning permission be granted subject to the following conditions:

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

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended). To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.

2. The developer shall notify the Waste Planning Authority 7 days prior to the first treatment of SRF in the pyrolysis plant.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.

3. The development hereby permitted shall be carried out in accordance with the details of the application dated 17 May 2021, together with drawings as set out below:

Drawing No	Description	Last Revision Date
300.03	Proposed Site Layout Plan	06.07.2021
306.01	Prop Site Location Plan	14.05.2021
107.00	Ext Site Block Plan	03.02.2021
301.04	Prop Ground Floor Plan	09.02.2021
302.03	Prop First Floor Plan	03.02.2021
303.04	Prop Elevations	09.02.2021
304.01	Prop Section	03.02.2021
305.02	Prop Site Roof Plan	03.02.2021
2114-E06-001 Rev 00	Exterior Small Power & Lighting Layout	25.01.2021
307.00	Prop Site layout labels	15.09.2021
SK01.00	Material Specification (ELE's)	20.07.2021
406.06	Site Plan – Fencing details	17.12.2020
SK3006 Rev 2	General Arrangement of Double Membrane Gas Holder	
Rev 2	Flare – Skid & Concrete Base – GA Drawing	22.09.2021
	Siemens Energy – Container – Part No. 2005016990 – Sheets 1 & 2	09.06.2021
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

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, to ensure the development does not give rise to environmental impacts that have not been previously assessed and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

4. HGVs entering or leaving the site, shall be restricted to the following periods:

0700 hours to 1830 hours Monday to Friday;

0700 hours to 1300 hours Saturday;

and shall not take place on Sundays or Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and CLP policies DM29 and DM30.

5. No more than 8,000 tonnes per annum of waste shall be imported to the site. From beneficial use of the pyrolysis plant records of the quarterly tonnages of waste shall be maintained and shall be made available to the Waste Planning Authority within 14 days of a written request.

Reason: For the avoidance of doubt as to the scale of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

6. Details of the materials to be used for the external appearance of the building shall be in accordance with the details set out on drawing no. SK01.00 entitled "Material Specification (ELE's)" dated 20 July 2021.

Reason: In the interest of the amenity of the local area and to comply with WLP policy 10 and CLP policies S11, DM8, DM23 and DM29.

7. All vehicular access and egress to and from the site shall be from the A131, as indicated on drawing ref. 306.01 dated 14 May 2021. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.

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8. Heavy goods vehicles shall only access the site via the entrance on the north east side of the site labelled "Site Entrance 2" on drawing no. 300.03 entitled Prop Site Layout Plan" dated 6 July 2021.
- Reason: In the interests of safety for public rights of way users, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.
9. During the construction of the development hereby permitted no commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.
- Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.
10. The total number of HGVs movements associated with delivery of Solid Recovered Fuel shall not exceed 4 movements per day. The total number of HGV movements associated with the export of char shall not exceed 4 movements per week.
- NB For the avoidance of doubt a heavy goods vehicle (HGV) 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 WLP policies 10 and 12 and CLP policy DM29.
11. No development shall take place until signs have been erected on both sides of the site access road to the staff and visitor parking at the point where Footpath Great and Little Leighs Number 2 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.
- Reason: In the interest of the safety of all users of both the Right of Way and the access road and to comply with WLP policy 10 and 12 and CLP policy DM29.
12. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the parking areas indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been laid out and clearly marked for the parking of vehicles that may use the site including those for disabled users. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the electric charging points indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been installed and are operational and shall be maintained and operational at all times.
- Reason: To ensure staff and visitor parking is contained within the site in the interests of visual amenity and safety for drivers visiting the site, the adjacent Blackley Quarry, Chelmsford City Racecourse and users of the public right of way and to comply with WLP policy 10 and CLP policies S11 and DM29.

13. The drainage scheme for the site shall be implemented in accordance with the following drawings:

Drawing No	Title	Last Revision date
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

Reason: To minimise the risk of flooding and to comply with WLP policy 10 and CLP policy DM18

14. The Rating Noise Level ($L_{Ar,15 \text{ min}}$) from the facility, when assessed in accordance with BS 4142:2014+A1:2019, at noise sensitive properties listed below (and shown on Figure 2 of the Noise Impact Assessment by Loven Acoustics Ref: LA/1744/02cR/ML dated 13 August 2021) shall not exceed the levels set out below between 2300 hours and 0700 hours. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Noise Sensitive Receptor	Maximum rating noise level limit ($L_{Ar,15 \text{ min}}$)
NSR1 – Blackley Cottages, Blackley Lane	31 dB(A)
NSR2 – The Lodge, Moulsham Hall Farm., Moulsham Hall Lane	32 dB(A)
NSR3 - Hump Cottage & Stone Hall Cottage	31 dB(A)
NSR4 – Norwood, London Road	39 dB(A)
NSR5 – Old Beeches, Moulsham Hall Lane	28 dB(A)

Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

15. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at suitable locations to demonstrate the Rating Noise Levels at noise sensitive properties identified in condition 14, for the first 12 months of operation. After 12 months noise monitoring shall be undertaken

within 1 month of a written request by the Waste Planning Authority. The results of the monitoring shall include L_{Aeq} 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 night (2300 to 0700 hours) and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. Prior to the first noise monitoring a suitable noise monitoring approach shall be submitted to and approved by the Waste Planning Authority and the noise monitoring shall be implemented in accordance with the approved details.

Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

16. External lighting shall be implemented and maintained in accordance with Appendix A – Luminaire Schedule and Appendix B – Site Luminaire Layout of the “Exterior Lighting Report” by the “consultus international group” Report Ref 2114-LUM-EL Rev 02, dated 29 July 2021. Lights located on the southern boundary shall be fitted with back light shields.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.

17. The lighting identified in condition 16 shall not be illuminated outside the following hours of 0700 and 1830 hours Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for safety lighting activated by persons or vehicles and except for security lighting activated by unauthorised persons and vehicles.

Reason: To minimise the nuisance and disturbances to neighbours, fauna and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.

18. Solid Recovered Fuel (SRF) brought onto the site shall be deposited and handled only within the building shown on drawing No. 301.04 and only when the doors on elevation B (north east side) are closed..

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy DM10 and CLP policy DM29.

19. No development shall take place until a scheme of hard, soft and boundary treatment landscaping works has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the

development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

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

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

21. The protection of existing trees shall be carried out in accordance with the details set out in arboricultural method statement and tree protection plan, prepared by Sharon Hosegood Associates entitled "Arboricultural Impact Assessment Report" Reef: SHA 131 dated January 2021. Tree protection must be adhered to whilst construction is taking place, including during the installation of the acoustic fencing. Tree protective fencing must be installed prior to any development works taking place.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 6 months of commencement of development as notified under condition 1. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), this shall include selective pruning and thinning of trees as well as removal of guards;
 - g) Details of the body or organization responsible for implementation of the plan; and
 - h) Ongoing monitoring and remedial measures.

Reason: To ensure the longevity of the landscaping scheme and enhancement of the existing flora and fauna and protect the visual amenity and character of the area, in accordance with Chapters 12 and 15 of the National Planning Policy Framework, WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

23. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Eco-Planning UK, January 2021) and the Great Crested Newt and Reptile Survey Report (Eco-Planning UK, June 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

24. Within 6 months of commencement of development as notified under condition 1 a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Waste Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason : To enhance Protected and Priority Species/habitats and allow the Waste Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

25. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP policies DM29 and DM30.

26. No waste other than solid recovered fuel (SRF) shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP policy DM29 and DM30.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant and equipment shall be installed, extended or erected on the site without the benefit of express planning permission.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area, to minimise the impact upon landscape and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17, DM29, DM30.

28. Prior to the erection of boundary fencing details of the materials to be used shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area, to minimise visual and landscape impact and to comply with WLP policy 10 and CLP policies s4, S11, DM8 and DM29.

Prior to beneficial use of the development an operational management plan shall be submitted to and approved in writing by the Waste Planning Authority. The operational management plan shall detail measures to prevent odour and dust nuisance. The operational management plan shall be implemented in accordance with the approved details.

Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

29. With the exception of the site access road, the land, building and offices subject of this permission shall only be used for or in association with the operation of the Pyrolysis Plant a sui generis use as per the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification the land, buildings and offices shall be used for no other purpose.

Reason: For the avoidance of doubt as to the use of the site and building, to ensure the development does not give rise to environmental and local amenity impacts that have not been previously assessed, to ensure that the development is carried out with the minimum harm to the local environment and in accordance

with WLP policies 5, 10, 11 and 12 and CLP policies S4, S8, S11, DM8, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

6. Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane

The Committee considered report DR/16/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 22, 36, 41 and 67.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Changes to Braintree District Council Development Plan & NPPF
- Latest position regarding the Legal Agreement

In accordance with the protocol on public speaking the Committee was addressed by Councillor Paul Thorogood, speaking as a local member. Cllr Thorogood made several points:

- Cuthedge Lane, located to the north of Site A7, was a popular local amenity for joggers, cyclists, horse riders and wildlife spotting, particularly during lockdowns. The dust created from the use of Site A7 could create dust levels which would disrupt these activities.
- The extension of the site to the east could create a precedent of growth, potentially endangering the Flood Alleviation Scheme land to the north of Site A7 in future applications.

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

- That the application was a time extension to a previous application, rather than a new discussion of the application itself.
- Both Cuthedge Lane to the north of the site and Pantlings Lane to the south were noted to be minor roads which would not be impeded by this application. However, both would have screening bunds which could detract users from the two lanes.
- The long-term restoration scheme for Site A7 provided for a permissive bridleway separate from the public highway, parallel to Cuthedge Lane.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a vote of eight in favour and one abstention, it was

Resolved

That planning permission be granted subject to

- i. The prior completion, within 6 months, of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the September 2020 Committee Report
- ii. And conditions as set out in Appendix 1, which incorporate changes to conditions and reasons taking into account best practice and changes in policy since the original resolution.

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:

- Volume 1: Planning Application Supporting Statement;
- Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
- Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment
- Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
- Email from Honace dated 2 June 2020, 16:13, Site A7 EclA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020
- Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020
- Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
- Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
- Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound

- Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
- Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020
- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements
- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

Drawing No.	Title	Date
A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20

Figure1281/2/9A	Phasing & Skylark Enhancements	
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And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority and except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 81, , RLP 84, , RLP 87, RLP 90 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

3. The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500

As amended by

702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84 and RLP 90and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

4. The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Title	Date
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84, RLP 90and RLP 101 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

5. The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Dated
Figure 1 561071 R1	01/12 05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, , RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84, RLP 90 and RLP 101 and BDCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

6. The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition 1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 of this planning permission.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

7. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and land shall be restored in accordance with the restoration scheme approved under condition 32 of this permission.

Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

8. In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8.

9. Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable or unless the Mineral Planning

Authority has agreed otherwise in writing:-

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday; and;

07:00 hours to 13:00 hours Saturdays.

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

(c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times:-

07:00 hours to 18:30 Monday to Friday; and;

07:00 hours to 13:00 hours Saturdays

Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include movements onto the public highway

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday;

(d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30hours Monday to Friday

07:00 hours to 13:00 hours Saturdays

Except that the DSM may be operated to produce dry mortar between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday

and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

10. The bagging plant shall not operate between 06:00 and 07:00 and between 18:30 and 22:00 unless the roller shutter doors of the bagging plant are closed.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

11. From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to

the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with MLP policies S12 and DM1.

12. All vehicular access and egress to and from the site shall be from A120 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

13. The development hereby permitted shall be implemented in accordance with the details for signage and routing for drivers approved on 29 May 2013 under condition 14 of planning permission ESS/32/11/BTE. To maintain the approved signage and routing arrangements for drivers visiting the site set out in the application form dated 9 March 2012 (reference ESS/32/11/BTE/14/1), emails from Blackwater Aggregates dated 29 February 2012 (13:21) with attachment "leaflet re access and egress" and dated 2 March 2012 (14:34) with photographs of signage. The "leaflet re access and egress" shall be issued to all new drivers to the site and shall be issued annually on or near the 1st April of each year to all drivers to the site.

Reason: In the interest of highway safety and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with MLP policies S11 and DM1.

15. The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday

294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

16. No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

17. The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

Reason: In the interest of the safety of all users of both the Rights of Way and the haul road and to comply with MLP policy DM1.

18. The development hereby permitted shall be implemented in accordance with the signage details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the private access road for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

19. Except for temporary operations, 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 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the $L_{Aeq, 1\text{ hr}}$ levels as set out below:

Location	Criterion $dBL_{Aeq, 1\text{ hr}}$
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45

Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1 ¹	47
Silver End 2 ¹	51
Hylands ²	43
Scrip's Farm ²	43
Monk's Farm Cottages ²	42

¹ Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental Noise, Report Reference: B3910 20171124 R

² Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The above limits are for noise arising from all combined activities at Bradwell Quarry and the Rivenhall IWMF (if progressed).

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

20. During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 the free field Equivalent Continuous Noise Level (L_{Aeq} , 1 hr) at noise sensitive locations listed below, shall not exceed the L_{Aeq} 1hr levels as set out in the following table:

Location	Night Criterion (06:00 to 07:00)	Evening Criterion (19:00 to 22:00)
Bradwell Hall	42 dB LAeq,1hr	47 dB LAeq,1hr
Hérons Farm	42 dB LAeq,1hr	44 dB LAeq,1hr

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

21. For temporary operations, the free field Equivalent Continuous Noise Level [L_{Aeq} , 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB L_{Aeq} 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations that give rise to noise levels greater than those noise limits defined within condition 20 shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

22. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and L_{Aeq} 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 during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

23. Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management shall contain the following:

- Survey locations

- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 19 and 20
- Procedures for characterising extraneous versus site attributable noise.

The noise management plan shall be implemented in accordance with approved details.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

26. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A7-4 Rev B.

Reason: To minimise the visual impact of the development in the interests of rural amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

27. No additional fixed lighting, other than that detailed in the application, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

28. Floodlights/fixed Lighting shall not be illuminated outside the operational permitted hours set out within condition 9 and at no time on Sundays, Bank or Public Holidays except for security lighting.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

29. All fixed exterior lighting shall have a tilt/uplift no greater than 25 degrees.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

30. The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

31. The internal haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

32. Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals

A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals

A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals

A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals

A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;
- removal of guards once established; and
- phasing of implementation.

The planting scheme shall be implemented in accordance with the approved details.

Reason: Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and in accordance with MLP policy DM1 and BDLPR policies RLP 81.

- 33.

Any tree or shrub forming part of the advanced or restoration planting scheme 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 approved in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

34. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

35. No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

36. Within 3 months of date of commencement of the development hereby permitted as defined by condition 1 a Landscape and Ecological Management Plan (LEMP) for the

Site shall be submitted to for approval in writing of the Mineral Planning Authority. The LEMP shall include:

- a) A description and evaluation of features to be managed and proposed enhancement measures for Protected and Priority Species, in particular for stag beetles, skylarks and bats;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- d) Appropriate management options for achieving the aims and objectives;
- e) Locations of proposed enhancements measures by appropriate maps and plans
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) On-going monitoring and remedial measures
- j) Details of initial aftercare

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and landscape objectives of the originally approved scheme.

The LEMP shall be implemented in accordance with the approved details.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species). and in accordance with MLP policy DM1 and BDLPR policies RLP 80, RLP 81 and RLP 84.

37. Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond "PY" on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020 shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- d) persons responsible for implementing the enhancement measures;
- e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in

accordance with MLP policy DM1 and BDLPR policy RLP 84.

38. No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

39. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S12 and DM1 and BCS policy CS8.

40. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration of Bradwell Quarry.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

41. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken and it has been agreed with the MPA that the soils are in a "suitably dry soil moisture condition"

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policy CS8.

42. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to

comply with MLP policies S12 and DM1 and BCS policy CS8.

43. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
 - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
 - c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
 - d) have a minimum 3 metre standoff, undisturbed around each storage mound;
 - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
 - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

44. No development or preliminary groundworks shall take place until a written scheme of investigation for a programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

45. The programme of archaeological investigation and recording shall be implemented in accordance with the written scheme of investigation approved under condition 44 prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

46. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under condition 45. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy

DM1 and BDLPR policies RLP 105 and RLP 106.

47. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under condition 46.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

48. Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

49. Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled "Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020).

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

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

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

51. Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

52. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

53. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

54. All stones and other materials in excess of 200mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policy S12 and BCS policy CS8.

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

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture, woodland and nature conservation and in accordance with MLP policy S12 and DM1 and BCS policies CS5 and CS8.

56. No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility planning permission reference ESS/34/15/BTE or any subsequent amending planning permission.

Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies DM1 and DM3.

57. Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies DM1 and DM3.

58. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.

59. All sand used in the dry silo mortar plant shall be from indigenous resources at Bradwell Quarry.

Reason: In the interests of local and visual amenity and in accordance with MLP policies DM1 and DM3.

60. Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

61. All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.

62. Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

Reason: To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with MLP policy DM1 and BDLPR policy RLP 84

63. Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:
- a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84

64. The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC dated 12-06-20 and A7-21-Bio&AC dated 12-06-20 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

- a) A description of the habitats to be created
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- a) Appropriate management options for achieving the aims and objectives;
- b) Prescriptions for management actions;
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- d) Details of the body or organisation responsible for implementation of the plan;
- e) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The details shall also set out (where the results from monitoring show that conservation aims and objectives of the details are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP

policy DM1 and BDLPR policies RLP 81 and RLP 84.

65. In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority.

The scheme shall include:

- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers' compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Feering and Kelvedon Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

66. No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

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

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.

7. Applications, Enforcement and Appeals Statistics

The Committee considered reports DR/19/21 and DR/20/21; applications, enforcement and appeals statistics, as at the end of July 2021 and August 2021 respectively.

The Committee NOTED the reports.

8. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 22 October 2021, to be held in the Council Chamber, County Hall, Chelmsford. Training was to take place after the meeting.

There being no further business, the meeting closed at 12:19am.

DR/21/21

Report to: DEVELOPMENT & REGULATION 1st NOVEMBER 2021

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of use of waste recycling facility without compliance with condition 11 (HGV Movement Times) of planning permission ESS/09/18/COL that was for "Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Addition al Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16:30 hours on Good Fridays" to now allow for 6 HGV movements between 05:30 – 0600 hours; 10 HGV movements between 06.00 – 07.00 hours and 10 HGV movements between 07.00 – 07.30 hours to allow more flexibility in early morning movements periods.

Ref: ESS/11/21/COL

Applicant: Colchester Skip Hire

Location: Greenacres, Packards Lane, Wormingford, CO6 3AH

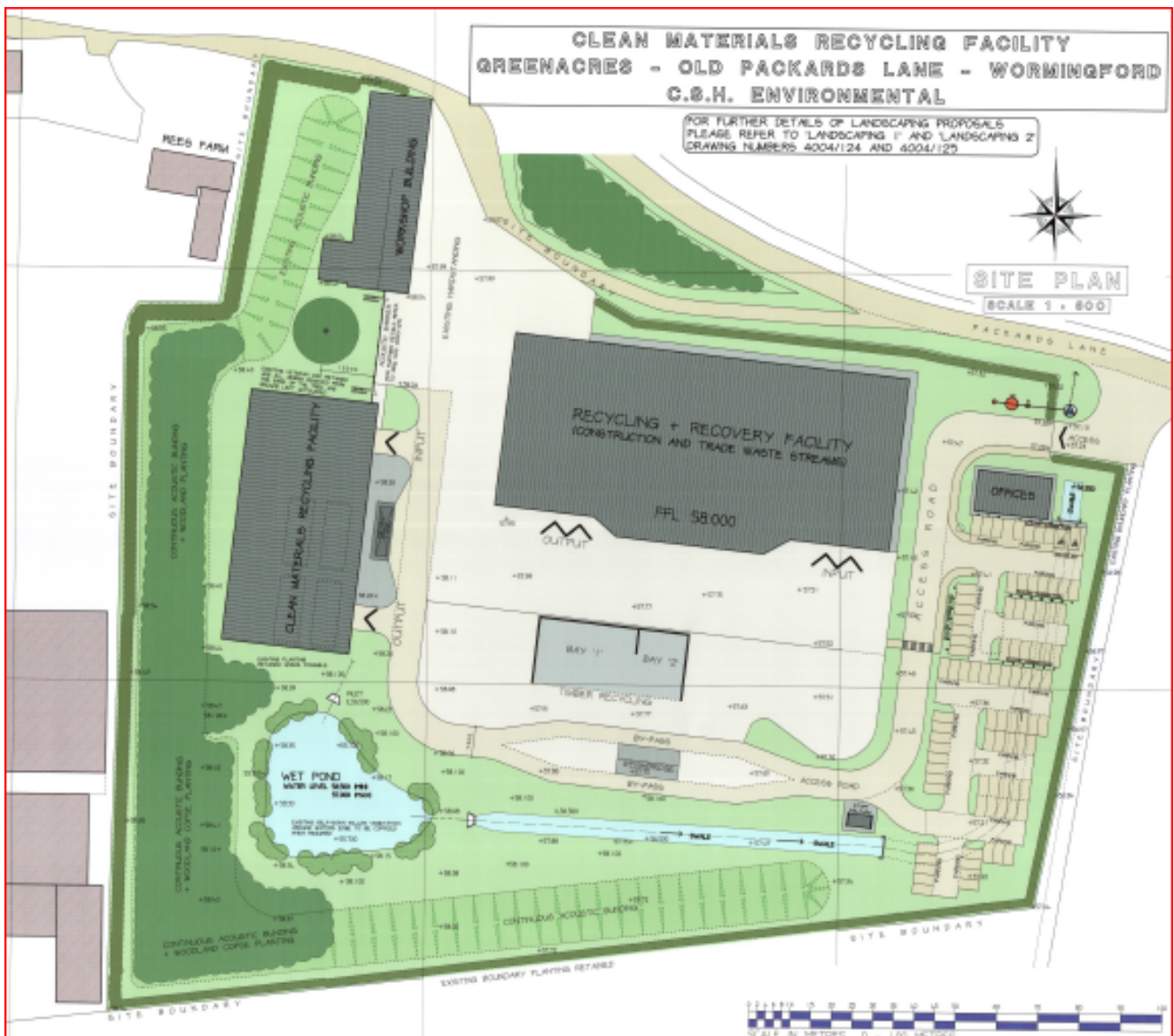
Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Terry Burns Tel: 03330 136440

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

<https://planning.essex.gov.uk>





1. BACKGROUND AND SITE

The present Colchester Skip Hire waste management facility was granted approval on appeal in July 2012. The presence of the operator's business at this location goes back to the late 1980's. Implementation of the appeal permission took place with the commissioning of the recycling/recovery building in 2014.

The business is restricted by planning condition restricting a yearly throughput of some 50,000 tonnes comprising a mix of commercial; industrial; construction and demolition wastes. Food wastes are diverted away from the site directly from source to off-site energy recovery facilities.

The business sees the above waste types collected in the operator's own skip/dustcart type vehicles. Collected loads are then delivered to the site during the business day and sorted within the recovery building the largest of the sites three buildings (the other two comprise the site offices and the storage/maintenance

building). A number of planning applications have been determined for the site addressing:

- ESS/21/16/COL (approved July 2016) that provided for the use of the end bay in the workshop/maintenance building to be used for the storage of dry bales and upgrading of part of the northern site perimeter fence. All other activities of waste handling are required to be taking place within the recovery building.
- ESS/29/16/COL (approved October 2016) that provided for continuation of timber processing within designated outside storage bays.
- Good Friday working - ESS/18/17/COL; ESS/05/18/COL with the most recently permitted; ESS/15/19/COL, these three permissions provided for site operations and HGV movements to take place on the respective 2017; 2018 and 2019 Good Fridays.
 - New Building – ESS/09/18/COL was approved in August 2019. Implementation of the permission with ground works initiated has begun.
 - Early Morning Operating Hours - ESS/04/20/COL. Refused March 2020.

At the time of the original application and subsequent appeal, the site saw the involvement of the local action group, Residents Against Skip Hire (RASH), principally comprising the occupiers of the site's three nearest local properties. Their involvement post the appeal Inquiry has continued and relations between the local residents and the site operator have been strained. Over the years the complaints received by the Waste Planning Authority (WPA) have, amongst other matters, comprised noise (mainly reversing beepers), odour, lighting, cladding requirements of the buildings and the positioning of bunding. Of more recent times the issue of noise has been the main concern.

In an effort to establish better relations and understanding on both sides of each other's concerns, a site liaison meeting was initiated by the Waste Planning Authority, comprising the site operators, two of the three original local residents (the third being involved during the early stages although subsequently, and at their request, left out of being party to liaison minutes and invitations), Local Member, County Council Portfolio Holder for Waste; Parish Councils (both Wormingford and Fordham), the WPA and Environment Agency. Invites are also extended to the District Council Member and Planning and Environmental Health Officers.

Pre-Covid 19 lockdown; meetings were held about twice a year and the two original residents have now moved on. Invitations to the new local residents to attend have not been taken up. Whilst issues remain between the remaining original local resident, comments received from them do get raised at the meetings. It is always open to that local resident and for others to raise issues and use the liaison meeting as an avenue for issues to be raised and for following site progress. The meeting has been useful in maintaining face to face contact between interested parties.

In what could be called the Post Covid 19 aftermath, the resumption of the liaison meetings is forecast although it is recognised that there remain frictions between the operator and parish councils which appear to have been taking place outside of the site and the liaison meetings themselves.

The Committee will be aware from previously presented reports that local residents had felt that the operator has not been acting as a good neighbour nor that the Waste Planning Authority (WPA) and Environment Agency who it was felt were ineffective in their dealings with the operator.

Over the history of this site the WPA has been working to help steer the operator to achieving its responsibilities as well as addressing activities that have developed as the business has grown and which required regularising. The WPA has had, and continues to progress, meetings with both the operator and agent (together and separately) in identifying and working through the site operator's activities and future aspirations whilst also liaising with local residents' separately as well as acting as a mediator between the parties, where appropriate.

Site

The existing waste management facility comprising some 4.2 hectares of land, takes access off and lies to the south of Packard Lane which links the Fordham Road (Fordham to Wormingford) and the B1508 (Wormingford to West Bergholt). Immediately bounding the northern site perimeter is a narrow single track lane, Old Packard's Lane, which forms a crescent shape link on to and separated from Packard Lane proper by a narrow belt of mature woodland and which provides access for a number of the residential properties that lie immediately adjacent to the application lands western boundary. Agricultural land lies beyond both the road and to the south and east of the application land. To the immediate north west beyond the application lands bunding and vegetated perimeter boundary lies the nearest of the three closest residential properties, Rees Farm. "The Coach House" and "Rochford's" (a Grade II Listed Building) are situated further to the west beyond the garden of Rees Farm.

A Public Right of Way follows the eastern perimeter. Abutting along the western/south western boundary lies a small light industrial/warehousing complex. Further north west sited beyond Fordham Road lies a large crisp manufacturer together with an associated onsite anaerobic digester facility.

The site accommodates at present the existing recycling/recovery building (measuring some 97 x 47 metres x just over 11 metres to ridgeline) and site offices. The new recently approved additional building would be located to the west and comprise a building some 60 metres x 30 metres x 11.43 metres to ridgeline.

The waste management facility handles some 50,000 tonnes per annum of principally commercial and industrial waste streams with a small proportion of commercial and demolition.

Permitted operating hours are Monday to Fridays 07:30 – 18:30 and Saturdays 07:30 – 13:30 hours. There is no Bank Holiday working; however, the operator has been permitted over the last three Good Friday periods provision to operate HGV movements from and back to the site for collection purposes only.

Provision allows restricted HGV movements outside of the normal permitted hours.

HGV movements are restricted to 150 movements per day Monday to Fridays and 74 movements per day on Saturdays.

As a result of the issuing of ESS/09/18COL the applicant has submitted various schemes as required by the permission. Site activity has taken place such that whilst the applicant has not formally confirmed as required by condition of the implementation of ESS/09/18/COL; to all extent and purposes that permission has been implemented through the scale of groundwork undertaken in preparation for the new building.

This extant permission has conditions, similarly worded to the previous permission, on HGV movements and these are set out below under the Proposals section.

2. PROPOSAL

This application seeks to address the reasons for refusal, in relation to ESS/04/20/COL that sought changes to early morning HGV movement periods. The refusal reasons were: "The proposed early morning vehicle movements (between 05:30 – 06:00 hours) and associated activities (arriving site personnel and their preparatory activities in preparing the HGV's) would cause harm to the rural character of the locality and harm to local amenity from unacceptable noise emissions and artificial light pollution, as well as insufficient information to demonstrate that there would not be harm to nocturnal wildlife, contrary to"

ESS/09/18/COL has operating hours and HGV movement times restricted by condition reading (with the applicants proposed changes in bold and where wording has now been deleted these are struck through):

“Environmental Protection Operating Hours

Environmental Protection
Operating Hours

- (10) The development hereby permitted shall only be carried out during the following times:

07:30 – 18:30 Monday to Friday,
07:30 – 13:30 Saturdays

And, at no other times or on Sundays, Bank or Public Holidays (except for Condition 11 (ii) below).

Reason: For clarity and to control the operating hours against which the application was determined and in the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10.

HGV Movement times

- (11) (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays: 150 (75 in/75 out) movements
Saturdays: 74 (37 in/37 out) movements
Sundays and Bank/Public Holidays: none (subject to (vi) below)

- (ii) Outside the hours specified in Condition 10 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays: **05.30 -06.00: 6 movements**
06.00- 07.00: **6 10 (3 in/3 out) movements**
07.00- 07.30: **6 10 (3 in/3 out) movements**

Sundays and Bank/Public Holidays: none (subject to (vi) below)

For the avoidance of doubt, all movements permitted under Condition 11(i) shall count towards the daily limit for that day as set out under Condition 11 (ii).

- (iii) All movements before 07.30 (**07.00**) on any day, permitted under Condition 11 (ii) above shall be limited to out-bound movements only.
- (iv) All movements between 06.00 (**05.30**) - 07.00 on any day, permitted under Condition 11 (i) above shall exit the site by turning right only, towards the B1508.
- (v) No HGV movements of any kind shall take place prior to 06.00 (**05.30**) on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.
- (vi) For the purposes of this condition, and for the Good Friday Bank Holiday only, 12 refuse vehicles shall be allowed to leave the site between the hours of 0700 – 07:30 hours and return no later than 16:30 hours making a total of 24 movements. Upon return the 12 refuse vehicles shall park up on the access road in the area coloured red on Drwg No: 120 entitled "Recycling and Recovery Facility Variation of Conditions 03 and 04 Bank Holiday Working" dated Feb 2018.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Reason: For clarity and to control the vehicle movements against which the application was determined and in the interests of limiting the effects on local

amenity, to control the impacts of the development and having regard to The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10.

In support the applicant has stated that “*Need and Principle of Development*

The proposed development involves the continued lawful use of the existing site together with allowing HGVs to leave the site from 05:30 which is 30mins earlier than the currently permitted periods. There is no proposed change to the amount or type of waste handled on site nor total amount of HGVs that can enter and leave the site.

WLP Policy 1 identifies shortfalls in waste management capacity and how development would be permitted to meet that shortfall. Although the proposal does not seek to increase the amount of waste accepted or treated, it would ensure that management of waste continues in a sustainable way. Allowing HGVs to leave the site earlier would result in reduced HGV movements during peak traffic periods which in turn would reduce congestion to the surrounding highway network and in town centres including other urban areas where the applicant undertakes their collections. It would also allow waste to return to site earlier, allowing enhanced recovery of waste materials processed within the permitted hours of operation which again, assists the sustainable recycling of material. This, along with currently permitted operations, would ensure no further shortfalls of waste handling would occur, thus aiding the recovery of waste.

Therefore, it is considered that the proposal complies with WLP Policy 1.

The principle of WLP Policy 2 is to ensure permitted waste management facilities, such as the applicants site are protected when a proposed non-waste site may compromise its operation. The applicant’s site has been afforded this level of protection because the Waste Planning Authority (WPA), when producing the WLP, felt it important to grant the site this protection from non-waste related developments that could object to the site’s operation as a key facility in assisting the WPA with maintaining its ability to manage waste arising within its administrative area. The WPA therefore acknowledges the importance of this site and its contribution towards the management of waste. This current application simply seeks to improve the existing operations that are carried out on the site. Granting planning permission for the proposed change to the HGV movements would also ensure that the site would in the future be protected from any potential development in the surrounding area, thus allowing the continued and long term operation of a recycling facility that contributes to maintaining the management of waste capacity in accordance with WLP Policy 2.

The proposal provides for environmental benefits through enhanced recycling and recovery of materials from the waste stream which is a key local and national policy driver. Allowing a limited number of HGVs to leave site from 05:30am would allow those HGVs returning back to site the ability to unload waste onto the processing plant earlier for recycling. Unloading waste would continue take place within the permitted waste processing times of the extant planning permission, however, due to missing traffic during peak traffic periods, currently, this process is being unnecessarily delayed.

HGVs returning to site earlier would allow for the plant to operate at lower speeds

which enhances the ability for the plant and pickers to retrieve more recyclables from the waste (e.g. plastic, glass and metals). In short, the proposal would simply allow more time to process waste which would allow for better recycling and this, in turn, would have a positive impact on the environment.

Impact upon amenity

WLP Policy 10 states, inter alia, that waste management development will only be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on local amenity. This is supported by the aims of Development Policy DP1 of the adopted Local Plan for Colchester. The following sections assess the proposal with regards on its impact on neighbouring amenity.

Noise

This application is supported by an environmental noise assessment. This was undertaken at two of the closest noise sensitive receptors which are close to Rees Farm and the entrance to Grove Farm. The site contains an existing lawful operational waste management facility which benefits from acoustic bunding for which planning permission was granted on appeal. The proposed changes to the current permitted number of HGV movements are shown in table 1 below.

Table 1: Proposed HGV movements compared to permitted HGV movements

The noise monitoring was continuous from 05:30 to 07:00 on Wednesday 11th November 2020. During the survey, the maximum number of HGV movements leaving the site during a 15 minute period (06:00 - 06:15) was ten. This is the maximum being applied for within a 30 minute period. Throughout the noise modelling the site was operating within normal permitted parameters and the data collected showed that for Location 1 (close to Rees Farm) noise from HGVs moving within and leaving the site were just audible but did not influence the measures levels of ambient noise. The report explains that it is unlikely that inside, even with windows open, the noise from the HGV movements leaving the site would be audible whereas the Flatman Poultry site noise would be expected to be clearly audible.

At Location 2 (entrance to Grove Estate) there were no HGV movements recorded between 05:45 and 06:00 but 10 movements during the following 15-minute period. The increase in ambient noise due to the HGV movements in the worst case 15-minute period was 2.8dB.

The results from the noise survey clearly show that there is little difference in ambient noise between 0 and 10 HGVs movements. It also concludes that six movements in the half hour 05:30 to 06:00 would give a smaller increase in ambient noise levels than the 10 movements measured within a 15-minute period (as set out above). The noise impact assessment for the proposed period between 05:30 and 06:00 would therefore be no worse than that from 06:00 to 06:15, as currently permitted.

Table 2 below sets out the IEMA Noise Impact Effect Descriptors which is, as follows: Table 2: IEMA Noise Impact Effect Descriptors

The DEFRA Noise Policy Statement for England (NPSE) is referred to in the Framework (paragraph 180) and this sets out that the Government's policy is to "avoid significant adverse impacts on health and quality of life" due to noise. Given

the NPSE guidance that noise from a development should not give rise to significant adverse effects, it is clear from Table 2 above, and the results of the noise monitoring which was undertaken over a 15-minute worst case scenario period, that the proposal would fall within a “slight impact” category. For the longer assessment period, i.e. 30mins or the period when fewer HGV movements occurred from the site, the increase in ambient noise level would be lower and fall into the None/Not significant category of Table 2.

The development is therefore not considered to have a harmful impact on the amenities of neighbouring occupiers.

Notwithstanding the above, and to further avoid any potential impact on neighbouring occupiers, it is important to note that the nearest noise sensitive receptors are located to the north west of the site, while it is proposed that HGV’s will only be allowed to leave the site to the right, i.e. in the opposite direction of the residential properties which is as per the current permitted use.

Lighting and Ecological Impacts

The application is also accompanied by a Lighting Assessment which presents the predicated night-time artificial lighting effects on existing receptors that are likely to result directly from the proposal. This Lighting Assessment has also been informed by the Preliminary Ecological Appraisal update and Bat Survey which has been undertaken to ensure no impact arises with regards to ecological matters. The Lighting Assessment considered the site as rural surrounding, due to its outer suburban location and was therefore placed in the more stringent zone for assessment which is E2 as shown in Table 3 below. It is also important to note that when lighting assessments are undertaken, they consider sites to be flat topography (with no dips or bunding taken into consideration) and with no vegetation surrounding the site which could reduce light spill.

Table 3: Environmental Zones (extract ILP GN01)

In summary, the Lighting Assessment demonstrates that lux levels in the immediate areas around the veteran tree, hedgerow and pond will be below level 3 with the lux level climbing to the east of the veteran tree and pond into the existing site away from sensitive receptors to the west with Lux levels being no different to existing approved lighting. The assessment also highlights that using the methodology proposed that the Lux level at the nearest residential property (Rees Farm) would be Lux 0.

It is therefore held that there would be no impact upon amenity from light spillage which is further endorsed by the fact that the Lighting Assessment has used the E2 criteria and would not have taken into account the fact that the site is surrounded by bunding and fencing which stops lights from HGVs spilling outside the site. This coupled with existing tree and hedgerow planting already reduces light pollution from the proposal.

Consequently, it is rightly considered that the proposal would not cause an adverse impact to nearby sensitive receptors from light pollution; however, it is also important to assess the potential ecological impacts from lighting.

WLP Policy 10, in summary, permits waste management development where it can be demonstrated that it would not have an unacceptable impact on the natural and

geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats), among other requirements.

The bat survey demonstrates that bats use the site irrespective of the existing lighting and were identified foraging around the floodlights on site. The evaluation section of the report notes, in summary, that the data indicated bats using the site are tolerant of levels of lighting and disturbance. Bats were recorded up until 05:38 which is minutes prior to sunrise, indicating presence of a bat roost close by however, no bats were observed returning to any buildings or trees on/adjacent the site during the survey.

The bat activity impact assessment highlights that the proposal will involve altering the operational hours, to enable drivers to start at 05:30am, 30 minutes earlier than existing. It is noted that the Preliminary Ecological Assessment (2018) (PEA) recommended that work should not take place between sunset and sunrise between April and September, but this is not based on any bat activity data and it is an assumption that earlier start times would impact bat activity.

The assessment notes that in April, sunrise is after 05:30 and therefore any alteration to working hours during this month could in theory impact bat activity. During April, bat activity is low and restricted to warmer nights (when temperatures exceed 10 degrees Celsius). This is reflected in the Bat Conservation Trust's 2016 Guidelines which only recommend emergence/re-entry surveys between May and August inclusive, because bat activity can be inconsistent. Therefore, bat activity during April, when the earlier operational hours include the period of time bats could potentially be active will be limited and sporadic. Given the position in the landscape, there is no reason to suspect that bats would commute across it to access summer roosts.

Between 1st May and 9th August, sunrise is prior to 05:30. The PEA and Bat Assessment highlights that during this period the earlier start time will have no impact on bat activity as bats would have already returned to roost by the time the proposed HGVs left at 05:30am. From 9th August onwards, sunrise is after 05:30am, meaning that any bat activity between 9th August and the end of the bat active season (October) has the potential to be affected by the alterations in operational hours. Soprano pipistrelle is known to return to roost until sunrise, but there is no available building or tree roosting habitat on site, so foraging bats using the site will leave earlier, as demonstrated by the last bat being detected at 05:38, 22 minutes prior to sunrise. This leaves a small window of 8 minutes where the earlier operational hours would come into conflict with bat activity. Notwithstanding this, soprano pipistrelle are known to be tolerant of light, as demonstrated by the bat transect data which demonstrates that bats will readily fly and forage around floodlights.

The assessment concludes that when taking all factors into consideration, there is no reason that altering working hours would impact bat activity, by virtue of the species' tolerance to light and disturbance, the limited time window where bats will be active during operational hours and the times of year (April and 9th August onwards) where sunrise is later.

To ensure due diligence, impacts on other nocturnal species were assessed and it is noted that no other nocturnal animal species (e.g. badger, hedgehog) were observed using the site during the dawn bat survey, and there is no reason to suspect that a change to working hours would impact any nocturnal wildlife.

The updated Preliminary Ecological Assessment and accompanying Bat assessment identified all ecological constraints to development and considers

there is no overriding reason to refuse a planning application on biodiversity grounds. The development is therefore considered to maintain the ecology status of the site as per its existing lawful use, in compliance with WLP Policy 10.

Conclusion

For the reasons set out in the above assessment, we believe that the proposal to allow HGV's to leave the site between 05:30 and 06:00 (note they are already permitted between 06:00 and 07:00 although at a lower number of six with an increase in 4 movements being sought) constitutes sustainable development that would be entirely appropriate in planning terms. National and local planning policy acknowledges the need to reduce the amount of waste going to landfill through recycling and the proposal would provide an environmental benefit because it would assist with reducing congestion in town centres and other urban locations by virtue that they HGVs gain access to these areas outside high traffic commuter periods. It would also allow unloading of HGVs from 07:30am onwards giving a greater period throughout the day for recycling as the plant can operate at lower speeds aiding with recovery of waste.

The proposal would not increase the amount or type of waste, the total number of vehicular movements currently permitted or the hours of operation for processing. The site is located within an existing permitted materials recycling facility where the use of such facilities within this location was deemed appropriate through the grant of previous planning applications.

Furthermore, the details of this application have demonstrated appropriate mitigation against the potential impacts of the proposed development to adjacent residential properties and sensitive areas. The proposal fully accords with both local and national planning policies, which seek to encourage economic development and would have a positive impact on the environment".

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise.

The development plan comprises:

- i) The Essex and Southend Waste Local Plan (adopted July 2017)
- ii) Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).
- iii) Submission Colchester Borough Local Plan 2017-2033:

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) July 2021.
- ii) The National Planning Policy for Waste October 2014
- iii) Planning Practice Guidance
- v) "Resources and Waste Strategy "Our Waste, Our Strategy Our Resources A Strategy for England" 2018.

The following policies of the Essex and Southend Waste Local Plan (adopted July 2017) and the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).(paraphrased or in quotation marks if set out in full) are of relevance to this application:

In the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

Policy 10 (Development Management Criteria)

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- iii) Local amenity
- iv) Safety and capacity of road network
- v) Appearance quality and character of the landscape and visual environment.
- vi) The natural environment

Policy 12 (Transport and Access)

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

In the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).

Policy DP1: Design and Amenity (Revised July 2014) which requires development to be designed to a high standard, avoid unacceptable impacts on amenity, and to protect existing public and residential amenity, particularly with regard to amongst other matters noise and disturbance.

The policies of the North Essex Authorities’ Shared Strategic Section 1 Plan (Adopted February 2021) are relevant where applicable. In respect of this particular application, Policy SP1 “Presumption in Favour of Sustainable Development” within this plan is considered to be most relevant.

Section 2 of the Colchester Plan is currently being examined by Inspectors appointed by the (newly called) Secretary of State for Levelling Up, Housing and

Communities. In terms of progress, following examination session, Colchester are proposing Main Modifications, however their consultation on these is currently on-going (4 October to 15 November 2021). Whilst Section 2 of the Plan progressing, as neither have yet been found sound, it is not considered that full weight can be given to these policies. That said, given the stage of this Plan, it is considered that reference, as appropriate, can be made to policies which are of relevance.

Section Two Colchester Local Plan – Publication Draft (2021)

ENV5 – Pollution and contaminated land, that supports proposals provided, inter-alia, they do not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to the potential of air pollution, noise nuisance, surface / ground water sources or land pollution.

DM15 – Design and amenity that states, inter-alia that development proposals must demonstrate that they, and any ancillary activities associated with them, will protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;

The Revised National Planning Policy Framework (NPPF) was revised in 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).

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be considered 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).

Sustainable development is at the heart of the NPPF which sets as its beacon the Brundtland definition (United Nations General Assembly quote prior to Paragraph 6). The Government's "broad" interpretation has the NPPF setting the scene for placing sustainable development at the heart of the planning system with three principally dimensions; that of economic, social and environmental. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- i. Seek to secure high-quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- ii. Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- iii. Contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouse gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

National Planning Policy for Waste (NPPW)

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is "the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through: delivery of sustainable development and resource efficiency"

The NPPW sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

“undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management,.....;

- drive waste management up the waste hierarchy recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;
- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;
- take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;
- work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;
- consider the extent to which the capacity of existing operational facilities would satisfy any identified need”.

For the determination of planning applications the policy statement requires waste planning authorities to amongst other matters

- “consider the likely impact on the local environment and on amenity against the criteria set out in and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced

Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018.

This guidance strategy is primarily focussed on “preserving the stock of material resources through waste minimisation, promotion resource efficiency and moving towards a circular economy. The strategy blueprint is to eliminate plastic waste over the lifetime of the Governments 25 Year Environment Plan.

The strategy sets out steps to promote the market for recycled plastic via the tax system. It recognises and seeks improvements in the raising of recycling quality and quantity standards and investment in the domestic recycling materials market.

The Strategy seeks to preserve the stock of natural resources through waste minimisation, promoting resource efficiency and moving towards a circular economy. The strategic blueprint is to eliminate avoidable plastic waste over the life time of the Government's 25 year Environment Plan.

The strategy seeks to promote the recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem. Within the strategy it acknowledges that valuable recyclate is lost to landfill/incineration and there is thus a need to preserve our stock of natural capital.

4. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL: *“Objects to the application and agrees with the concerns raised by the Parish Council, as attached below. Further CBC comments may follow dependent upon consultee responses”.*

WEST BERGOLT PARISH COUNCIL: *“West Bergholt Parish Council would support Wormingford Parish Council wholeheartedly in their objection in respect that the earlier operating hours will impact on West Bergholt. When granted planning permission previously, the Council believed it was on the understanding that there would be no additional applications for earlier times or increased HGV movements”.*

WORMINGFORD PARISH COUNCIL: *“Wormingford Parish Council discussed this application at their meeting on the 11th February 2021. It was the Council's view that there is no material difference between this application and the one rejected by ECC last year. Consequently our response remains very much the same as our response in 2020 and would ask that this application is rejected. Wormingford is situated in a rural location in North Essex on the border with Suffolk, parts of our village are within the boundaries of the Dedham Vale AONB. Over the last ten years residents have witnessed a significant reduction of amenity due to the increasing industrialisation of our small community. We have seen the arrival of a crisp manufacture with its associated odours and vehicle movements. We have experienced the development of a large gas generating bio-digestion plant processing maize, rye and grass to produce gas which is fed into the national grid. This again generates a very substantial number of vehicle movements at the various harvest times throughout the summer. We have Colchester Skip Hire (CSH), a business processing and recycling waste; a commendable activity in today's environment but one which again generates many vehicle movements, produces noise, light pollution and odours. Against the above background Wormingford Parish Council wishes to express it's concerns that any change to CSH's working or transport operating hours, which extend the existing operating times will have a significant impact on the amenity of the residents living nearby or residing close to routes used by CSH's often noisy, clanking vehicles!*

Operating vehicles from 05.30 will result in greater disturbance for residents living in the vicinity as staff will invariably arrive prior to opening times. This would cause harm to the rural character of the locality and harm to local amenity from unacceptable noise emissions and artificial light pollution. This problem is not confined to the residents in the immediate vicinity and will impact on those villages such as Fordham and West Bergholt which are along the routes used by staff coming to work. It is also our belief that once CSH's gates have opened in the morning that other vehicles not owned by the Company will be able to access the site to deliver or collect without restriction which potentially will add to the levels of early morning disturbance.

In addition to noise problems associated with vehicles and recycling processes which are experienced by nearby residents there is a light pollution issue; complaints have been made about lights being left on continuously over weekends. This is most unsatisfactory and is in breach of existing restrictions. This is just one example of how existing regulations are abused.

The last planning application sought to try and relocate the car parking closer to the boundary reducing the existing landscaping; this proposal seeks yet again to further erode the existing boundary landscaping and therefore reducing the buffer to the surrounding area making the site more visible, which is unacceptable.

Also by relocating the car parking this removes the existing swale and would harm the existing ecology within the area at the expense of further hardstanding to accommodate car parking. The loss of a natural filtering swale and conversion to a pipe culvert is not in keeping with current ECC SUDs recommendations. As such both of these items are in our opinion unacceptable.

Wormingford Parish Council is very concerned by the continual pressure being exerted by local businesses including CSH to increase their operating hours. This would not be an issue if these businesses were situated in an appropriate business park served by a decent road infrastructure. However this is not the case in their current rural location and any further expansion comes at a considerable cost for the residents of Wormingford and nearby villages. In our opinion this is an unacceptable price to be paid and we seek your support by asking you to reject this application”.

Following the revised details: “Wormingford Parish Council’s view has not changed since the comments made on the 12th February 2021 despite the additional documents. Extending working hours will be detrimental to residents and sets a precedence going forward. We would ask that Essex County Council reject this application in order to protect the amenity to residents and neighbouring villages”.

FORDHAM PARISH COUNCIL: “Although this application falls within the bailiwick of Wormingford Parish Council it nevertheless has a negative impact on our village and its resident population, therefore Fordham Parish Council consider it necessary that the views of our Parish are also taken into the decision making process.

We concur with the opinions /views proffered by our adjoining Wormingford Parish Council, that the noise/disturbance that will be created by this proposed earlier business working hours will impact on the residents as the vehicles traverse the already severely damaged Roads through Fordham Village.

The existing times as they stand should not be changed for the benefit of CHS and the detriment of the residents of Fordham Village therefore Fordham Parish Council object to this planning application”.

Following the revised information the Parish commented: *“Fordham's main issues are damage to the roads/ speeding/ volume /noise of traffic through the village at all times of the day which CSH and Fairfields Farm are both contributors.*

There are no further comments from Fordham at this time. The comments still stand in that they do not support the amendment the operating hours and that what is in place already has a negative impact on the village”.

COUNTY COUNCIL’S LIGHTING CONSULTANT – *“We are therefore unable to support this application at the present time. We would require the applicant submits additional information highlighted above and which demonstrates, in accordance with the National Planning Policy Framework, that the proposals limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

COUNTY COUNCIL’S NOISE CONSULTANT (CNC) : *“The noise assessment undertaken to support this application has not included the full time period for where the applicant is seeking changes to the number of movements. This period (i.e. from 05:30 to 05:45) is considered essential to support the application. In addition, it cannot be confirmed that the proposals can comply with the existing planning noise limits detailed by Condition 12 of ESS/09/18/COL for the early morning period.*

We are therefore unable to support this application at the present and we require the applicant to submit further details to sufficiently cover the period where changes are sought. Furthermore, compliance with the existing planning conditions should also be demonstrated”.

ENVIRONMENT AGENCY (EA): Any comments received will be reported at the meeting.

HIGHWAY AUTHORITY – No objection.

PLACE SERVICES (ARBORICULTURE): Support subject to conditions to address any additional car parking and landscaping measures.

PLACE SERVICES (ECOLOGY) Commented “We have reviewed the letter from Hybrid Ecology Ltd, dated 25th January 2021, entitled Preliminary Ecological Appraisal update and Bat Survey – Application: ESS/04/20/COL, relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation, and the Lighting Assessment (Create Consulting Engineers Group, October 2020).

Before setting out a final view, we seek further clarification on a number of issues, as set out below.

The ecologist visited the site visited the site in August 2020. The Bat Survey advises that Bats already using the site may be slightly affected in April and from 9 h August to the end of the active season in October, which is approximately half of the active season. However, the only bat species seen on the Bat Survey to be

using the site were those that can tolerate such lighting.

This is probably to be expected, given that there is already some flood lighting on the site all night. It is noted that lorries started arriving at approximately 5am on the morning of the bat survey, when it is understood that the current permission is for no earlier than 6am (ESS/09/18/COL, Condition11).

We seek clarification on the continuous floodlighting being on all night as it is understood that this should not currently be occurring. Light sensors should be used instead. We also seek clarification as to why lorries are already using the site at 5am.

Notwithstanding the above, the proposals can be made acceptable, providing that the above issues can be resolved and it can be clarified that only the lighting currently permitted is being used and there is no continuous lighting”.

PLACE SERVICES (HISTORIC BUILDINGS) – No objection

PLACE SERVICES (HISTORIC ENVIRONMENT) – No objection

PLACE SERVICES (LANDSCAPE): Objection. The Landscape Officer has commented that *“The proposed amendments to the permitted access hours and numbers of HGVs serving the waste recycling site will have an impact on the local rural environment in terms of tranquillity, lighting, noise, vehicle movements. There will be a consequent adverse impact on landscape character and residential amenity.*

The extension of the car park on the east boundary of the site has resulted in parked vehicles being placed close to the boundary hedge removing the landscape buffer. Both the car park and site vehicle movements are more prominent in views from the eastern approach to the site.

There are outstanding aspects relating to the slow progress on implementation of the approved landscape scheme and its subsequent management which does result in concerns relating to the effectiveness of the planting to reduce the prominence and impact of the facility on the rural environment. Whilst this matter is in hand it does highlight the need to ensure that other activities, which will result in further incremental impacts, continue to be carefully controlled. There is a need to ensure that the operational does not create further adverse impacts on the character of the local environment”.

PLACE SERVICES (URBAN DESIGN): - No objection

LOCAL MEMBER – COLCHESTER – CONSTABLE:- Any comments received will be reported at the meeting.

The determination process of this application overlapped with a council local election process. The Former Local Member responded on this application stating: “I support everything that the two parish councils say about this application. No change should be made in the hours that this business is able to function”.

REPRESENTATIONS

5.

Site, press (Essex County Standard) and neighbour notification (22 properties) was undertaken and as a result 8 representees have made representations concerning the original and re-consultation process.

The representations relate to, in summary:

Observation

Comment

1. For vehicles to leave at 5.30am the site needs to be illuminated at or shortly before 5.00am causing light nuisance to residential properties. This will be particularly bad in Winter when the area is very dark. No other business in the vicinity start this early and the rural roads are unlit meaning CSH will light up a dark location.

Noted and addressed where relevant in appraisal

2. Staff vehicles will be arriving at this time and there is already a great deal of noise associated with the vehicles leaving in the morning including idling of engines, compressors to pump up tyres, slamming of doors and reversing beeps. Bringing forwards the vehicle operations will make the nuisance even worse during a time when it is reasonable for residential occupants to expect the area to be quiet.

3. As for Good Friday CSH are now moving towards turning this into a normal operating day. This might now be the norm for retail units but surely not for waste operation adjacent to residential properties.

4. They should be confined by the fact that they have chosen to operate directly next to residential properties.

For vehicles to leave at 5.30am the site needs to be illuminated at or shortly before 5.00am!

My wife and I would like to object to this application for the following reasons: 1.

Noted and addressed where relevant in appraisal

A very similar application by CSH was recently refused. We do not see that anything has changed to affect the previous refusal. 2. This application would reduce our amenity even further. 3. 4 of the 5 nearest building to us are residential. This is NOT an industrial area. Starting vehicle movements at 5.30am is not appropriate for a primarily residential area. 4. For vehicles to leave at 5.30am staff would need to arrive on site much earlier generating noise and light during a period which should be quiet according to the statutory nuisance statements within the Government's website. 5. This application would mean noise and light pollution even earlier in the day for 6 days of the week only providing respite on Sundays.

I wish to object in the strongest terms to the application for change of hours. We are already greeted at a few minutes past 7am with the clanking of the chains on the skip lorries (all without dampers), the shaking of the house and the empty trailers towed behind making a dreadful noise as they pass over the bumps. The noise starts as they enter Fordham and lasts until they reach the river at the bottom of Mill Road. When Skip Hire was originally allowed to operate, it was on the basis that the lorries turned right out of the yard onto the B1508. I am not suggesting people on that road should suffer, but it shows how the conditions have been manipulated by Skip Hire. With Fairfield about to begin their hundreds of movements a day to plant potatoes and deal with the digester waste, life will be unbearable if any extension to hours at all is permitted. This is a minor road and Skip Hire is in totally the wrong place. Huge lorries come past before 7am to remove waste from Skip Hire's site - how is this permissible

Noted and addressed where relevant in appraisal

I have read through the new noise report that covers the site and adjoining farm but does not address the roads

Noted and addressed where relevant in appraisal

from A12 to the site. Already vehicles from CSH are using Church Road before 7am - impossible if they turn right out of the yard. Sleeping in the morning is impossible, the fumes and noise caused by CSH vehicles mean that we cannot have windows open even in this heat. Residents in Plummers Road Moat Road and Church Road are ignored once again. The skip lorries do not use dampers on the chains, the empty containers make a dreadful noise on the bumpy roads. To permit earlier starting times without enforcing the present ones would show how little regard ECC Councillors and Officers have for residents.

Further to the above application I am writing to report that Colchester Skip Hire are breaching their existing commencement times. The most recent breach was this morning 17th May 2021 when the lorry passed through Church Road Fordham at 6.50am. Clearly, any relaxation of the conditions should be refused bearing in mind the failure to observe existing conditions. The enormous waste lorries that remove the sorted waste are also travelling through the village before 7am. I have already lodged an objection but felt that the above up-to-date information was germane to your considerations.

As a resident of the village of Fordham my wife and I wish to object to any variations of the operating hours Colchester Skip Hire are permitted to operate. The present situation is bad enough with their lorries thundering past our house from 07:00 and with the chains on their wagons crashing into the sides of the skips as they drive past; there is never a chance of sleeping through the noise. The thought of them starting any earlier, as they are requesting, goes beyond what any reasonable person would consider acceptable. I understand that

Noted and addressed where relevant in appraisal

Noted and addressed where relevant in appraisal

Wormingford Parish Council have also logged an objection and I would like to endorse their concerns from their neighbouring village.

Once again our lovely village of Fordham is being blighted by ongoing increases to traffic, noise and traffic safety issues by these types of companies operating in the area. I moved to this lovely village 5 yrs ago to get away from all this only to find it is now increasing in this location too. When is the councils going to stand up to these actions and not allow them to be approved. As a member of the Fordham Speedwatch I speak with experience that this is only going to increase the movement of traffic through the village and increase the safety issues on the main road. Totally object to this or any other application of this nature!

Noted and addressed where relevant in appraisal

How many time do we have the complain about these activities in our lovely village we already have speeding issues through the main road and the continuous noise of traffic which during the summer months is really intense and with windows open it is really stressfully noisy. This new activity of HGV's is only going to intensify the situation and why do they need to work on Bank Holidays please take note on the residential requests and stop this application!

CSH will not be happy until every resident of Eight Ash Green, Fordham Heath, Fordham, West Bergholt and Wormingford have upped sticks and moved because they simply cannot tolerate more and more and more movements from CSH lorries, and earlier and earlier. They are simply a blight on the afore mentioned villages. I am sure given time, they will ask to operate EVERY DAY of the year 24 hours a day. Of course it would help if CHS lorries actually obeyed the speed limits through the villages as they certainly don't during the early operating

Noted and addressed where relevant in appraisal

hours. We only get Saturday afternoons and SUNDAYS off from these lorries. Allowing this application will only fuel FAIRFIELD FARM, also located in Wormingford to ask to increase their hours etc... too. The afore mentioned villages' roads are suffering and need constant repair by ECC due to the lorries weight, the verges are being destroyed and it is nothing unusual for 2 of these lorries to meet on the local roads and have to mount the pavement to pass each other. They also fail to put any kind of silencing equipment on the chains etc of the lorries so you also hear them before they thunder past in the metal. Please do not allow this application and give the residents of the villages they blight a break.

The area surrounding the recycling plant is a rural, largely non-industrial area characterized by a number of listed buildings worthy of protection. The residential amenities in this area must be protected. We urge Council planning officers and elected representatives to retain the restrictions on vehicle movement in the early mornings on bank holidays, which mean that residents are able to get some rest and enjoy their right to peace and quiet. This is otherwise in very short supply given the significant disruption that the plant and vehicle movements cause to local residents. We are not asking for anything beyond what is reasonable - and that's that vehicle movements between 5:30 and 7am (the very early hours of the day) continue to be restricted.

Noted and addressed where relevant in appraisal

To increase even more traffic would be a terrible intrusion on Village life. Already Colchester skip hire are scaling up with one vehicle plus a second trailer the same size as the vehicle towing it. The noise these vehicles make is intolerable, our village roads are not big enough to take the existing skips to allow any increase in hours / earlier

Noted and addressed where relevant in appraisal

starts. Both Fairfields Crisp factory and Colchester skip hire are scaling up it is time the council put a stop to this activity. It is time to put public well being over commercial gain! Please reject this application.

I'm a little confused at the way planning permission is sought, this is the third or fourth iteration of this application and we have replied each time with an objection. I'm not sure if the aim is to gradually wear down the house owners in this residential area, so the planning goes through by default. I have seen on the website that the previous planning was granted - although i don't believe we were ever notified, even though there were strenuous and valid objections from numerous parties. The objections remain the same, noise, smell and dust. This is a residential area, one of the few times we get much needed time off is a bank holiday, having 10 tonne+ trucks thundering around at 5:30am is not acceptable. Residents don't mow their lawns before 9am on weekends/bank holidays out of consideration, but HGVs moving, and beeping when reversing, don't have the same consideration. At what point does this stop? At what point do you decide that having floodlights on, to light the area, for the trucks to move around is acceptable? At what point, does 24 hour working, with containers being moved and banging and crashing into each other become acceptable? At what point does the increase in large, heavy and wide traffic moving along narrow country lanes become too much of a danger to cyclists, walkers and motorists enjoying the Essex countryside become too much? There needs to be very serious consideration of the impact to the environment and the residents of the increase suggested and where this is inexorably leading.

Noted and addressed where relevant in appraisal

6. APPRAISAL

This present application seeks to address the grounds for refusal for the last application seeking the early morning time extension, ESS/04/20/COL. The background to the refusal reasons was the appraisal section of the previous report and this section is set out in Appendix A.

It is considered that the previous appraisal headings are again relevant to this application and it is pertinent that an assessment is now made as to whether this application now addresses those previous comments.

The principal issues in respect of this proposal are:

- A. Appropriate location for future expansion of activities and policy guidance.
- B. Environmental aspects –Noise
- C. Lighting/Ecology
- D. Traffic

A APPROPRIATE LOCATION FOR FUTURE EXPANSION OF ACTIVITIES AND POLICY GUIDANCE.

The business has been in operation for a number of years and as previously reported has become a successful enterprise.

The Waste Management Plan for England recognises the need for positive planning and the role waste management has as an integral element in today's society and for ensuring that all realms of society go hand in hand.

However, the National Planning Policy Framework para 185 has as previously reported "requires that new development needs to be appropriate to its location and takes account of "the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

Likewise, the NPPW whilst seeking to support the waste management programme balances this "without endangering human health and without harming the environment". For waste planning authorities in determining waste related applications that consideration is given to the "impact on the local environment and on amenity against the criteria set out in [within this criteria list is that of noise, light and vibration arisings including that of HGV movements] as well as ensuring that waste management proposals are "well-designed, so that they contribute positively to the character and quality of the area in which they are located."

It was against such guidance advice that the previous application was assessed and that the issues of noise; lighting/ecology and the traffic element was considered to tip that balance against the application.

The physical attributes of the waste management facility have not changed since the last applications refusal and on that basis this present application would again on the face of it be considered an unwarranted expansion/intensity of business in this location. The nature of the local environment has been referenced previously concerning the degree of its rurality.

As reported at the time of the earlier application: *“This present proposal is considered to be a significant change from the previous applications by introducing an element of expansion, in terms of the extended time period now being sought, of waste management activities within a rural setting. Such introduction would not protect nor enhance the amenity of the locality nor safeguard the quality of life of sensitive receptors.*

Whilst the applicant may not be seeking a physical “switching on” of the main recycling activities before the official site operating times; the arrival and preparation activities of site personnel associated with the HGV transport would introduce consequential noise, lighting and traffic implications. These aspects are set out further below.

Extending the time period of the “operational day” would further contribute to the feeling of creeping development and “rural dilution” by the community. The Inspector at the earlier public inquiry set the scene for this waste management facilities presence in its current form by considered the location as being suitable for waste management purposes.

Both the Inspector and the more recent committee report for the new building noted that the locality was predominantly rural. The committee report for the new building in its support for that proposal noted that previous determinations of planning applications in respect of this facility, i.e. the wood processing etc where themselves not introducing either throughput increases nor additional HGV movements.

This present application does prejudice that earlier support. This early morning additional activity would represent an unacceptable and noticeable dilution to a rural location at the expense of the community. This waste management facility now with the new building approved could be considered to have reached its natural growth state and further expansion, whether physical build or intensity, through increasing operation periods and movement numbers is not appropriate to this location.

The revisions made through this planning application are not considered such as to overcome the principal concern that this is not the location for seeking expansion and therefore in terms of the site being an appropriate location the proposals are not considered to be appropriate; represent an intensity of use and to conflict with Policy 10; DP1; Policy SP1 and emerging policies ENV5 and DM15 and not to be an appropriate setting nor contributing to sustainable development in the light of the NPPF and NPPW.

B NOISE

The previous application seeking the early morning movements was considered by the CNC as objectionable unless *“the applicant submits a noise assessment which demonstrates, in accordance with the National Planning Policy Framework and Noise Policy Statement for England that the proposals will have no significant adverse impacts on health and quality of life for local residents and that any adverse impacts on health and quality of life are mitigated and minimised. Furthermore, compliance with the existing planning conditions should also be demonstrated”*.

As part of this new application the applicant has undertaken a new noise assessment and this was further partially amended to accommodate some but not all of the CNC's comments which remain unanswered as reported earlier in this report. The CNC essentially raised comment that there remains insufficient information as to the full time period for where the applicant is seeking changes to the number of movements. *“This period (i.e. from 05:30 to 05:45) is considered essential to support the application. In addition, it cannot be confirmed that the proposals can comply with the existing planning noise limits detailed by Condition 12 of ESS/09/18/COL for the early morning period.*

We are therefore unable to support this application at the present and we require the applicant to submit further details to sufficiently cover the period where changes are sought. Furthermore, compliance with the existing planning conditions should also be demonstrated”

It is the disturbance that the local representations have again, as with the earlier application, referenced with their experience from engine noise, clanking of chains etc. The Planning Inspector at the time of the earlier appeal recognised that whilst the waste management facility location may not have been ideal, the benefits of that facility outweighed the harm. In noise terms the Planning Inspector's conditions were imposed and set the baseline for ensuring control for the undertaking of the business activities to operate alongside the adjoining neighbours.

It is important to note that the Planning Inspector when considering the original site proposed noise control conditions to secure the amenity of the local area. The Planning Inspector's consideration of the business activities was not one to which there was going to be a total absence of environmental emissions but a recognition that for the applicants then proposals that noise, did occur but on balance could be out weighted by the benefits.

Throughout the determination of this application the opportunity has been taken to seek a balance between the business request and that of ensuring the integrity of the local amenity and local residents reasonable expectations.

From a purely technical aspect the CNC has not been able to fully assess the early morning noise levels and so give advice either way.

As the application has progressed one of the areas looked at from a Planning Officers perspective, has been whether an earlier practice undertaken by the applicant during earlier Easter Bank Holiday periods could be utilised as a potential way forward were an early morning extension period considered supportable. The applicant has on previous Easter Bank Holiday periods pre positioned, the night before, dustcarts along the internal haul road on the sites eastern side. This operation has been completed successfully and has not knowingly elicited local residents concerns. The applicant had submitted on their Landscaping Plan as part of the present application package an annotation to show the location of such pre positioning. For note this plans annotation of the pre positioning had text "HGV parking between 0500 – 0630 for associated with ESS/11/21/COL".

Whilst appreciative of local representations connected with the past experience of noise generation, the pre positioning process had some merit during previous Bank Holiday periods albeit, what is being proposed now in terms of HGV movements is for even earlier start times than the Easter periods.

The previous pre positioning control had attempted to ensure movement activities away from the more "sensitive" areas of the business in relation to adjoining receptors. It was considered from a purely planning perspective, and it should be noted that which the CNC had noted the proposed practice of pre positioning this had not been technically assessed by the CNC.

Questions have remained as to the ability of the applicant to adhere to such a pre positioning plan during the longer term. Concerns have continued to be received from local residents about early morning activities at the site and after the exploring of the Pre Positioning idea arose. The most recent local comments have highlighted not only a continuation of early morning disruption but that such activities are allegedly occurring even earlier than what the present application is seeking. The local resident comments identify activities of vehicles entering/leaving site at 05:20. These recent local residents comments have, to date, not been answered by the applicant. In any event, substantiated or not, the applicants own Ecology consultant themselves in their bat survey report in support of this present application noted that "*The data indicate that bats using the site are tolerant of levels of lighting and disturbance, since lorries began arriving at approximately 5am when the survey was being carried out*".

That such early morning activities are continuing, what trust in the applicant to even abide by what they have formally requested is questionable when such infringements occur at earlier time periods.

Even were approval to be forthcoming, these additional and even earlier pushing of the operating periods raises questions as to the applicants ability/willingness to abide by the extant planning conditions let alone any relaxation being proposed.

On balance the applicants inability to abide by the existing conditions does not give the confidence that any relaxation of operating hours would remain but that pushing of the boundaries would, and apparently, does already take place. Amenity protection is weakened and the safeguards put in place by planning control further eroded.

The applicant's agent has in correspondence questioned, with reference to another waste management business, that other similar businesses do not have restrictions of operating hours placed on them.

Operating hours have been placed in Planning terms, whether by the Planning Inspectorate or Waste Planning Authority at this location for specific reasons; protection of the local amenity. The example given by the agent relates to a waste Management facility located within a large busy industrial estate in an urban setting of Maldon. Similarities between the application land and the aforementioned site are clearly different.

From an appropriateness point of view the proposals are therefore considered contrary to Policies WLP 10; 12; DP1 and policies SP1 ; emerging policies ENV5 and DM15 the NPPF and NPPW.

C LIGHTING

At the time of the previous report the impact of lighting was addressed with "This location being in the countryside also exhibits very little lighting pollution. The existing site has in place a lighting scheme comprising outside security lighting fixed to the waste management buildings. This lighting has generated in the past concerns expressed from adjoining residents concerning the glare/lighting times impacting their amenities. Whilst such concerns appear now to have stopped, the Waste Planning Authority are aware that local residents have in the past not always notified the relevant Regulatory body when issues have occurred; and so necessitated a review of such factors as the installed lighting coverage/operating times. The provision of the lighting at the facility, whilst it may not be appearing to spill outside of the site boundary, it is noticeable in the low light environment to local residents and from the public highway/footpaths.

To neighbours this lighting is on their boundary and visible. Introducing even earlier timings for activities within the facility would necessitate lighting to aid safe access and movement around the site. This introduces, along with the general noise and associated movements of personnel, the lighting up of the facility at the expense of the peace and tranquillity and further light disturbance to local resident amenity".

The report also noted the concerns by the County Ecologist over the "unquantified impact on wildlife interests such as bats and other nocturnal animals". The applicant has undertaken assessments of the bat use of the area and this has been reported earlier in this report. The County Ecologist has

In terms of the present application the CLC has commented that "*The additional lighting assessment submitted has been reviewed considering the impact on the sensitive receptors around the site if operations begin at 5.30am and new permanent lighting added.*

Section 2.14 with the lighting assessment has recommendations:

- *All lighting is to be aimed at its intended target, being aimed downward and away from neighbouring properties and identified habitat or commuting*

routes which is likely to include: trees, hedgerows, rivers, ponds and bat / bird flight zones.

- *Where possible, full cut-off luminaries will be used and it is expected that shields, hoods, cowls, baffles or louvres will be employed to aid in further control of new lighting near sensitive areas to limit upward light or direct views of light sources.*
- *New permanent or temporary lighting in locations near sensitive ecological receptors should limit output in the blue/ultraviolet range to avoid a change to insect behaviours.*

Please outline where these mitigation measures will be employed as it is unclear on the lighting plan. High levels of light onto the eastern hedgerow and some of the southern hedgerow would suggest that mitigation measures are required. Section 2.17 mentions new permanent lighting. Please highlight on the lighting design which lighting is new and which is existing. Please calculate the spill light with a maintenance factor of 1.

Section 2.21 mentions lighting controls, dimming and switching off. Please specify what lighting will be controlled and provide a drawing including new and existing lighting that will remain operational during the hours of darkness, the times the lighting will revert to night time levels and what lighting will be switched off. Also please outline if all lighting will be switched on at 5.30am.

Please outline what the upward light ratio is. The lighting assessment indicated full cut-off lanterns (section 2.14, and 4.26) will be used, but with a tilt shown on the lighting design of 15 degrees this is not a cut-off lantern. Upward light pollution in a E2 is limited to 2.5% as outlined in your report section 3.24 with lanterns tilted at 15% this would be impossible to achieve.

We are therefore unable to support this application at the present time. We would require the applicant submits additional information highlighted above and which demonstrates, in accordance with the National Planning Policy Framework, that the proposals limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Notwithstanding the CLC comments related to this application; it should be noted that there is an extant condition within the permission for the new building, Condition 7, that requires a scheme of lighting should additional lighting to that already approved, being submitted for consideration.

Early morning lighting has been referenced in the applicants ecological bat survey work and so it is known that elements of the applicants land is lit from early hours.

It is apparent and without the further confirmation from the applicant on the lighting aspects, that whilst lighting may therefore be on before the planned times; that it does little to reduce the visual presence of the applicants business within the local environment and further supports the County Landscape Officers where she has referred to the “*impact on the local rural environment in terms of tranquillity, lighting, noise, vehicle movements. There will be a consequent adverse impact on landscape character and residential amenity*” as a consequence of the proposal.

The applicants revised proposals set out in this application does little to reduce that visual presence and degradation of amenity contrary to Policies 10; 12; DP1; Policies SP1; emerging polices ENV5 and DM15 the NPPF and NPPW.

TRAFFIC

This application as with the earlier application, has not been one specifically raising concern over traffic generation levels in respect of highway capacity limitations.

The previous report on the traffic element remains valid to all extent and is not changed by this application. Local representations have referred to the impact arising from traffic related aspects.

Vehicles on the public highway, of whatever description, are not usually a controllable feature under planning. The state and maintenance of roads, as does driver behaviour, varies. In particular vehicles, particularly HGV's have a tendency to vibrate and with clanging chains or "bodyslap" this is audible as they pass over uneven road surfaces. These effects can be more pronounced when heard during tranquil hours and is more a result of road conditions as opposed to actual vehicle noise itself. However, that is not said to diminish an effect that does cause disturbance.

The applicant has in support of the application confirmed that the early morning extension is to enable flexibility for use of dustcarts and not the skip vehicles. They have also confirmed, and set out in the third party representations section below that a reason for the earlier operating hours would *"assist with reducing congestion in town centres and other urban locations by virtue that they HGVs gain access to these areas outside high traffic commuter periods. It would also allow unloading of HGVs from 07:30am onwards giving a greater period throughout the day for recycling as the plant can operate at lower speeds aiding with recovery of waste"*. On the one hand earlier start to benefit the applicant yet at the expense of residential amenity at the source site; earlier visits at the collection point and potentially more traffic movements as vehicles would have a longer day to do more trips.

This revised application does little to address other concerns including conveying of HGV's from the facility and that these practices continue even under the existing arrangements to cause disturbance to both adjoining residents and communities.

As previously referenced in the last report, no consideration has been proposed in addressing visiting third party HGV traffic before the 07:30 site operating times and this omission reflects the applicants further disregard to the planning permission conditions already in place. It is not considered that the applicant can suitably control such visiting traffic which further exacerbates the disturbance the local community are having to face from having a waste management facility open at such later night/early morning periods.

Traffic implications are therefore considered contrary to Policies 10; 12; DP1; policy SP1, emerging polices ENV5 and DM15; the NPPF and NPPW.

ECOLOGY

In terms of the ecological implications for early morning start-ups, there had been concern expressed by the County Ecologist at the time of the previous application around the artificial light pollution, as well as insufficient information to demonstrate that there would not be harm to nocturnal wildlife.

The applicant has engaged an Ecologist and their report notes that “The data indicate that bats using the site are tolerant of levels of lighting and disturbance, since lorries began arriving at approximately 5am when the survey was being carried out”.

In terms of the survey referred to this included two site visits 11th and 27th August 2021 although it is not clear which date the early morning traffic was noted on.

Bat surveys were undertaken and following a bat transect survey carried out on 27th August 2020 the results show that floodlighting appears to have been at various points across the site from when the survey began at 04:36. The applicants Ecologist also noting that “*Floodlights are on continuously between dusk and dawn, and illuminate the entrance, access road and road to the south of the recycling facility*”.

The County Ecologist has reviewed the applications supporting letter from Hybrid Ecology Ltd, dated 25th January 2021, entitled Preliminary Ecological Appraisal update and Bat Survey – Application: ESS/04/20/COL as well as the Lighting Assessment (Create Consulting Engineers Group, October 2020).

The CEO noting that “*Before setting out a final view, we seek further clarification on a number of issues, as set out below. The ecologist visited the site visited the site in August 2020. The Bat Survey advises that Bats already using the site may be slightly affected in April and from 9 h August to the end of the active season in October, which is approximately half of the active season. However, the only bat species seen on the Bat Survey to be using the site were those that can tolerate such lighting. This is probably to be expected, given that there is already some flood lighting on the site all night. It is noted that lorries started arriving at approximately 5am on the morning of the bat survey, when it is understood that the current permission is for no earlier than 6am (ESS/09/18/COL, Condition11). We seek clarification on the continuous floodlighting being on all night as it is understood that this should not currently be occurring. Light sensors should be used instead. We also seek clarification as to why lorries are already using the site at 5am. Notwithstanding the above, the proposals can be made acceptable, providing that the above issues can be resolved and it can be clarified that only the lighting currently permitted is being used and there is no continuous lighting. In addition, we note that no details with respect to the lighting condition is required (condition 7 of ESS/09/18/COL) have yet been provided. How will those details dovetail with the lighting details supplied with the information for this application?*”

As with the lighting considerations referenced earlier the interaction of lighting and nocturnal wildlife does little to reduce potential impacts and continued degradation for wildlife interests contrary to Policies 10; 12; DP1; Policy SP1; the NPPF and NPPW.

Third Party Representations

The applicant's agent has commented upon the various third party representations and comments:

- *“Light Pollution – It has been stated that no other employment/industrial uses within the area have lighting on within morning periods - In the immediate vicinity to the site, bordering the boundary, are multiple existing employment areas, such as, Moto V Ducati, a motorbike repair shop, Atlas signs, a sign manufacturer, Flatmans Yard which is a poultry farm and Daddyoaker Timber a timber merchants. These neighbouring employment areas have no restrictions upon them relating to hours of operation, vehicular movements, or lighting of the site.*

Putting aside that neighbouring uses are allowed and do have lighting which is unrestricted, the Lighting Assessment submitted as part of the application demonstrates that lux levels in the immediate areas around the veteran tree, hedgerow and pond will be below level 3 with the lux level climbing to the east of the veteran tree and pond into the existing site away from 17 sensitive receptors to the west with Lux levels being no different to existing approved lighting. The assessment also highlights that using the methodology proposed that the Lux level at the nearest residential property (Rees Farm) would be Lux 0. 5.16 It is therefore held that there would be no impact upon amenity from light spillage which is further endorsed by the fact that the Lighting Assessment has used the E2 criteria and would not have taken into account the fact that the site is surrounded by bunding and fencing which stops lights from HGVs spilling outside the site. This coupled with existing tree and hedgerow planting already reduces light pollution from the proposal.

- *Noise – It has been stated that HGV's leaving early will cause harm through noise – As noted above, there are a number of existing employment areas within the immediate area that have no restrictions on noise emissions, hours of operation or HGV movements. The results from the noise survey undertaken by the applicant for this application clearly show that there is little difference in ambient noise between 0 and 10 HGVs movements. It also concludes that six movements in the half hour 05:30 to 06:00 would give a smaller increase in ambient noise levels than the 10 movements measured within a 15-minute period. The noise impact assessment for the proposed period between 05:30 and 06:00 would therefore be no worse than that from 06:00 to 06:15, as currently permitted. Notwithstanding the above, and to further avoid any potential impact on neighbouring occupiers, the applicant is proposing the HGVs that leave within the 05:30 – 06:00 time period be located within the east of their site adjacent to the office to ensure additional screening from the two waste transfer building as shown by the attached plan. It is important to note that the nearest noise sensitive receptors are located to the north west of the site, while it is proposed that HGV's will only be allowed to leave the site to the right, i.e. in the opposite direction of the residential properties which is as per the current permitted use.*
- *Vehicular Movements – It has been stated that HGVs are turning left out of the site and driving through villages before 7am – It should be noted that HGVs*

are already permitted between 06:00 and 07:00 although at a lower number of six with an increase in 4 movements being sought. The applicant has confirmed that all HGVs are required to turn right out of the site, they have a travel plan requiring this and all drivers are instructed to adhere to the travel plan. National and local planning policy acknowledges the need to reduce the amount of waste going to landfill through recycling and the proposal would provide an environmental benefit because it would assist with reducing congestion in town centres and other urban locations by virtue that they HGVs gain access to these areas outside high traffic commuter periods. It would also allow unloading of HGVs from 07:30am onwards giving a greater period throughout the day for recycling as the plant can operate at lower speeds aiding with recovery of waste.

It should also be noted that the vehicles being requested to leave early are the dust cart/compactor lorries and not vehicles holding skips which sometimes can be alleged to generate greater noise via chains rattling etc.

- *Competition and other Waste Management Operational Hours – It should be noted that other waste management companies throughout the county do not have restrictions on vehicle movement times, I have attached an example of this whereby condition 3 states ‘Operations authorised by this permission, excluding vehicle movements’ which again reduces congestion in town centres and other urban locations by virtue that the HGVs gain access to these areas outside high traffic commuter periods. The same would be for the applicant should planning permission be granted.*
- *Increase in operations - The proposal would not increase the amount or type of waste, the total number of vehicular movements currently permitted or the hours of operation for processing. The site is located within an existing permitted materials recycling facility where the use of such facilities within this location was deemed appropriate through the grant of previous planning applications.*

Having reviewed the representations, I am confident the details of this application have demonstrated appropriate mitigation against the potential impacts of the proposed development to adjacent residential properties and sensitive areas. The Statutory consultees have raised no objections to the proposal which fully accords with both local and national planning policies, which seek to encourage economic development and would have a positive impact on the environment”.

In terms of other operators not having operational hour restrictions, the example given by the agent is for a waste management company operating from an established large scale industrial estate in an urban area and not one resembling the locality of the application site.

The applicant’s responses are to the various third-party representations and are noted. They do little to change any consideration of the application and those comments as they relate to the lighting and noise aspects are not in themselves answers to the consultees outstanding questions reported elsewhere.

7. CONCLUSION

This application has, as with all planning applications, necessitated a balancing of issues. In this particular case it is whether, set against the previous reasons for refusal and the appraisals that informed that decision, the applicant has suitably addressed such matters and whether other material considerations are introduced.

The report has found that the locational aspects remain unaltered in so far as the business relates. The business has conditions imposed by the then Planning Inspector to enable it to operate within the confines of its juxtaposition to adjoining sensitive receptors.

The principal concern raised through the application has been the early morning time extension implications. Any time extension could be considered an “intensification” albeit the nature of that intensity varies. In this particular case the intention is to provide for the operator the ability to avoid higher traffic congestion at pick up points. The time extension does not seek any changes to the actual start up of the business premises proper, nor changes to the wider staff shift patterns.

Earlier benefit of uncongested roads however would be at the expense of communities around the site who are impacted by the start-up process.

Questions remain as to the noise generation impacting the sensitive receptors and no technical support has been given to alternatives which from a planning perspective only had been raised in this report. Irrespective of the merits of any alternatives, the continued breaching/pushing of early morning operating periods has raised the question as to whether any early morning relaxation would be adhered to or even be effectively enforced.

An early morning extension through the lighting and visual aspect further degrades the local amenity and for this particular location is not acceptable.

The previous grounds for refusal in respect of the earlier similar application have not been satisfactorily overcome and remain relevant and the proposal is, on balance, considered to be contrary to the policies in the development plan.

8. RECOMMENDED

That planning application ESS/11/21/COL be refused for the following reason:

The proposed early morning vehicle movements (between 05:30 – 06:00 hours) and associated activities (arriving site personnel and their preparatory activities in preparing the HGV's) would cause harm to the rural character of the locality and harm to local amenity from unacceptable noise emissions and artificial light pollution contrary to Policies 10 and 12 of the Essex Waste Local Plan (2017); Policy DP1 of the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014); Policy SP1 of the North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021), emerging policies ENV5 and DM15 of Section Two Colchester Publication Draft Local Plan (Oct 2021) and the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW).

BACKGROUND PAPERS

Consultation replies
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 61 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

Constable ED

APPROPRIATE LOCATION FOR FUTURE EXPANSION OF ACTIVITIES AND POLICY GUIDANCE.

At the time of determination of the recent application for the provision of the new building the Committee report considered under the “Appropriateness of the Development in this Location” appraisal section the setting of the business. It reported that:

“The current CSH facility, approved on appeal, has since developed into a successful business with an established market serving both business contracts through the “dust cart” collections as well as skip hire.

Throughout the history of this site, there has been concern expressed from the local community as to the suitability of siting such a business in this particular location. The implications of the siting aspect were issues considered at the earlier planning appeal and ultimately considered acceptable to the Planning Inspectorate when it granted approval for this permanent waste management facility. The subsequent growth of the business has taken place against that original scheme.

Subsequent decisions taken by the Waste Planning Authority concerning use of various parts of the site such as storage bays or wood processing has been set against the fact that such proposals have not in themselves sought to increase either site throughput or HGV movements.

A backdrop to some of the various development requests in the history of this site, post appeal, has been third party expressions that the facility has not abided by its original conditions and that the operators has sought to ignore the conditions and do what they please.....

..... there is no intention through this planning application to seek additional tonnage throughput, extend the normal site operating hours nor seek additional increases in HGV movements.

The planning system exists to support development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override.

A number of representees consider the facility to be inappropriate and set within a rural setting. Whilst this may be so, there is the permanent planning status attached to this development site as noted earlier. The facility does exist in a rural setting, however it is also acknowledged that nothing is permanent and the rural area is not immune from change and development. Two small established industrial estate footprints lie immediately to the west of the existing facility and these have been established prior to the current CSH facilities being developed. A former chicken factory is located to the north west whilst a large crisp manufacturing complex and associated anaerobic digester unit lie immediately west of Fordham Road at Fairfields Farm. Beyond the crisp plant lies a former airfield which is used for leisure flying.

Such other industrial/agricultural business initiatives in the locality sit alongside the agricultural landscape and tempers the “rural” feel that the local community feel for this area.

As with any development aspirations these have to be balanced, as in this particular case, the environmental aspects including the consequences of the “rural dilution feel”; that the facility has a permanent waste management facility status but also the policy implications that stand to guide development.

National planning policy guidance has at its heart the delivery of sustainable development and resource efficiency. For waste management, and to secure the nations waste ambitions, the driving of waste management up the waste hierarchy is a key aspect of contributing to the sustainability goals.

.....The Waste Management Plan for England sets out the principal commitment “towards moving beyond our current throwaway society to a ‘zero waste economy’ in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It means reducing the amount of waste we produce and ensuring that all material resources are fully valued – financially and environmentally – both during their productive life and at ‘end of life’ as waste. The benefits will be realised in a healthier natural environment and reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation – a truly sustainable economy”.

The national planning policy for waste sees positive planning as contributing to the nations waste ambitions through:

“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.....;

ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;

.....helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and - ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.

Seeking to achieve higher sustainability should not however come at the expense to the local environment through say a marked increase in tonnage throughput and/or additional HGV generation. Such implications could, in the case of this particular location, be considered detrimental to the local amenity and hence conflict with policy guidance.

The present application is seeking neither of the above aspects; more that of provision of a new building and rearranged car parking facilities. As such the proposal is not regarded as introducing additional “intensification” of development by way of tonnage increase/additional waste streams/operating hours or HGV increases”.

A number of those observations are pertinent to this present application. In policy terms the NPPF and NPPW set the basis for the planning system to support sustainable development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override. It is clear from the above comments and the policy guidance that this proposal introduces a conflicting social objective prejudicing the health/social wellbeing aspect of those communities adjacent to and within the locality of, this facility.

The NPPF in paragraph 180 requires that new development needs to be appropriate to its location and takes account of *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

Likewise, the NPPW whilst seeking to support the waste management programme balances this “without endangering human health and without harming the environment”. For waste planning authorities in determining waste related applications that consideration is given to the “impact on the local environment and on amenity against the criteria set out in Appendix B [within this criteria list is that of noise, light and vibration arisings including that of HGV movements] as well as ensuring that waste management proposals are “well-designed, so that they contribute positively to the character and quality of the area in which they are located.”

This present proposal is considered to be a significant change from the previous applications by introducing an element of expansion, in terms of the extended time period now being sought, of waste management activities within a rural setting. Such introduction would not protect nor enhance the amenity of the locality nor safeguard the quality of life of sensitive receptors.

Whilst the applicant may not be seeking a physical “switching on” of the main recycling activities before the official site operating times; the arrival and preparation activities of site personnel associated with the HGV transport would introduce consequential noise, lighting and traffic implications. These aspects are set out further below.

Extending the time period of the “operational day” would further contribute to the feeling of creeping development and “rural dilution” by the community. The Inspector at the earlier public inquiry set the scene for this waste management facilities presence in its current form by considered the location as being suitable for waste management purposes.

Both the Inspector and the more recent committee report for the new building noted that the locality was predominantly rural. The committee report for the new building in its support for that proposal noted that previous determinations of planning applications in respect of this

facility, i.e. the wood processing etc where themselves not introducing either throughput increases nor additional HGV movements.

This present application does prejudice that earlier support. This early morning additional activity would represent an unacceptable and noticeable dilution to a rural location at the expense of the community. This waste management facility now with the new building approved could be considered to have reached its natural growth state and further expansion, whether physical build or intensity, through increasing operation periods and movement numbers is not appropriate to this location.

In consequence of this assessment the proposals are not considered to be appropriate; represent an intensity of use and to conflict with Policy 10; DP1; the emerging Policy SP1 and not to be an appropriate setting nor contributing to sustainable development in the light of the NPPF and NPPW.

ENVIRONMENTAL ASPECTS –NOISE

This site has been subject to noise restriction conditions and periodic noise monitoring. The County Noise Consultants has recently considered noise related aspects at this site as part of the consideration of the recent planning application report for the new building (ESS/09/18/COL). The CNC at that time expressed concerns over the suitability of the extant noise limits imposed through appeal on the site. And whilst, in the context of the new building accepting the limits, the CNC expressed concern over their robustness for safeguarding amenities and that in a standalone application would be seeking consideration of proposals through more relevant noise assessment criteria.

The CNC in considering this present application has commented that *“The applicant has not submitted any baseline noise monitoring data in support of the application. It shall be noted that our consultation response of 16/09/19 regarding compliance monitoring submitted under ESS/13/11/COL/9/3 highlighted that compliance with noise limits set for the early morning 0600-0730hrs period has yet to be demonstrated and requested that the next monitoring visit includes this period.*

We are unaware of any baseline monitoring data characterising the noise levels experienced by nearby receptors covering the 0530-0730 hrs period. It is noted that the planning conditions imposed by the appeal (and replicated by subsequent permissions), for part of this time period, refer to exceedance of background and ambient noise levels, rather than set absolute noise limits.

The site is located in a predominantly rural area, and night-time noise levels (23:00 to 07:00 hours) are therefore expected to be low when compared with more urban areas. Local roads are not expected to be heavily trafficked. No information has been submitted regarding existing traffic flows on local roads during the early morning period.

A noise monitoring exercise conducted jointly between Jacobs and AAD in December 2017 included an afternoon period of approximately 45 mins when operations at the site ceased. At a location representative of Rees Farm, the background noise levels measured during this period ranged from 25-36dB $L_{A90\ 1min}$, and the ambient noise levels ranged from 29-50 dB $L_{Aeq\ 1\ min}$. It is acknowledged that early morning noise levels are likely to differ from these values; however, they do demonstrate that early morning noise levels in this area are

expected to be comparatively low.

Noise Assessment

The proposals have the potential to extend noise generating activities further into the night-time period by commencing prior to 0530hrs, and intensify activities during the consented 0600-0730 hours period.

With respect to the proposed increase from 6 movements to 10 movements during both the 0600-0700 and 0700-0730 hrs periods, it can be concluded that if all other factors remain unchanged an increase in site related HGV noise of over 2dB(A) would occur. However, compliance with the existing planning conditions, and an assessment of the full extent of any potential effect on ambient noise levels cannot be established without baseline noise measurement data for these time periods.

In the absence of any noise assessment information submitted by the applicant, we have undertaken our own indicative calculations to predict possible noise levels at Rees Farm and a residential bungalow situated approximately 800m east of the site on the B1508. This bungalow is located approximately 6m from the nearside carriageway edge.

Our calculations used a methodology based upon guidance presented by BS5228-1:2009+A1:2014, and consider noise emissions from HGV movements and engine running only. Two scenarios have been considered – a ‘worst case’ and ‘best case’. The assumptions used in each case are presented below:

- *Worst case:*
 - *Highest HGV noise emission level from BS5228-1:2009+A1:2014;*
 - *6 movements in 5 minutes (0530-0600hrs if all 6 movements occurred in 5 mins, all of which exit by turning right);*
 - *HGVs parked in north western area of the site;*
 - *Screening to Rees Farm provided by on-site structures assumed to be 10dB(A);*
 - *On-site HGV speed of 10kmph; and*
 - *Public highway HGV speed of 48kmph.*
- *Best case:*
 - *Lowest HGV noise emission level from BS5228-1:2009+A1:2014;*
 - *1 movement in 5 minutes (assumes 6 movements 0530-0600hrs spread evenly and all exit by turning right);*
 - *HGVs parked in area north east of weighbridge on the site;*
 - *Screening to Rees Farm provided by on-site structures assumed to be 15dB(A);*
 - *On-site HGV speed of 15kmph; and*
 - *Public highway HGV speed of 64kmph.*

Predicted noise levels from HGV movements only occurring within the site for Rees Farm range from 27 dB LAeq 5mins for the best case to 59dB LAeq 5mins for the worst case. Noise from a single HGV engine running could range from 36dB(A) under the best case to 62dB(A) under the worst case. It is considered likely that there will be periods when more than one HGV engine is running at a time. Noise levels would increase by 10dB(A) if 10 HGV engines ran simultaneously.

In the absence of early morning baseline data, reference has been made to the afternoon baseline data to generate indicative noise limits for Rees Farm in accordance with the existing planning conditions. These limits could perhaps range from 30-51dB(A). Whilst the best case predictions may comply with these possible noise limits, it is clear that the worst case predictions would exceed them.

Reference has also been made to absolute noise level guidelines taken from published guidance documents. It is acknowledged that the best case predicted noise levels are below relevant sleep disturbance thresholds from BS8233:2014 and the 1999 WHO Guidelines for Community Noise; however, the worst case predictions substantially exceed these criteria. Furthermore, additional noise would be generated by the other activities identified above.

Predicted noise levels at the bungalow from the proposed HGVs using the B1508 could range from 52 to 74 dB $L_{Aeq, 1hr}$. Noise from a single HGV engine running at the closest point to the bungalow could range from 79 to 89 dB(A). These noise levels are above relevant sleep disturbance criteria; however the full extent of any potential effect cannot be established in the absence of baseline traffic flow or noise measurement data.

Conclusion

It cannot be confirmed that the proposals can comply with the existing planning noise limits detailed by Condition 12 of ESS/09/18/COL for the early morning period. Furthermore, it has not been demonstrated that relevant sleep disturbance criteria would be met, nor that the proposals would not alter the existing baseline conditions.

We are therefore unable to support this application at the present time and recommend its refusal unless the applicant submits a noise assessment which demonstrates, in accordance with the National Planning Policy Framework and Noise Policy Statement for England that the proposals will have no significant adverse impacts on health and quality of life for local residents and that any adverse impacts on health and quality of life are mitigated and minimised. Furthermore, compliance with the existing planning conditions should also be demonstrated”.

A number of the aspects expressed the CNC are reflected in the received objections expressed by the third parties. The locality is in a rural setting, and whilst there are industrial style infrastructure in the locality as reported in the last report on ESS/09/18/COL these activities are not the ones beginning their transport activities at such early operating times as the applicants and furthermore not seeking even earlier operating movements as now being proposed.

The ambient noise levels at these early morning periods are low a reflection of the localities rural setting. Such disturbance being created and experienced by third parties is demonstratable of the impacts even earlier working times would introduce through both weekday and weekend periods. Third party concerns over the associated activities of site personnel arriving and preparing vehicles together with the engine warming up in the yard is a concerning issue. The experience of vehicles exiting, and accessing, the site as has been witnessed during the early morning monitoring visits.

It is considered that the ambient levels are low for this night time/early morning period and sensitivity of local residents has already picked up on the disturbance aspects arising from HGV activity both within and outside the site.

The Planning Inspector at the time of the earlier referred to public inquiry reported that “All of the area is very rural in character, and many parts have an evident sense of tranquillity”. Further saying “The appeal site is by no means an ideal site for waste management”. In balancing his considerations the Inspector concluded that “the benefits of the development would significantly and demonstrably outweigh the harm, and that planning permission should therefore be granted”. Such permission was granted with conditions related to noise generation; the sites operational times and HGV movements; the HGV implications are addressed further below.

In respect of noise; the reasoning behind the Inspectors noise condition was “The conditions that I have imposed requiring waste operations to be carried out inside the building, and relating to the hours of work, noise, sound insulation, and audible warning devices, are all necessary to prevent unacceptable impacts on neighbours”.

The CNC has expressed their objection earlier in this report and the low ambient noise levels pertaining to the locality representative of its rural locality.

No supporting noise assessment addressing either onsite or off site noise generation issues has been made. Notwithstanding the production of a noise assessment survey for the extended night time/early morning period it is unlikely that suitable mitigation could be forthcoming to ensure that noise levels are within acceptable limits. Physical mitigation measures themselves would likely need to also be considered and these in themselves could prejudice planning issues of landscape/visual impact in their own right.

Notwithstanding these aspects it is considered, from observations and representee reports that conveying does take place, that suitable noise mitigation measures could not be introduced to mitigate the intrusion to acceptable levels or that suitable control could be imposed and adhered to limiting HGV start ups to one at a time without further consequential aspects of extending further the site start up times to accommodate individual HGV preparations.

On balance with consideration into: the noise implications for both the site personnel activities arriving for the preparation of the HGV's; warming up process and the impacts HGV's trafficking the public highway during these late night/early morning periods it is at the expense of prejudicing local residential amenity.

Such proposals are therefore considered contrary to Policies WLP 10; 12; DP1; emerging policy SP1; the NPPF and NPPW.

LIGHTING

A recognition of the applications sites rural setting and its tranquillity has been outlined earlier. This location being in the countryside also exhibits very little lighting pollution. The existing site has in place a lighting scheme comprising outside security lighting fixed to the waste management buildings. This lighting has generated in the past concerns expressed from adjoining residents concerning the glare/lighting times impacting their amenities. Whilst

such concerns appear now to have stopped, the Waste Planning Authority are aware that local residents have in the past not always notified the relevant Regulatory body when issues have occurred; and so necessitated a review of such factors as the installed lighting coverage/operating times. The provision of the lighting at the facility, whilst it may not be appearing to spill outside of the site boundary, it is noticeable in the low light environment to local residents and from the public highway/footpaths.

To neighbours this lighting is on their boundary and visible. Introducing even earlier timings for activities within the facility would necessitate lighting to aid safe access and movement around the site. This introduces, along with the general noise and associated movements of personnel, the lighting up of the facility at the expense of the peace and tranquillity and further light disturbance to local resident amenity.

Furthermore, as recognised by the County Ecologist and supported by the County Lighting Consultant, there is the unquantified impact on wildlife interests such as bats and other nocturnal animals.

Introducing further lighting intrusion into this intrinsically dark countryside location with potential disturbance to local residents amenity and wildlife interests would be contrary to contrary to Policies 10; 12; DP1; emerging Policy SP1; the NPPF and NPPW

TRAFFIC

The applicant has sought the application for extended hours and increasing the early morning HGV movement on the basis of seeking flexibility. The extant operating times and HGV movement restrictions were set by the Inspector at the inquiry. These were imposed to prevent unacceptable impact on neighbours and in respect of the movement frequency for highway safety.

Whilst it has in the past been acknowledged that the applicants business has been successful it has also been recognised that the location for the business is not ideal especially for future expansion aspirations.

Under this present application the applicant has sought to increase the movement of HGV's during the previously restricted early morning operating times from the present 6 movements to 10 whilst keeping the overall daily movement totals unchanged.

That this application has arisen in the first place, as a consequence of monitoring demonstrates the "creeping expansion" of this facility. Whilst the Highway Officer may not be objecting on this application, road capacity at the times being proposed is not surprisingly very light. However, that this is so is illustrative of the fact this is a rural location where at those late night/early morning periods, local residents either adjoining the facility or along the routes taken by the applicants traffic should be able to experience quietness and not the disturbing effects site personnel arriving; preparing and then convoying along the roads that has been both witnessed and reported by local residents as having to endure.

It is important to note that this convoying effect demonstrates the unlikely ability of the applicant if they were to try and control HGV preparation to the individual levels highlighted by the CNC to even be able to attempt minimising noise disturbance. Furthermore, the disturbance caused through the convoying with vibrations and body slap of chains etc

further deprives local residents and the wider community an acceptable environment.

A further aspect which has come out of this monitoring and subsequent planning application has been the early morning visiting to the site of third party HGV's. The Planning Inspector at the time of the appeal conditioned that site generated HGV movements were to be restricted to outbound vehicles only before the 07:30 period. It appears from the Inspectors decision notice that the provision for third party vehicles was not considered. That there are movements into the facility at such early morning periods exacerbates the disturbance experienced by the community and raises the question of the adequacy of the applicants control of HGV movements associated with the site and such early morning sensitive periods.

In considering the traffic element of this proposal it can be considered that seeking to both extend the movement activity period of HGVs into the night time/early morning period whilst also increasing the movement numbers before the 07:30 would prejudice the amenity of local adjoining residents. Further, that the conveying of HGV's from the facility would, and are, causing disturbance to both adjoining residents and communities taken by the applicants HGV traffic. Such reported, and monitored conveying are a breaching of the limits set by the extant conditions seeking to restrict movement numbers.

No consideration has been proposed in addressing visiting third party HGV traffic before the 07:30 site operating times and this omission reflects the applicants further disregard to the planning permission conditions already in place. It is not considered that the applicant can suitably control such visiting traffic which further exacerbates the disturbance the local community are having to face from having a waste management facility open at such later night/early morning periods.

Traffic implications are therefore considered contrary to Policies 10; 12; DP1; emerging policy SP1; the NPPF and NPPW.

CONCLUSION

This application has resulted from site monitoring of the situation by the Waste Planning Authority and the only support in the subsequent application for the extended period being that the applicant wishes flexibility in their HGV movement times.

The report has shown that the waste management facility is located within a rural setting where further expansion of the development is now considered to be outgrowing its locational setting. That local residents and the community have had concerns about the noise and lighting emanating from this facility in the past. Also that such activities as noise and traffic were recognised by the Inspector at the time of the earlier Public Inquiry, into what is now the present waste facility, and where specific subsequent controls were imposed to control noise; operating hours, lighting and HGV movement times. These controls were imposed by the Inspector who recognised the need to safeguard the amenity of neighbours and highway safety.

The report has considered the policy guidance of the NPPF and NPPW where the specific thread of sustainable development is supported but not at the expense of detriment to the community and quality of life. The environment of the location at the times against which the application proposals would be taking place is considered very tranquil and there has been

a history of local resident concerns expressed over noise; lighting and traffic aspects previously.

The report considers that seeking now to extend those operational periods into what is considered to be a low ambient environment is being proposed without any supporting assessments nor clarification justifying the need for the flexibility.

The report considers that this introduction of site personnel and their activities in preparing the HGV's at earlier periods would impact unacceptably and prejudice the quality of life of local residents.

The report considers that the consequence of the earlier site start up introduces the lighting element and this further diminishes the enjoyment expected by local residents when they could reasonably expect a non operational facility impacting their quality of life. Furthermore, the introduction of such earlier lighting is likely to have impacts on nocturnal wildlife and the environment which has likewise not be assessed.

The report has found that both monitoring and representees have noted convoying of HGV's around the 0600 hour period and that such trafficking has introduced both vibration and noise disturbance to residents along the routes taken by these vehicles. The report has found that this convoying during the times identified reflect a breaching of the extant conditions related to HGV movements from the facility The report has not found any confidence that the applicant could or would control HGV movements even to the revised frequency now being proposed. Movement of third party HGV's into the facility before the 07:30 site operational period has also been raised and is likely to be contributing to local disturbance and control over these is also questioned.

The report finds that the application introduces activities which are not considered appropriate nor sustainable such as to overcome the impact on the quality of life of local residents and those communities the passage of HGV's in their trafficking activities inflict. That the introduction of earlier site activities would introduce the need for use of site lighting the impact of which on nocturnal species being potentially prejudiced and the application not providing any assessment nor mitigation of these interests. Taken together the report finds that the proposals are contrary to adopted policy and the NPPF and NPPW.

DR/22/21

Report to: DEVELOPMENT & REGULATION (1st November 2021)

Proposal: COUNTY COUNCIL DEVELOPMENT - New link road between the existing A120 and A133 inclusive of a grade separated dumbbell junction at the A120, with new accesses to an existing petrol station (Ardleigh South Services) and Colchester Waste Transfer Station; a new roundabout at the junction with the A133; and two intermediate roundabouts along the link road. Together with other associated works and landscaping

Ref: CC/TEN/31/21

Applicant: Essex County Council

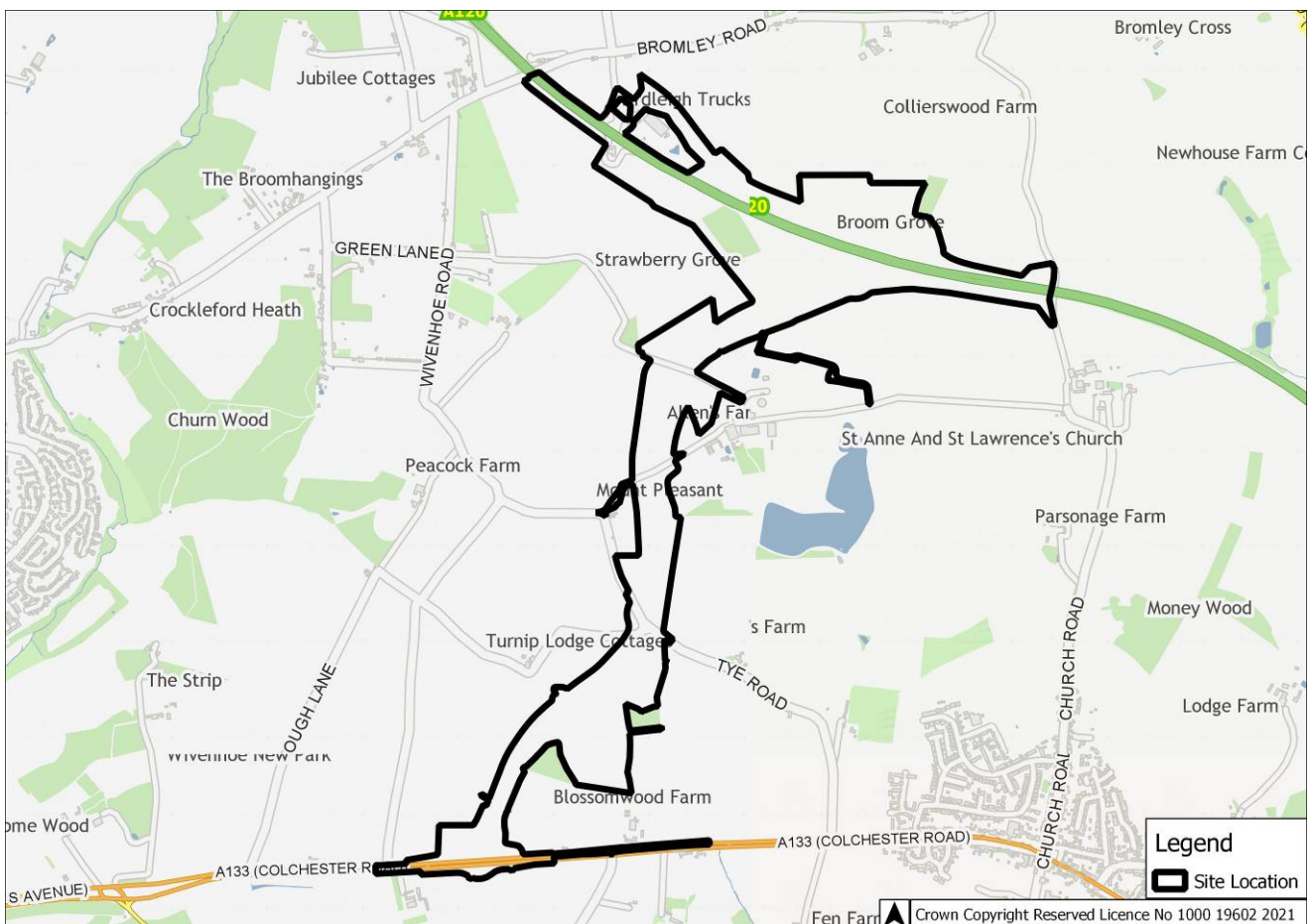
Location: Land between the A120 and A133, to the east of Colchester and west of Elmstead Market

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>

<https://planning.essex.gov.uk>



1. BACKGROUND

In 2019 Essex County Council (ECC) successfully bid for funding to help support planned housing growth across the County. Essex's bids to the Government's Housing Infrastructure Fund (HIF) totalled more than £500 million and covered vital transport infrastructure improvements.

In August 2019 it was announced that the A120/A133 link road and the Colchester Rapid Transit System (RTS) scheme had been successful in securing funding, receiving £99 million.

Seven options were initially developed by ECC for the route of the link road which, following initial assessment, was narrowed down to four viable options. The four options/routes were then subject to a six-week public consultation in November 2019. A preferred route was then chosen based on consideration of stakeholder feedback received; engineering feasibility; environmental constraints; cost/benefit analysis; and objective fulfilment.

In May 2020, ECC's Cabinet approved the proposed preferred route (option 1C variant) to go forward as part of a formal application for planning permission. It was at this point that the County Planning Authority was engaged by the applicant with an EIA Scoping Opinion and pre-application advice sought.

Local Finance Considerations

Section 143 of the Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 to require local planning authorities to have regard to any local finance considerations, so far as material to the application. Local finance consideration means a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown. Section 143 of the Localism Act does not however in any way define the weight to be given to this, with this remaining for the decision-maker i.e. the local planning authority to decide.

It will be noted from the 'Representations' section of this report that some concerns have been raised about the Council's ability to fairly and objectively determine this application, in context of the HIF. For reference, in respect of this, it is initially sought to confirm that this application is being determined by Essex County Council, as County Planning Authority (CPA), under provisions of Regulation 3 of the Town & Country Planning General Regulations 1992 which allow for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined by the authority concerned. A clear distinction exists between the Council's role as County Planning Authority and as Highway Authority/Essex Highways.

The HIF funding has been considered as part of the determination of this application. However, for the avoidance of doubt, the existence of the HIF as a local finance consideration, is not considered in this case to principally override all other considerations. The application must be considered/determined in

accordance with the of Town and Country Planning Act 1990 (as amended) as a whole.

2. SITE

The area to which this application relates is an area of land to the east of Colchester and west of Elmstead Market, measuring approximately 80.9 hectares. The red line area (shown black on the plan on the front page of this report) principally covers land in between the A120 and the A133, albeit does in part extend north of the A120 and south of the A133. Although the application area does include a number of stretches of existing public highway, the land to which this application relates is mostly arable (agricultural). The land is a generally flat and open plateau landscape, with fields divided by hedgerows that incorporate characteristic hedgerow trees.

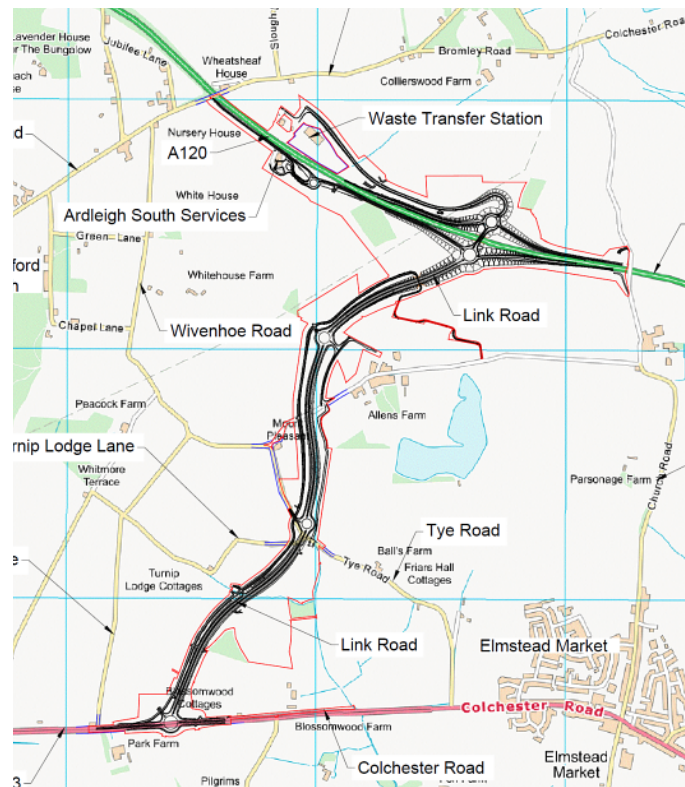
The closest statutory ecological designations, at international or national level, are Wivenhoe Gravel Pit SSSI and Ardleigh Gravel Pit SSSI some 1km to the south and north respectively. Albeit the impact risk zones for a number of further afield SSSI do also extend to include the area to which this application relates. The nearest local designation is Pyecats Corner Verges and Walls Wood, approximately 400m and 500m respectively to the west. There are two areas of lowland mixed deciduous woodland that are considered likely to be Ancient Woodland; Strawberry Grove and Broom Grove located near the proposed slip roads connecting the scheme to the A120.

Within the planning application boundary is one historic building (a non-designated cast iron milepost), 22 known archaeological remains, 8 historic landscapes and 39 historic hedgerows. Turnip Lodge Lane, which is also within the application boundary is a protected lane (non-designated heritage asset). The nearest heritage asset, outside the red line boundary, is Allens Farmhouse, approximately 100m from the site, which is a Grade II listed building.

This site is also located within a sand and gravel safeguarding area.

3. PROPOSAL

The application seeks planning permission for a 2.4km dual carriageway between the A120 and A133, to the east of Colchester. The scheme would be supported by a new grade separated dumbbell junction on the A120, with new accesses to the existing petrol station (Ardleigh South Services) and Colchester Waste Transfer Station (WTS). Together with a new roundabout at the junction with the A133, and two intermediate roundabouts along the link road, as shown on the below drawing.

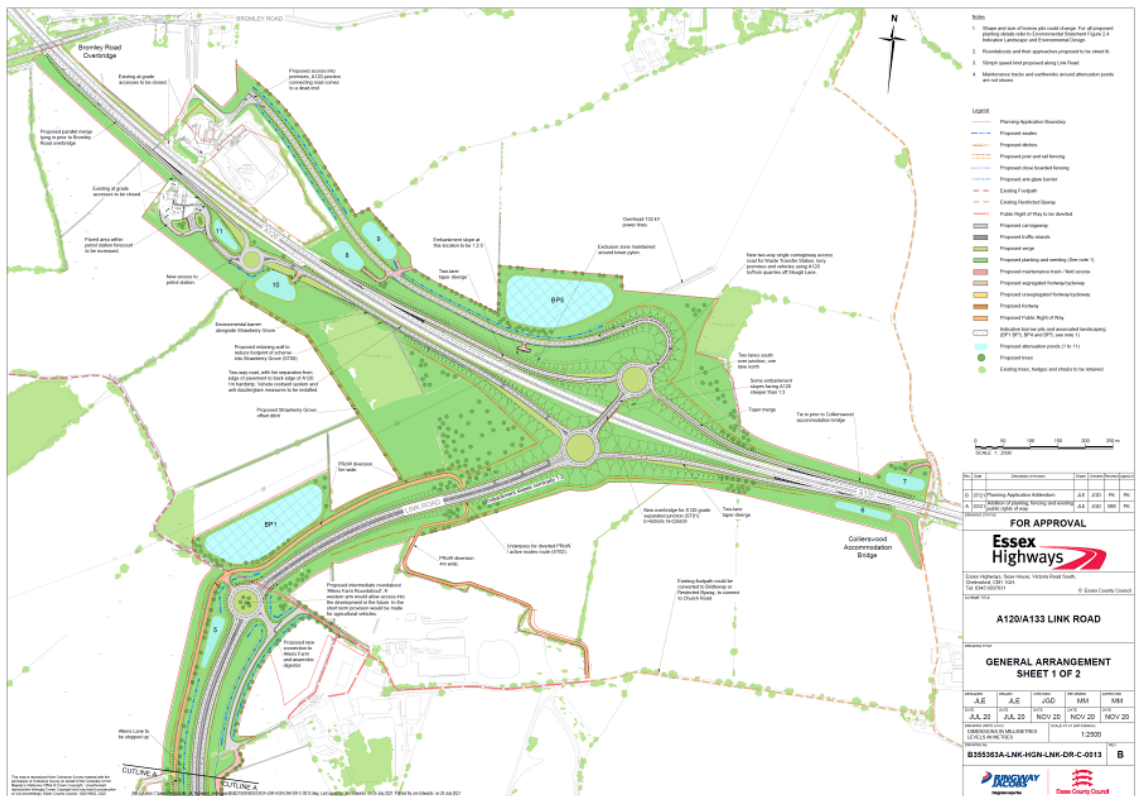


In addition to the link road, the application proposes a 5m wide segregated footway/cycleway from the new roundabout on the A133 junction up to Allens Lane. From Allens Lane, the footway/cycleway is proposed to also be designated for horse riders so a walker, cyclist and horse rider way (WCH), where it would extend north before turning east through an underpass under the link road to connect to footpath 2 (east of Allens Farm).

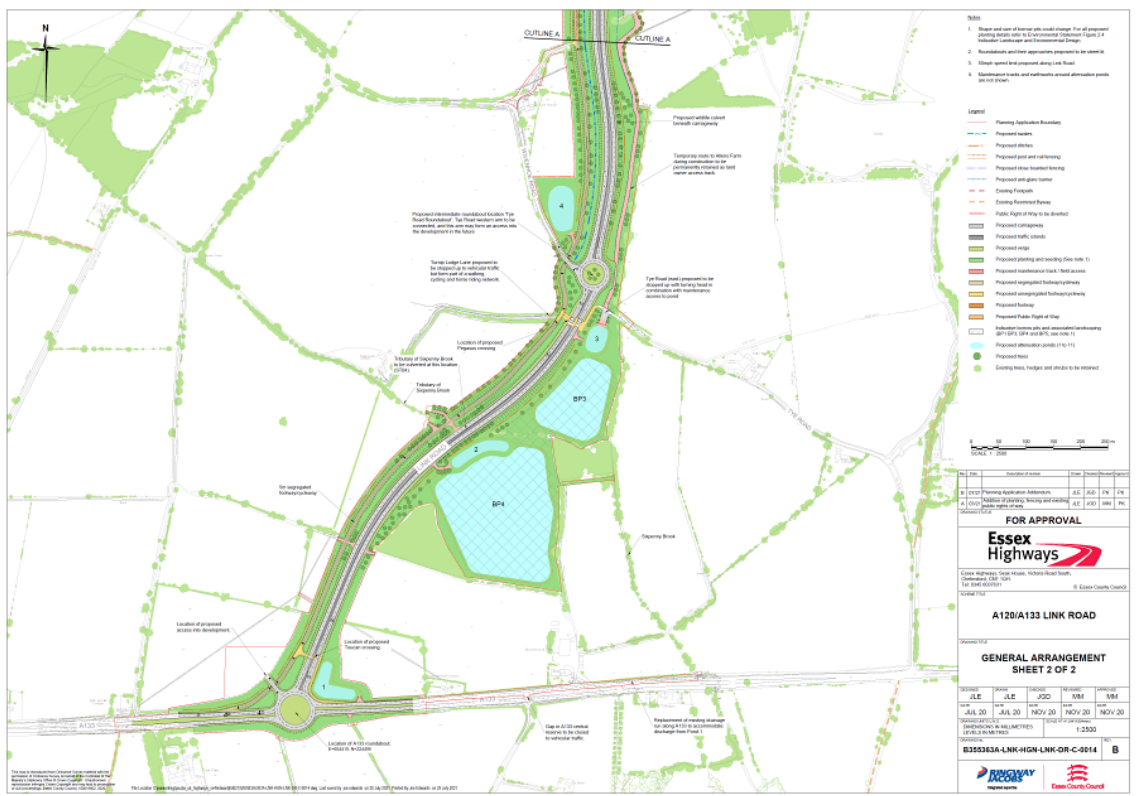
The construction of the development is anticipated to take two years, with works proposed to begin in spring 2022. To support the construction period, the applicant has indicated that potentially four borrow pits could be utilised, within the red line area, with restoration of these principally proposed as water bodies.

The below general arrangement plans show the proposals in a detail, including the aforementioned elements of the scheme in context of the main link road routing.

General Arrangement Sheet 1 of 2, drawing no. B355363A-LNK-HGN-LNK-DR-C-0013 (Rev B)



General Arrangement Sheet 2 of 2, drawing no. B355363A-LNK-HGN-LNK-DR-C-0014 (Rev B)



The application is accompanied by an Environmental Statement, submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary, dated 03/08/2021) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations. A review and assessment of the conclusions formed with the Statement can be found within the appraisal section of this report.

4. POLICIES

The following policies of the North Essex Authorities' Shared Strategic Section 1 Plan (2021), Tendring District Local Plan (2007) and the Essex Minerals Local Plan (2014) provide the primary development plan framework for this application.

North Essex Authorities' Shared Strategic Section 1 Plan

SP1 – Presumption in favour of sustainable development

SP3 – Spatial strategy for North Essex

SP6 – Infrastructure and connectivity

SP7 – Place shaping principles

SP8 – Development and delivery of a new garden community in North Essex

SP9 – Tendring/Colchester Borders Garden Community

Tendring District Local Plan

QL2 – Promoting transport choice

QL3 – Minimising and managing flood risk

QL11 – Environmental impacts and compatibility of uses

COM1 – Access for all

COM2 – Community safety

COM12a – Bridleways

COM19 – Contaminated land

COM20 – Air pollution/air quality

COM21 – Light pollution

COM22 – Noise pollution

COM23 – General pollution

EN1 – Landscape character

EN4 – Protection of the best and most versatile agricultural land

EN6 – Biodiversity

EN6a – Protected species

EN6b – Habitat creation

EN7 – Safeguarding mineral supplies

EN11a – Protection of International sites: European sites and Ramsar sites

EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites

EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

EN13 – Sustainable Drainage Systems

EN23 – Development within the Proximity of a Listed Building

EN29 – Archaeology

TR1a – Development affecting highways

TR1 – Transport assessment
TR3a – Provision for walking
TR4 – Safeguarding and improving Public Rights of Way
TR5 - Provision for cycling

Essex Minerals Local Plan

S6 – Provision for sand and gravel extraction
S8 – Safeguarding mineral resources and mineral reserves
S9 – Safeguarding mineral transshipment sites and secondary processing facilities
S10 – Protecting and enhancing the environment and local amenity
S11 – Access and transportation
S12 – Mineral site restoration and after-use

In addition to the above, albeit the development is located completely within the justification of Tendring, given the strategic nature of the proposal and the likelihood of cross boundary implications, the following policies of the Colchester Borough Council Core Strategy (revised 2014) and Colchester Borough Council Development Policies (revised 2014) are also considered of relevance.

Colchester Borough Council Core Strategy

SD1 – Sustainable development locations
SD2 – Delivering facilities and infrastructure
UD2 – Built design and character
PR1 – Open space
PR2 – People-friendly streets
TA1 – Accessibility and changing travel behaviour
TA2 – Walking and cycling
TA3 – Public transport
TA4 – Roads and traffic
ENV1 – Environment
ER1 – Energy, resources, waste, water and recycling

Colchester Borough Council Development Policies

DP1 – Design and amenity
DP2 – Health assessments
DP14 – Historic environment assets
DP17 – Accessibility and access
DP18 – Transport infrastructure proposals
DP20 – Flood risk and management of surface water drainage
DP21 – Nature conservation and protected lanes

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).

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.

The North Essex Authorities' Shared Strategic Section 1 Plan which is shared by Braintree District Council, Colchester Borough Council and Tendring District Council has been adopted. Section 2 of the Plan which will include the more local policies and designations and will be different for each Council has however yet to be adopted by any of the NEAs.

With regard to this, Section 2 of the Tendring and Colchester Plans is currently being examined by Inspectors appointed by the (*newly called*) Secretary of State for Levelling Up, Housing and Communities. In terms of progress, following examination session, Tendring District Council undertook a six-week public consultation on proposed Main Modification between 16 July and 31 August 2021. All representations received during this consultation have been forwarded to the Inspectors, who will take them into account in coming to their final recommendations on legal compliance and soundness of the Section 2 Local Plan and the modifications that will need to be made to the Plan before Tendring can proceed to its formal adoption. Colchester similarly are proposing Main Modifications, however their consultation on these is currently on-going (4 October to 15 November 2021). Whilst Section 2 of both Plans is therefore progressing, as neither have yet been found sound, it is not considered that full weight can be given to policies within either of these. That said, given the stage that these Plans are at, it is considered that reference, as appropriate, can be made to policies which are of relevance.

Section Two Tendring District Local Plan – Publication Draft (2021)

SPL1 – Managing growth
SPL3 – Sustainable design
HP1 – Improving health and wellbeing
HP3 – Green infrastructure
PPL1 – Development and flood risk
PPL3 – The rural landscape
PPL4 – Biodiversity and geodiversity
PPL5 – Water conservation, drainage and sewerage
PPL7 – Archaeology
PPL9 – Listed buildings
CP1 – Sustainable transport and accessibility
CP2 – Improving the transport network

Section Two Colchester Local Plan – Publication Draft (2021)

SG1 – Colchester’s spatial strategy
SG7 – Infrastructure delivery and impact mitigation
ENV1 – Environment
ENV3 – Green infrastructure
ENV5 – Pollution and contamination land
CC1 – Climate change
PP1 – Generic infrastructure and mitigation requirements
DM1 – Health and wellbeing
DM15 – Design and amenity
DM16 – Historic environment
DM20 – Promoting sustainable transport and changing travel behaviour
DM21 – Sustainable access to development
DM23 – Flood risk and water management
DM24 – Sustainable urban drainage systems
DM25 – Renewable energy, water, waste and recycling

5. CONSULTATIONS

Summarised as follows:

TENDRING DISTRICT COUNCIL AND COLCHESTER BOROUGH COUNCIL
(joint response) – Following receipt of the Inspector’s final report and conclusions on the soundness of the Section 1 Local Plan, which included the Tendring Colchester Borders Garden Community proposal, the Councils have now adopted this part of the Plan – confirming their commitment to this important long-term development. Tendring District Council, Colchester Borough Council and Essex County Council will now work together on the preparation of a Development Plan Document (DPD) for the garden community.

The proposed A120/A133 link road is an essential component, in addition to the Rapid Transit System (RTS) and Park and Choose, of the up-front infrastructure required to support the delivery of the garden community. The way the link road supports, impacts upon and integrates with the garden community proposal will be of key importance going forward. As the Councils progress with the DPD and related master planning there will need to be policies in the DPD that can ensure that the infrastructure for the TCBGC and wider area succeeds in enhancing

connectivity and avoids creating severance.

Not only will the link road support the delivery of the garden community, but it will also achieve a number of indirect benefits for improving wider transport connectivity, supporting communities and businesses in the Tendring/Colchester area, which the Councils are very keen to see delivered.

The Council is aware that the government's award of Housing Infrastructure Funding (HIF) is conditional on the link road being delivered and the first homes being built within an anticipated timeframe. This aligns with the wider trajectory anticipated by the Section 1 Local Plan and the anticipation that new homes will come forward in a timely manner to maintain a future housing supply for the two Councils.

The Councils generally support the selected route for the link road and the proposed junction positions, which were informed by the public consultation efforts in November 2019 but are also mindful that there will be further matters to be addressed moving forward. For example, the Councils are supportive of the measures to include appropriate non-vehicular crossing points, in particular the segregated link towards the northern end of the link road. The Councils are keen to work with the Highway Authority to ensure that the additional surface crossing points and walking/cycling route along the Link Rd can integrate effectively into the movement framework for the garden community, and beyond into adjoining areas.

Another key consideration will be ensuring the format, timing and phasing of the link road achieves the right balance in both 1) creating the appropriate additional capacity on the highway network required to accommodate a garden community and in delivering the wider economic and social benefits outlined above; and 2) supporting the long-term objectives of achieving 'modal shift' and encouraging the use of more sustainable forms of low emission transport including walking, cycling and public transport. From this Councils' perspective, this balance is critical to the success of the garden community and to address wider objectives in relation to environmental sustainability and addressing climate change. The Councils look forward to working with the Highway Authority as part of the master planning process to consider how the link road will be implemented and delivered to improve and promote sustainable movement from the outset, potentially aligned to safeguarding capacity for future users.

The Councils welcome efforts to reduce the environmental impacts of the road. The process of master planning for the Garden Community is at a very early stage and will be shaped, in time, by the preparation of the DPD, associated technical studies and evidence base and community engagement. The environmental mitigation associated with the link road needs to be effective and deliverable and create opportunities to ensure an appropriate integration with the garden community itself.

We welcome that the Environmental Statement in support of the planning application gives an appropriate level of consideration, not only to the role and impact of the road as a stand-alone piece of new infrastructure, but also (as far as is possible at this stage of the process) to the cumulative impact that arises from the potential needs and demands of the proposed garden community and other developments expected in the area. It is important that all recommendations for

mitigation and enhancement provided in the Environmental Impact Assessment are carried forward into the delivery of the link road.

The Councils recognise that the link road application has needed to proceed in advance of the master planning of the garden community and that in this respect it is difficult to fully assess the significance of certain environmental impacts on all potential future receptors. Therefore, it will be important that the authorities continue to work together as the scheme evolves and the Highway Authority may wish to consider a degree of flexibility within any relevant planning conditions to allow for any adjustments that might be required in the future.

The main matters to be reviewed and monitored will be particularly important in respect of the following:

- The approach to and future management of adjoining green infrastructure, borrow pits, balancing ponds and their potential wider role and relationship to the garden community. There are important areas to the east and west of the Link Road that are likely to play an important role in the wider green infrastructure approach to the garden community.
- The approach to biodiversity and habitat creation in relation to adjoining land and the maintenance of an effective nature corridor both along the link road and the maintenance of links across it. The Councils will seek to ensure that wider ecological networks and corridors, as well as local landscape character, is fully considered, including the need to enable safe wildlife connectivity across/under the Link Road.
- Flexibility in detailed design to ensure that appropriate noise mitigation measures can be integrated in due course to reflect land uses adjacent to the link road.
- The further consideration of landscape and visual impacts, for example related to the above approach to noise mitigation, to ensure that the garden community can be successfully integrated going forward, without intrusive impacts on wider landscape character or visual amenity.
- The approach to sustainable movement and achieving modal shift, including consideration of measures to promote more sustainable travel patterns and behaviours and further consideration of how the link road can be implemented and delivered to improve and promote sustainable movement from the outset, potentially aligned to safeguarding capacity for future users.

TENDRING DISTRICT COUNCIL: ENVIRONMENTAL HEALTH – It has been noted that there are a number of “embedded” mitigation techniques outlined for each potential environmental impact, most of these factors are also covered by “essential” mitigation requirements, to reduce the significance of any adverse impact the proposed development would have on nearby residential premises. It is requested that all measures outlined within the specific mitigation areas are followed to ensure best practice is being achieved.

Air quality: The air quality report and associated appendix indicate no significant adverse impact on air quality; as such no embedded mitigation has been proposed. It is however requested that a dust management plan, with information on control measures in relation to minimising dust dispersal and potential subsequent complaints be secured should planning permission be granted.

Private water supplies: Providing all reasonable steps are taken and recommended mitigation measures are followed, to reduce the adverse impact on the current private water supplies, no objection is raised in this regard.

Contaminated land: The factual ground investigation is awaited. The findings/conclusions of this will draw out conclusions which can then be reviewed. Due to the lack of information at this stage concerning this report, we are unable to comment any further at this time.

Noise and vibration: Assessments undertaken in relation to the proposed development and the impact of noise and vibration on nearby noise sensitive receptors, have confirmed that works will cause a significant adverse impact. To combat this a mixture of embedded and essential mitigation has been identified. However, it is also outlined, that even with a number of mitigation measures in place, there will still be an observed adverse impact. Given this, and the significance of the application, officers from within the EP are requesting all measures outlined in the report are adhered to.

COLCHESTER BOROUGH COUNCIL: ENVIRONMENTAL HEALTH – Satisfied that standard lighting and noise levels are met and that proposed would not have a detrimental impact on the Borough's rural landscape.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

NATIONAL HIGHWAYS – No objection, informative provided in respect of s278 Agreements. Negotiations have been on going between Essex County Council, Colchester Borough and Tendring District Councils and National Highways regarding the provision of a new junction and link road, to support the TCBGC and extensive work has been undertaken to identify a scheme to connect the proposed link road with the A120 Trunk Road. This proposed layout for the new junction, as submitted as part of this application, is broadly acceptable and as such, in accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015), National Highways consent to the formation of an access on to the A120 Trunk Road.

Future Traffic conditions

Extensive modelling has been carried out, in support of the proposed link road and the associated TCBGC, to predict future traffic conditions. The modelling work undertaken, would indicate that there are, potentially, a number of developing problems at various locations, with the link road and the fully built out garden community in place.

The modelling results indicate that the link road and the associated development would have a small impact on journey times along the A120. The models predict that queues on the westbound and the eastbound off-slips to the A120/A12 junction (A12 Junction 29) do not extend back and impact the A120/A12 mainline flows in either of the am or pm peaks in 2026 (the scheme opening year). However, the maximum queues at the westbound off-slip approaching the A12/ A120 roundabout at A12 J29 often occupy the full length of the slip road in the am peak in 2026. So, there is little spare capacity.

The 2041 Sensitivity Test Vissim models (developed using the ECW Strategic model) predict capacity issues at the A12/A120 westbound merging section which results in queues along the A120, as the ECW models predict higher flows along the A120 and A12.

In the 2041 future year scenarios, the queues on the A120 westbound off-slip to the A12/A120 roundabout at A12 J29 are predicted to extend back onto the A120 carriageway, due to the addition of the link road and the development trips.

The proposed link road and the associated roundabout junctions themselves appear to operate within capacity and do not have significant impacts on the adjoining network in the opening year of the scheme. In the 2041 forecast year, the westbound off-slip queues from the newly proposed roundabout during the pm peak approach the available queuing space; and the merging section from the newly proposed roundabout onto the A120 westbound does not provide enough capacity to accommodate the predicted level of demand.

These capacity issues are potentially of concern. The issues that are forecast in 2041 should be monitored and, if necessary, managed once the scheme opens to traffic, with a view to bringing forward mitigation where necessary, particularly in respect of queues which in the longer term are predicted to exceed the space available to accommodate them.

In respect of the issues reported on the A120 westbound off slip to A12 J29, the provision of the link road in fact diverts traffic away from this junction, although by 2041 the potential queue is showing that the queue could reach back on to the main line of the A120. It is accepted this is very much a worst-case scenario and this may or may not occur. Given the above and the fact that it is traffic generated by the garden community rather than the link road itself, it is suggested that this is revisited as part of future planning applications for development within the garden community and if issues are identified these are addressed at that point.

HIGHWAY AUTHORITY – The Highway Authority is satisfied that the proposal is not contrary to national/local policy and is compliant with appropriate design/safety criteria. The proposed access to the strategic road network (A120 and A133) is needed to enable the proposed TCBGC, helping future traffic management and supporting those travelling from Tendring to Colchester as set out in the adopted and emerging local plans for the area.

The Highway Authority would not wish to raise any objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

ESSEX BRIDLEWAY ASSOCIATION – Very concerned at the number of inaccurate statements made within the Planning Statement where they relate to the WCH access and connectivity. These statements give a false impression of the proposals and compliance with policy.

The link road would sever restricted by-way 162_21; albeit a diversion and underpass are proposed to ensure connectivity. Unfortunately, the diverted route

terminates on footpath 162_2 meaning that equestrians, cyclists and horse drawn carriages would not be able to proceed further and would need to turn back. Suggestion is made the footpath may be updated to restricted by-way or bridleway but this is not guaranteed.

The provision made for the WCH with regard to connectivity is welcomed. However, we are disappointed that equestrians are yet again short-changed in terms of use of this. We at the very least ask that equestrians are permitted to use the WCH southwards to the proposed Tye Road roundabout.

With regard to the construction programme, it is requested that working times do not include evenings or weekends due to the likely impact of HGVs on the surrounding lanes. These lanes are most used for recreation during the evenings and at weekends.

BRITISH HORSE SOCIETY – No comments received.

ESSEX AREA RAMBLERS – Restricted by-way 162-2 would be severed by the proposal. The general arrangement plans for the link road show PRoW 162-2 being diverted and an underpass provided where it crosses the proposed highway. This PRoW would then turn south and link with the proposed 5m segregated footway/cycleway running adjacent to the western edge of the proposed highway to the southern end of the link road at the A133.

The provision of the segregated footway/cycleway along the western edge of the proposed link road is welcomed and in principle the revised arrangement for 162-2 seems acceptable. However, clarification is sought on why the PRoW is only a 4m width east of the underpass.

Turnip Lodge Lane is proposed to be stopped up for vehicular traffic but form part of a walking, cycling and horse-riding network. A signal-controlled Pegasus crossing for walking, cycling and horse riding is proposed across the link road just south of the proposed roundabout junction with Tye Road. Although the amended proposal indicates a 50mph speed limit on the link road, concerns remain about the safety of an at-grade signal-controlled crossing.

In conclusion it is suggested: 1) the development should conform to NPPF paragraph 98 at all stages; 2) existing PRoWs, or acceptable alternatives, should remain open at all times during construction; 3) the diversion of PRoW 162-2 and the provision of an underpass is acceptable, subject to having a width of 5m throughout its length and subject to detailed design; 4) we welcome the provision of the segregated footway/cycleway along the western edge of the proposed link road; and 5) the Ramblers have concerns about the safety of an at-grade signalled crossing for walkers, cyclists and horse riders on a dual 2 lane carriageway road with a 50mph speed limit, and will need to be convinced that this is acceptable.

ESSEX LOCAL ACCESS FORUM (comments received albeit not directly consulted) - The 5 metre wide segregated footway / cycleway separated from and on the west side of the new A120-A133 link road is welcome. However, a footway / cycle way is not a WCH (walking cycling horse-riding) path as it is not available to horse-riders. In keeping with the Local Plan enhancement policy, the 5 metre wide

way should be designated as a restricted public byway.

At the south, A133 end, it is not clear how the WCH route would be accessed by users in any direction other than from the west. WCH users from the west are able to slip off, but it is not clear how users of this WCH route will join / leave the A133 from other directions. Is the WCH route accessed by using the new roundabout on the A133? If so, the proposed pedestrian signalised Puffin crossing must at the very least be a Toucan crossing available to all Non-Motorised Users (NMU).

There are bus stops and Elmstead public footpath 26 (PRoW 162_26) just west of the proposed new roundabout junction of the link road and the existing A133. No safe pedestrian crossing is shown. There must be provision for a safe crossing of the A133 in this area suitable for pedestrians including people with buggies and mobility impaired users to ensure the bus service remains accessible in both directions.

The proposed diversion of public byway Elmstead 21 (162_21) / Ardleigh 36 (158_36) by and near Allens Farm has unacceptable features. A roundabout is proposed on the A120-A133 link road west / NW of Allens Farm about on the route of Elmstead Byway 21. The roundabout has a vehicular east arm to Allens Farm and an NMU west arm to the NMU route (preferably a restricted byway) along the west side of the link road. It is not clear why the byway is not linked across / over / under the roundabout on its existing line. The proposal is to divert the byway north and south alongside the new A120-A133 link road to an underpass somewhat to the NE. This increases journey times for walkers in particular. This diversion route must legally be a byway to ensure that Elmstead Byway 21 remains available to all users - walkers, cyclists, horse riders, carriage drivers and wheelchair users. The width of the diversion of the byway on the east side to the underpass must be 5 metres - not the 4 metres as shown.

The proposed diverted eastern end of the Elmstead Byway 21 would terminate on Elmstead public footpath 2 which means that the byway would be a dead-end for non-pedestrian users. Plans state that "Existing footpath could be converted to Restricted Byway, to connect to Church Road". The eastern continuation as a byway is a must, not a "could".

Tye Road east and the vehicular connection of Turnip Lodge Lane with Tye Road west are due to be stopped up. Tye Road west is shown as forming the western arm of a new roundabout on the link road, but it does not continue as an eastern arm. The east-west vehicular route ceases to exist although NMU connectivity is provided by a proposed at-grade Pegasus crossing. Whilst an at-grade Pegasus crossing might be acceptable initially, plans must show when and how a grade separated NMU crossing or roundabout will be provided to connect both ends of Tye Road so that safe and easily accessible east-west connectivity is maintained.

It is extremely disappointing that this scheme by Essex County Council, who are supporting climate change, sustainable transport and healthy lifestyles, still has the same shortcomings as in the pre-application proposals and does not cater for all WCH users.

COLCHESTER CYCLING CAMPAIGN (comments received albeit not directly consulted) – Object. The plans for the link road have been developed and published before the masterplan for the new garden community and before the location for the new “park and choose” facility has been decided. This makes it impossible to gain a meaningful understanding of how suitable the proposed link road will be for cyclists. The impact of this is that it is impossible to judge if the routes will meet the core design principles.

The current design has a 5m wide segregated footway / cycleway alongside the link road. The cycleway should be physically segregated from the footway with a divider and not just paint as per LTN 1/20. The current design shows the 5m segregated footway/cycleway running out where it joins the A133. Clarity is needed on how cyclists should travel to and from areas such as Wivenhoe, the university and Colchester. The A133 is not a safe or suitable road for utility cyclists and the current design would deposit cyclists on the north side of the A133 with no means of travelling west towards Colchester and no way of crossing the busy dual carriageway. This is wholly unsatisfactory and there must be clarity about how cyclists can safely travel to and from the link road from the east and west. This lack of clarity here ensures that the link road fails on the core design criteria of coherence and, directness and safety.

The current design does not show controlled crossings over the access roads from the link road into the garden community. This would leave walkers and cyclists in extreme danger from motor vehicles coming in or out of the garden community at speed, which isn't helped by the wide entrance radii. We believe that grade separated crossings should be provided at these points and that the proposed crossings of the link road itself should be grade separated rather than light controlled crossing.

The speed limit of the A133 should be reduced to 40mph in both directions between the top of Clingoe Hill to the 30mph sign near the Greenstead roundabout. This will make the current and future pedestrian/cyclist crossings safer and allow a greater density of motor traffic, enabling more frequent traffic light phasing which will help active travel. The speed of the A133 should be reduced to 50mph between the top of Clingoe Hill and the new link road roundabout to improve safety. In order to ensure connectivity to the north of the community for cyclists we believe it is vital that the current footpath from Church Road, Elmstead Market to Bromley Road over the A120 is upgraded from a footpath to a bridleway with a suitable surface and access for cyclists and horse riders.

Finally, it seems implausible that a dual carriageway link road designed for high-speed motor vehicles will achieve the modal shift to public and/or active travel that Colchester Borough Council and Essex County Council aspires to for the garden community.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme for the site; submission of a maintenance plan for the surface water drainage system; and measures proposed to minimise the risk of offsite flooding and pollution from surface water run-off and groundwater during construction.

ENVIRONMENT AGENCY – No objection.

NATURAL ENGLAND – No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Advice is nevertheless provided on soils, biodiversity net gain and other generic natural environment issues.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Do not wish to offer any comments.

THE GARDENS TRUST – Do not wish to comment on the proposals at this stage. It is however emphasised that this does not in any way signify either our approval or disapproval of the proposals.

CPRE – No comments received.

FORESTRY COMMISSION – Recommends that the link road scheme includes compensatory woodland planting and that the total area of planting is more than one hectare.

WOODLAND TRUST (comments received albeit not directly consulted) – Object on the basis of direct loss of Strawberry Grove. Strawberry Grove appears on maps dated in the 1870s and is considered within the application as likely ancient woodland. As per paragraph 175 of the NPPF development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. There is no wholly exceptional reason for the development in this location and as such this development should be refused on grounds it does not comply with national planning policy.

Further to this, in terms of paragraph 170 of the NPPF, where an application involves the loss of irreplaceable habitats, such as ancient woodland, net gains for biodiversity cannot possibly be achieved. The development should be evaluated as meeting the wholly exceptional test before the compensation strategy is considered for the loss of irreplaceable habitats.

Whilst we recognise that Strawberry Grove is adjacent to the existing A120, the proposals will lead to further increase noise and light pollution from traffic and dust pollution during both the construction and operational phases of the road; all of which will detrimentally impact the woodland and likely result in the loss of local biodiversity. The woodland will also be subject to increased nitrogen oxide emissions from vehicles, which can change the character of woodland vegetation.

It is acknowledged that the applicants have adopted compensatory planting ratios as recommended by the Trust to account for the loss of an irreplaceable habitat, but the only appropriate form of mitigation is total avoidance followed by the provision of a sufficient buffer zone. The slip road should be re-configured to ensure that a 30m buffer zone can be provided to the ancient woodland.

ESSEX POLICE – No comments received.

ESSEX FIRE & RESCUE – No comments received.

HEALTH & SAFETY EXECUTIVE – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection/objection to standard advice; or no comments to make.

THE COUNCIL'S URBAN DESIGN, LANDSCAPE, ECOLOGY, TREE, HISTORIC BUILDINGS AND ARCHAEOLOGY CONSULTANTS (PLACE SERVICES) –

Urban Design: No comment

Landscape: The landscape is relatively open and exposed due to large-scale fields and the plateau being slightly elevated in the wider landscape. Blocks of woodland and vegetation along field boundaries do reduce the exposure and visibility, though long-distance open views are still available. The site falls within the Landscape Character Area 7A Bromley Heaths, though the assessment assesses the impact on all LCA's within a 1km study area. The assessment has judged that the significance of residual effect on 7A on a local level is moderate adverse (during construction to 15 years of operation (summer)) with the inclusion of landscape mitigation measures.

Overall, the assessment concludes that the proposed scheme would have significant adverse effects on local landscape character and on some views from footpaths and residential properties during construction and year 1 of operation, which we are generally in agreement with.

The proposed development would result in the removal of a total of 114 trees and hedges, including 4 no. category 'A' trees, 31 no. category B trees/groups/hedges, 75 no. category C trees/groups/hedges and 4 no. category 'U' trees and a section of Strawberry Grove. This is despite the route option being chosen to minimise the effect on landscapes and habitats.

As highlighted by the Ecology consultant, many of the hedgerows crossing the route are classed as important under the Hedgerows Regulations 1997, which is largely due to their historic significance, rather than for their wildlife and landscape significance.

Notwithstanding the predicted impacts, we welcome the inclusion of an indicative Landscape and Environmental Design which has taken into consideration the landscape character by including blocks of woodland planting and species rich grassland. If minded for approval we would expect to see full planting proposals and specification provided as part of a condition. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment.

We also note that the Landscape and Visual chapter refers to essential mitigation methods. One recommendation is “the sensitive design of attenuation ponds to integrate these into the landscape, reduce visual intrusion and enhance visual amenity (in line with landscape, environmental design and related sustainability objectives 2 and 6)”. We would support this statement and would emphasise the need to ensure the attenuation areas provide biodiversity benefits and are sympathetic to their landscape surrounds. We stress that the ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided, where possible, or where water velocity and pipes don't allow, vegetation screening would be advised.

The management and maintenance of any landscape proposal is essential to its establishment and overall success in minimising landscape and visual impacts long-term. As part of any planting specification, we ask that where large areas of dense planting are proposed, such as the woodland planting, we would advise that rabbit-proof mesh fencing/netting is used around the planting area, rather than individual shrub shelter guards. Where shelter guards are proposed, to reduce the use of standard plastics we would expect biodegradable guards to be used. Given many of the products on the market need to be removed and composted in industrial facilities to biodegrade, we would also prefer plastic free guards where possible, as these do not necessarily have to be removed at the end of their lifespan.

Ecology: We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional details of mitigation measures for bats during the construction period are submitted prior to determination. Although it is acknowledged that potentially this could be secured by condition, albeit not considered ideal as there is a slight risk that effective mitigation measures may not be possible to deliver.

With regard to reptiles, 0.2 hectares of reptile habitat would be removed and there is a low population of slow worms and common lizards present. We are satisfied that adequate and proportionate compensation is being proposed which meets Government Standing Advice. We note that the landscaping includes the creation of a large amount of suitable and connected habitat for reptiles to compensate for the loss of 0.2ha split across four or five locations.

Subject to a condition requiring a farmland bird mitigation strategy, no objection is raised in terms of the loss of three skylark territories during the construction period. The six plots proposed to be provided within the aforementioned strategy, to be secured by condition, would provide sufficient mitigation.

Long-term management and maintenance of the ecological features should furthermore be secured by planning condition.

Trees: The Landscape and Environmental Design has included blocks of woodland planting. We concur with the Landscape consultant's view that full planting proposals and specification would need to be secured by condition, should planning permission be granted.

Historic Buildings: The Cultural Heritage Desk-Based Assessment (DBA) submitted has been undertaken using the appropriate standards and guidance. Within the 300m study area there are two historic buildings assessed to be of high value, the Grade II Listed Allens Farmhouse and the Grade II* Listed Elmstead Hall (Assets 25 and 31). In addition, the non-designated milepost within the 300m study area is considered to be of local importance but of negligible value. Within the 1 km study area there are 14 historic buildings assessed to be of high value. With a robust assessment of the impacts of the scheme and effective mitigation measures, to limit the impacts, or maximise any enhancements to the significance of the heritage assets, no objections are raised.

Archaeology: No objection subject to conditions securing a programme of archaeological and geoarchaeological investigation; the undertaking of the work agreed as part of this programme and subsequent evaluation of findings; a mitigation strategy (if appropriate); and submission of a post excavation assessment.

THE COUNCIL'S NOISE, AIR QUALITY, LIGHTING AND CLIMATE CHANGE CONSULTANTS (JACOBS) –

Noise: No objection, albeit it is noted that the only noise mitigation proposed is the use of Low Noise Road Surfacing (LNRS). Whilst attenuation from this measure has not been included in the noise modelling, it is recommended that the use of LNRS be secured by an appropriate planning condition.

Air quality: The revised submission of the construction dust assessment is appropriate for the proposed scheme. The amendments made, in light of design changes and subsequent consideration of ecological impacts, has not materially changed the outcome of the dust assessment nor the mitigation measures proposed. Mitigation measures are recommended for inclusion within a Dust Management Plan (DMP). It is recommended the DMP is a condition of this application, to be approved prior to the commencement of works.

The operational assessment (road transport emissions) is appropriate and has provided detailed appendices for specific sections of the air quality assessment. Satisfactory amendments have been made to Appendix 6.1, which now provides the clarification sought, regarding monitoring data year and site selection for verification. The proposed application is considered acceptable on air quality grounds.

Lighting: Should planning permission be granted, it is recommended a condition is included to ensure that no lighting be installed until it has been shown that mitigation can be implemented to allow bats to cross all proposed lit areas at their usual foraging height throughout the hours of darkness.

Climate change: The applicant's submitted climate change assessment follows appropriate guidance for the proposed scheme and has a net benefit in terms of emissions (without inclusion of the Garden Community scenario). Appropriate mitigation measures are recommended for the construction phase and are discussed in the Environmental Management Plan.

ELMSTEAD PARISH COUNCIL – First and foremost we wish to express our disappointment in the amount of time given to comment on this application when it has taken planners months to prepare this application, yet us as layman are expected to review within a month. It feels like our comments are not welcome, respected or will be taken into account. It furthermore feels as if the process was intentionally obstructive to local government being able to represent the public's view from an educated position.

Officer comment

The County Planning Authority has consulted in line with accordance with legislative requirements and the Council's adopted procedures.

It is very obvious from studying the lengthy documents that the real reason for the proposed link road has nothing to do with the easing of the traffic travelling through Colchester from west to east, but its construction is only for the proposed garden community. The need for the link road as a regional road has never been proven – there is simply no evidence that it is required. In addition, this planning application has been submitted at a time when the Department for Transport is reviewing its road programme and the demand for and cost-benefit of new roads due to pandemic-related changes reductions in car movements.

A link road is problematic because it will make driving too easy for residents of the garden community and will therefore increase traffic in Colchester. If the garden community does go ahead, there should only be a connector road on the A12/A120 where the park and choose hub should be located. With the promise of a rapid transit system the garden community should be connected to Colchester only by bike, foot and public transport.

Surveys: We question why Ringway Jacobs, road builders, were asked to undertake the environmental study and not an independent, specialist company. If Ringway Jacobs are the chosen road builder for this project surely this is a conflict of interest. We would ask if the correct tender process was followed, and if so, what that process was, and which other contractors were asked to take part.

Many of the surveys are stated as being desktop surveys which is very different to having a survey carried out in the field. Many of the surveys are also under the year required to effectively study wildlife. It is understandable that COVID delayed these surveys, however that is no excuse for not doing them in the correct manner. They are still essential and if not done properly the project should be delayed until completed for due diligence.

No preliminary Mineral Resource Assessment has been carried out and a more comprehensive air pollution survey should be conducted, as the greatest impacts show a major decrease in air quality throughout Elmstead, to a sufficient degree to negatively impact residents' health.

Environmental: Ancient woodland at Strawberry Grove is being decimated although in our original objections to a link road we were assured in the response that any road would not involve this. This is a designated Lowland Mixed Deciduous Woodland and destruction of areas like this are in direct conflict with national and

local policy. Net biodiversity is relatively untested to date and is regardless an inadequate response to destruction of habitat on this scale for a project there is no proven need for it.

We understand 75 metres of Turnip Lodge Lane is to be destroyed despite this being a Protected Lane (and therefore a Non-Designated Historic Asset) of high regional importance due to its historic integrity and aesthetic value. It is a historic, beautifully peaceful single-track lane enjoyed by many walkers, cyclists and horse riders. As the proposed link road will cut right across this Lane and will run close alongside the Lane for the entire length of its originally protected portion, the entire Lane and its setting will potentially be severely damaged for all users and for all time. As a Non-Designated Heritage Asset, ECC is obliged to fully assess the impact of the link road on the Lane and minimise the impact on it. The current assessment/impact minimisation undertaken by ECC cannot be seen as a full analysis as ECC only assessed the landscape impact of the link road upon the lane at a single point of its c.500 m length so does not take into account the impact of the link road on the whole lane.

We acknowledge that any hedges/trees etc that are destroyed would be replanted / replaced but it will take 15 years of growth and density to reach what is being destroyed so we can only assume that you will be planting saplings. If essential green corridors such as this are to be destroyed, replacement routes to maintain the web of habitats in the surrounding area should be established prior to any removal of existing structures. High quality agricultural land / soils will also be lost.

There is no provision proposed to shield Elmstead from the noise, light, sight and air pollution of the road, despite acknowledging there will be substantial effects from all. An earthwork berm and/or cutting such as used in the A120 would massively reduce the impact of the road on Elmstead and is a favoured solution.

There is also no mention of offsetting the carbon cost of the road construction.

Road: We note there is a service road to be constructed whilst the link road is being built. Where is this to be sited as nowhere on the plan does it show where this is to be? If this service road is to be sited to the east of the link road, therefore, nearer Elmstead we object strongly. The link road will inevitably cause wider scale damage to green corridors, hedgerows etc and cause long term damage to an area that should be a green buffer. The service road plans should be part of the planning documentation. The construction of the site is on a very tight deadline which allows very little slippage on build which could result in 24 hour working. The application does not directly say this but there is a caveat to say extra hours could be worked if needed. What assurance do we have that these will be reasonable?

What happens if the road is not completed by March 2024 the date given to obtain planning permission? Given the unusually tight timeframe, more thought should be given to precautions in case of unforeseen circumstances.

It is stated that the Rapid Transport System is not part of the planning application so what guarantees are there that this will be completed?

It is stated that there is a green corridor along the road which will reduce to 33m between Tye Road and the A133 roundabout. Why is this the smallest width of corridor nearest the village of Elmstead? What justification is there for this?

Traffic: The traffic document is an extensive list of detrimental side effects, but somehow concludes due to 'other effects' the outcome will be beneficial. The data being used in the application is from 2017. Working patterns have changed in the last year 20/21 so to ignore economic change is reckless and irresponsible. Brexit has also had an impact on employment and commute patterns, therefore, why do we now need a major new road?

The application quotes "Ultimately, the RTS will play a key role in intercepting and reducing traffic which would otherwise travel into the town. Commuters travelling from Tendring will be able to access the RTS services from the new Link Road/A133 corridor, while residents of the Garden Community, as well as other nearby areas, will be able to easily access the services without using a car." This would indicate that residents from the Tendring area will use the A133 as well as the A120 to get on to the link road, depending where they live in Tendring. This will result in more traffic going through the village of Elmstead which is not acceptable. Elmstead does not have the capacity to accommodate more traffic than it already does as the village sits on both sides of the A133 without controlled crossings and junction changes to enable both sides of the village to be accessed easily. When residents live in the garden community there will be an increase in the volume of traffic on local roads as the infrastructure of schools, healthcare, shops etc will not be in place – there has to be a trigger of 4500 homes to build a school and health services so potentially this could be year 18 of a 30 year build.

There is no provision made regarding horses in the rights of way/underpass, despite the link road severing bridlepaths.

Conclusion: There is plenty more we could object to but have just highlighted a selection of points to demonstrate the impact this road will have on the village of Elmstead Market particularly and the surrounding villages and countryside. Residents are going to be forced to suffer air, noise and light pollution and a loss of privacy as a result of the construction and operation of this rising road. This has, is and will continue to have a detrimental impact on their health and wellbeing. They will have to wait 15 years in order to gain any protection from planting mitigation as mature hedging and tree are being replaced with saplings. It is unacceptable that any residents should suffer financially, mentally and physically in this way.

We note that Government WebTag documentation is very clear that there are principles that must be followed. In particular, there must be a clear rationale for any proposal and it must be based on a clear presentation of problems and challenges that establish the 'need' for a project.

There must be consideration of genuine, discrete options, and not an assessment of a previously selected option against some clearly inferior alternatives. A range of solutions should be considered across networks and modes. We do not feel this has been done. A link road was decided on and five routes presented. The public were not presented with:

1. Do-nothing

2. Access road at the north of the 'garden community' to connect into the strategic network, with only public transport, walking and cycling access to Colchester, the University, Wivenhoe and Elmstead Market.

In addition, there has never been any evidence, starting with the Housing Infrastructure Fund bid that precipitated this project, that there is any regional need or rationale for the link road. This planning application therefore fails against the WebTag methodology because it has not considered, or presented the public with, 2 key options.

ARDLEIGH PARISH COUNCIL – No comments received.

GREAT BROMLEY PARISH COUNCIL – No comments received.

WIVENHOE TOWN COUNCIL – Do not support this application because we have never been presented with evidence that it is justified in a regional road capacity context and there are more relevant projects (e.g. improvements to the A120) that should be prioritised. The application ignores all current government reviews on road building and will not aid the modal shift local authorities are committed to achieving. The application does not comply with national or local policy and contradicts the Climate Emergency Declaration made by Colchester Borough Council and Tendring District Council and the goals of the Essex Climate Action Commission.

The link road is unwanted and unnecessary, as well as being environmentally devastating. The application has large gaps in its evidence base and the conclusions made don't bear scrutiny.

Questions are raised as to the ability of officers and Councillors to decide without predetermination given the HIF funding and the conditions attached to this. To present to the public than an independent and fair assessment of the application is to happen, we would insist that ECC investigate a time extension to the HIF bid conditions. This would allow any assessment of the roads merits to be considered alongside an up-to-date DPD. Additionally, the link road only represents one half of the proposed transport solution for the garden community – detailed proposals for the RTS should be assessed alongside it. As the only current benefit of the road is the supply of houses, we would propose that the scheme needs to be reworked to provide a restricted service road from the development into Colchester and not a through route that will promote easy car use over public transport. The road shouldn't permit through traffic from the A133 to the A120 as this will only encourage car dependency. Free access across the site will undermine the commitment towards the modal shift.

Due to the extensive nature of the application and the limited time to respond, we are unable to list in detail all the areas where this application fails to comply with policy. However, a simple and unacceptable example of this is that the application is not being submitted with an approved, current, or workable development plan. Reference to the 2017 issues and options plan should be dismissed as this plan has been rejected, does not relate to the current proposed location of the link road, and shows a RTS route that has never been consulted on by the applicant and is not one that is currently being considered.

This is even more pertinent as the reports on traffic modelling for the new road are skewed by an unrealistic modal shift associated with an unproven RTS. Working alongside local transport representatives, we do not believe there is a route (even with additional priority measures added), that will render any RTS route a quicker alternative to the car. However, if there is evidence to contradict this assessment it needs to be presented alongside this application.

Cultural heritage: Significant impact on 124 cultural heritage elements have been identified. 22 archaeological remains have also been identified, although this could just be a fraction of what may be destroyed once construction starts. Not only are the value of these remains unknown, their discovery has the potential to cripple the unachievable time scales set in the HIF funding agreement. This is an unrealistic risk to the project's viability.

Air quality, noise and vibration, light pollution, human health and visual impact on the landscape: No evidence-based consideration of the impact of the link road on air quality in the garden community has been submitted. However, we are horrified to learn that the construction phase alone will produce a minimum of 14,804 tons of CO₂. Although there is currently no data for air quality within the site, it is totally reasonable to assume a dual carriageway, with an adjacent, or bisected, new town of up to 9000 homes will generate a significant rise in pollution from nitrogen dioxide, particulate pollution (like silt, fuels, salt, and heavy metals) which will lead to an unacceptable risk from air pollution to the new community and potentially those surrounding it. There is also insufficient evidence to assess the impact on the four AQMAs in Colchester. As the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refer to air pollution as one of the considerations to be addressed in planning applications we submit that this application fails to do that.

We note that light, noise, and vibration created by the scheme will be detrimental to all living things. We also do not feel that the impact on the landscape has been fully explored or mitigated against. For instance, the road could be submerged into the landscape along most of its length. Providing visual and noise mitigation. Additionally, there is no reference to visual and noise screening of the overall development from the A133 and A120. As planting mitigation takes so long to establish and provide any benefit, even without a masterplan, this work should be included in the first phase of any work that takes place on this site.

Water quality, flood risk and drainage: Sixpenny Brook, Tenpenny Brook and Salary Brook (that all discharge into the River Colne) and will all be affected by the movement of contaminated soil and road run off both during and after the construction phase. The environmental report does not examine the impact of development on the nearby Ardleigh reservoir and its ecology.

Traffic and transport: Traffic modelling reports are unrealistic, and we feel are deliberately confusing in order to obfuscate. For instance, no tolerance has been added for additional usage due to 'induced traffic'. Flawed data and illogical assumptions do not lead to independent decision making. The Greenhouse Gas Emissions estimates submitted with this application defy any logic in parts. In the 'do-minimum' option, greenhouse gases will be almost the same as when a new

dual carriageway is built, and again when 20,000 cars arrive with the new town. This type of evidence being submitted undermines the credibility of the whole application.

ECC's current Transport Strategy states its' aim as to 'Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology'. We cannot therefore understand why the solution would be to spend £100million on a road and RTS based on a diesel bus.

One justification for the new road is that it will relieve congestion in the town centre, yet evidence has still not been made available to demonstrate that a modal shift will work, and people will use the RTS.

Geology, soils and minerals: National protection of valued resources such as sand and gravel have been ignored and no surveys have yet been done on geology, soils and minerals. The exception is the extraction of gravel to create borrow pits – their purpose being to dewater the ground to make it easier to tarmac. Notwithstanding concerns raised about the borrow pits, the location of these to the east of the road is opposed as accordingly they will provide no value for the garden community.

Environmental impact: Survey data is based on too few visits and not at times of the day when nocturnal/crepuscular species would have been more obvious. The presence of barn owls is a clear omission to the recordings as they are known to be present on site. The bat count is predictably low given the limited number of visits.

The rural area, whilst rich in farmland and mature hedge borne wildlife, is not a recognised wildlife venue as single-track roads prevent safe passage. However, it has been and continues to be an important area for wintering finches and bunting. Hedgerows are abundant with these species. The report mentions loss of habitat for key species but does not mention the truncation of several natural wildlife corridors which enable land-based wildlife to commute between habitats. Biodiversity Net Gain is a doomed attempt to reconcile nature and economic growth.

Biodiversity: The truncation of mature hedgerows at multiple intersections effectively destroys terrestrial wildlife corridors for safe passage and disaffects the continuity of the ecosystem applicable to such networks of mature hedges. Such critical degradation would effectively be a tipping point for many species which would amount to extinction from the area. It is highly unlikely that the natural resource has been identified and secured which would offset this impact; although we remain open to, and would be willing to expertly scrutinise, any evidence to the contrary.

The government's planning rules allow loss of irreplaceable habitat for "wholly exceptional reasons" such as for "nationally significant infrastructure projects", this application cannot however be classified in that way. We do not support in any way that the loss of elements like ancient woodland in Strawberry Grove can be 'offset' by planting a few saplings and grass seed.

We do not believe there is a place for half measures such as offsetting and net gain. Habitat restoration and creation is not best secured by allowing tradable destruction of habitats elsewhere.

Climate change: Electric vehicles (which are not even proposed for the RTS) have little or no improvement in their carbon footprint over fuel-powered vehicles; because the electricity needed to charge them is generated by burning fossil fuels (this is well documented), but the pollution from particulates other than fuel are the same. The proposed link road and associated RTS have been planned with no apparent integration of lighter grade networks for individual electric vehicles such as scooters/mobility vehicles which are now affordable for the majority and surely a quicker mode of independent transport for commutes of six miles or less.

Layout of the road and site specifics: We do not support the proposal to terminate Tye Road on the eastern side of the link road. The road currently provides important access across this site and is well used by cyclist and pedestrians as a route around a valued and rare example of a particular type of rural Essex landscape.

We believe the lack of a pedestrian crossing across the road at the Allen roundabout and the elongated diversion to the PRow here is counterintuitive to human behaviour. The location of the proposed Park and Choose should not be left until a later stage. The masterplanning and the road layout should be done simultaneously. We support the suggestion made by Colchester Cycle Campaign for a time phased one way system and bus gate on the junction with A133.

In terms of construction, the A120 overbridge superstructure will necessitate the total closure of both sides of the road. A commitment to keeping the A120 open with all lanes must be considered, during peak hours. The proposed 5 borrow pits will be filled with 540k m³ tonnes of soil for the road. There could be an issue here with natural springs, causing a massive environmental disaster. There's no report of a detailed plan of potential results.

Other queries:

Appointment of contractor

- 1) Did the appointment of Ringway Jacobs follow the correct tender process?
- 2) If so, what was this?
- 3) Which other contractors were asked to take part?
- 4) Does the production of the environmental study by the road builder (Ringway Jacobs) not present a direct conflict of interest?
- 5) Why was an independent consultant not used?

COVID-19

- 1) What consideration has been given to the changes in economy, employment trends and commute patterns due to COVID 19?

Other infrastructure

- 1) Given that the upgrading of the A120 is part of the list in section 1 policy of essential infrastructure that needs to be secured before the new town can proceed; what impact does this have on the timescales set out in the HIF funding agreement

in terms of housing delivery?

2) What consideration was given to the phasing of other infrastructure delivery in the Jacobs traffic modelling reports? For instance, the trigger point for delivery of a secondary school is 4,500 homes. Therefore, with a build out rate of no more than 250 a year, all students will have to commute out of the settlement until, at a minimum of, year 18 of the build.

WIVENHOE SOCIETY (comments received albeit not directly consulted) – Object. The proposed design seems designed to provide an alignment that could be incorporated into a future Colchester Southern Bypass. The southern roundabout connecting with the A133 appears to be positioned so that an extension of the road can pass across the triangle of land bounded by the B1027, the A133, and Elmstead Road, and then through the fields between Wivenhoe and the University of Essex campus at Wivenhoe Park, as was intended when the southern bypass was proposed. The triangle of land is included as part of the Garden Community, a point that has always seemed strange, since it is cut off from the rest by the A133.

The existing junction between the B1027 and A133, sited to the west of the proposed link road, has very limited provision for traffic proceeding northbound from the B1027 and then east towards Elmstead Market. This is because that direction currently sees much less traffic than to the west towards Colchester. However, the proposed link road will change the traffic flows because many drivers will access the A12 towards Chelmsford by taking the link road and the A120 rather than driving across Colchester. The existing B1027/A133 junction will not be able to accommodate the traffic proceeding to the link road and the A120 from the B1027 northbound, because the signalled turn from the westbound to the eastbound A133 carriageway at this junction can accommodate only a few small vehicles or one large vehicle waiting for a green signal aspect. Greater numbers of vehicles will tail back onto the westbound carriageway, causing a safety hazard and/or obstruction to traffic heading west. Rather than leave this problem to materialise when the link road is built, it would be better to resolve it now as part of the design.

The design of the link road as a dual carriageway does not seem remotely justified. In the documents presented to ECC on 26 May 2020, the road was proposed as a '50mph dual carriageway'. No intermediate junctions were shown at that time, and it appeared that intermediate junctions might be grade separated (otherwise 50mph would not be possible). The current proposal is better, in the sense that it now realistically shows flat junctions at two intermediate points but access in and out of the garden community development does not require a 2.5km urban motorway style road, which can be traversed from one end to the other in a few minutes. A road something like the Via Urbanis Romanae in Colchester would be perfectly reasonable. The two intermediate flat roundabouts mean that the road has three short sections of dual carriageway, which will not be traversable at speed. In any case, there is no need for speed given the short distance along the link – at 30mph the entire distance could be covered in 3 minutes, or slightly more, allowing time to traverse the intermediate roundabouts and signalled crossings. A single carriageway road would not divide the community in two as much as a dual carriageway. However, positioning the road along the edge of the development would avoid dividing the community, requiring a junction with the A133 further east, nearer to Elmstead Market. In short, the proposed road needs rethinking.

The proposed link road cuts the Garden Community in two (not evenly, there is much more land to the west of the road). Since the dual carriageway will be a major linear obstacle with only a few crossing points at or near the intermediate roundabouts, it hardly seems consistent with the idea of the development as a 'community'. Indeed, perhaps the location of the road will segregate the 'community' into two parts by design, making it possible to provide a social housing area separated from the more expensive properties.

LOCAL MEMBER – TENDRING – TENDRING RURAL WEST – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – WIVENHOE ST ANDREW – The application is premature in relation to the masterplanning for the development site, most notably the lack of a complete Development Plan Document (DPD). Such significant infrastructure planning needs to go hand-in-hand with the development masterplan. Colchester Borough Council is the lead authority responsible for the DPDs. Consequently, I suggest that ECC as lead-authority on the successful £99 million HIF bid, requests from central government an extension to the time period drawing down on this bid funding. Lastly, further focus needs to be given to greening this significant piece of infrastructure. Currently, the plans do not meet the government's latest environmental commitments of sustainable infrastructure.

6. REPRESENTATIONS

This application was advertised by way of site notice and press advert. 75 properties were also directly notified of the application. 26 representations have been received. These relates to planning issues, summarised as follows:

Observation

Many sections of the application form have not been completed or disclosed. Section 3 should disclose that major site investigation works have already taken place.

Concern about the imposition of 9,000 homes and the so called 'garden community' planned for the area between the Greenstead Estate in Colchester and Elmstead and the link road between the A133 and the A120.

Comment

Officers are content that the application form has been completed to a sufficient level to enable validation. The development to which this planning application relates has not commenced and therefore the applicant ticking no to the corresponding box within Section 3 is correct. Whilst preliminary site investigations have taken place this is not a marker for commencement of a specific development.

Whilst this development seeks to support the planned garden community, this application is just for a link road between the A120 and A133. The actual application(s) for development of the garden community will be considered separately by Colchester and Tendring Council's.

<p>The road would cross a working farm, be near protected wildlife areas, listed buildings and ancient woodland.</p>	<p>See appraisal.</p>
<p>Whilst traffic along the A133 is often at a standstill and a road would alleviate this to some extent, as a standalone objective, the eventual outcome of so many more homes with cars accessing it will not.</p>	<p>See appraisal.</p>
<p>I feel sure that planning for the road is already well underway so my objections will go unheard, and the road will be built no matter what.</p>	<p>All representations submitted are reviewed and formally appraised through the planning application process. Whilst the garden community forms an allocation within Section 1 of Local Plan, there is no guarantee that planning permission will be granted for proposals coming forward in respect of that designation.</p>
<p>Ringway Jacobs appear to be the 'responsible party' for almost all aspects of the build with no accountability to a higher authority in terms of time or specification.</p>	<p>Jacobs are the planning agent acting on behalf of the applicant (ECC). The application is being assessed/determined by ECC in its capacity as County Planning Authority. Jacobs, as a company, are also the County Planning Authority's noise, air quality, lighting and climate change consultants and have been consulted on the application. However, different members of staff were involved in the review undertaken on behalf of the CPA to those involved in putting the application together for ECC as applicant. For the avoidance of doubt, Jacobs are not in any way involved in the final decision-making process. Without prejudice, should planning permission be granted, the project would also be tendered to the open market for appointment of a contractor to build out the development.</p>
<p>This is called a link road but it doesn't link anything.</p>	<p>The road links the A120 to the A133.</p>
<p>A dual carriageway is totally inappropriate and will increase traffic levels between these two roads which will ultimately route additional traffic</p>	<p>See appraisal.</p>

through Elmstead as traffic seeks short cuts to other villages east of Colchester.

The proposal will increase pollution, specifically increasing carbon dioxide and nitrogen oxide, in an area that is currently rural and agricultural. It will also significantly increase both noise pollution and light pollution.

See appraisal.

It will destroy valuable ancient woodlands and wildlife habitats and corridors for many birds and mammals including Bat, fox, badger, deer, buzzard, kestrel, red kite and many other birds in at risk categories. No amount of mitigation can realistically offset the massive impact. Animal roadkill is also likely to be an additional long-term issue.

See appraisal.

The road goes against national and local policies and is against both Colchester and Tendring's declared climate emergencies. It appears that the only purpose of this road is to enable construction of a garden community which in itself is controversial.

See appraisal.

On balance, support the creation of the link road. With any luck, it will reduce traffic in the Tesco Hythe area, as it will allow traffic to reroute away from the small town roads that they currently don't have an alternative for. However, given there is going to be a new town there (which I definitely do not support), this road must be built before the housing - otherwise there will be little option for the residents of this new estate to use the existing infrastructure, which isn't up for the job. To be honest, it's a shame this road isn't extended over the river all the way around to Marks Tey, thus giving residents a real choice to drive around Colchester and not through it.

Noted and see appraisal.

At a time when the climate emergency is very real, we should not be encouraging more cars on to the road and therefore

See appraisal.

more polluting fossil fuels. The easier and more convenient it is for people to drive the more this will happen.

The most worrying effect of this road to the people of Colchester and living in the areas nearby is the potential of even higher air pollution in a town already seeing high air pollution levels directly impacting residents health. Building new roads is not sending the right message. People need to be encouraged to change their ways by working locally, cycling or taking public transport...we need to focus on making these the easy and convenient options.

See appraisal.

This is not a well-thought through plan and will not result in less traffic or better traffic management. Colchester needs forward-thinking, innovative and brave solutions to how we travel in and out and around our town.

See appraisal.

What part in a climate emergency does a new road play? More vehicular traffic, more pollution and illness, more destruction of the environment and loss of biodiversity. There is no need for another road on a dead planet!

See appraisal.

Investment would be more wisely invested in public services, health and the environment.

Noted.

Building this road and providing more motor vehicle capacity will induce more people to drive due to more convenient routes. As the majority of energy for the production and usage of motor vehicles comes from sources that emit greenhouse gases, this increased motor traffic will have a negative impact on the planet's climate. Motor vehicles also produce polluting gases and particles that will negative impact the health and life of residents in and near Colchester, including those that do not make use of the road, and those who are doing their best to avoid having a negative climate impact.

See appraisal.

Instead of building this unnecessary road for private motor traffic, government money should be spent on alternative measures to aid transport east of Colchester, including safe and direct segregated cycle routes to Elmstead Market, Wivenhoe, Ardleigh, and other nearby towns and villages. Bus routes should also be provided that serve people in those areas.

Noted.

I see no benefit to the link road other than to help increase motor traffic levels on yet another bypass which will not improve traffic levels, congestion or pollution levels as all previous bypasses have failed to do. It comes to no surprise whatsoever to see the level of driving gone up over 3 billion in Essex when you see the ever-repeating road building and expansion to relieve congestion rather than investment in better quality or improved walking and cycling infrastructure.

See appraisal.

The proposals impede those who walk and cycle, including yet more substandard shared paths that do not meet the requirement of the Equality Act or the new LTN1/20 Cycling Infrastructure Standards. The link road also goes against the Governments own plans 'Gear Change' to improve walking and cycling and cut the level of motor traffic. This whole design needs to be completely redesigned with an impetus walking and cycling.

See appraisal.

There is an unproven need for a road of this scale to access a single housing development, especially given concerns over climate change, air quality and the need to reduce car use to enable and encourage healthier lifestyles.

See appraisal.

All new UK roads have led to an increase in motor traffic (with the possible exception of the M180 between Thorne and Broughton in Lincolnshire). I have severe reservations about the

Noted.

figures produced concerning traffic generation on the A133 through Colchester and associated air quality.

I doubt the effectiveness of the associated Rapid Transit System in assisting modal change. Its success will depend on its cheapness of use and its reliability. A 10min frequency will require the closure of Brook Street to through traffic as well as the reinstatement of a two-way High Street; while I have no objection to those two changes, I doubt whether our politicians have the courage and determination to see it through, which will mean that the RTS will be effectively stillborn.

Noted and see appraisal.

A radical option for a road to access the Salary Brook development exists but has not been given proper consideration. It will instantly control traffic growth and ensure the viability of the RTS. The green cordon could be in place 24/7 or timed to avoid creating extra motor traffic at peak times. Money will be saved as a dual carriageway will no longer be needed: a single track road will do. The Salary Brook estate should have no other entrances/exits into the local road network. This option should at least be modelled before a decision is made.

See appraisal.

The link road as it stands is completely inadequate in detail to have any confidence that there will be a safe alternative to use of motor transport. Although there is provision of one cycle lane, there is no indication of any crossings to access it or to leave it and similarly no indication of it being joined up to anything that is safe and adequate. Reference in support of this is made to LTN 1/20 Cycle infrastructure design.

See appraisal.

Air pollution in Colchester exceeds legal levels in several areas and plans have been created in an attempt to ensure improvements. Fundamental to this is

See appraisal.

reducing road traffic and encouraging alternative choices including cycling and walking to improve the health of the population and reduce the reliance on motor transport.

Whilst accepting there is pressure to accommodate more people in Colchester, this should not be done to the detriment of the health of those all who already live here.

See appraisal.

The role of the planning department should be more than just accommodating more people and fulfilling quotas. More attention needs to be paid to public health measure and this involves promotion of clean air, clean water and an environment where it is safe to exercise without being intimidated or killed or maimed by fast moving traffic. Giving people alternatives to encourage active transport requires detailed well thought through road schemes with appropriate segregation.

See appraisal.

The time given between the validation date and consultation end has been insufficient to plough through the vast amount of documentation linked to this application.

The application was advertised and consulted on in accordance with relevant legislation. The length of the consultation period is derived from the aforementioned and not specifically set by ECC.

Noise and light pollution.

See appraisal.

Landscape impact.

See appraisal.

Disruption during construction.

See appraisal.

Loss of probable ancient woodland at Strawberry Grove as well as damage to established hedgerows both of which impact habitat for species including rare/protected species such as dormice, bats and badgers all of which have been evidenced in the area.

See appraisal.

<p>The construction phase total emissions would be 14,804tCO₂e. Operations phase emissions are stated to be GHG Emissions (tCO₂e) 13,518. And by 2041 with traffic 200,00tCO_e.</p>	<p>See appraisal.</p>
<p>The Greenhouse Gas Emissions design year figures submitted with the planning application cannot be correct.</p>	<p>See appraisal.</p>
<p>I'm not convinced the local infrastructure can cope with the 9000 houses this road is meant to support. Colchester can barely cope with the traffic levels now.</p>	<p>Consideration of the transport impact associated with the residential properties and other uses proposed as part of the garden community will be considered as part of the planning applications submitted in due course for these uses.</p>
<p>Any such road should be restricted to electric vehicles along with charging infrastructure to reduce the environmental impact on the surrounding countryside. Every house in the new development should also have EV charging as part of the planning approval.</p>	<p>Noted.</p>
<p>How much longer are the driving public going to have to put up with the flooding along Haven Way at the Hythe?</p>	<p>Comment does not directly relate to this proposal.</p>
<p>We would expect to be compensated for the impact the dual carriageway will have on the enjoyment of our home, living within a building site for the next forty years, the effect this has and will continue to have on our mental and physical health and the decrease in value that our property will suffer.</p>	<p>Any claim for planning blight under the Town and Country Planning Act 1990 or for compensation under the Land Compensation Act 1973 would be made to ECC as applicant/developer, separate to the terms of any planning permission granted.</p>
<p>The Cultural Heritage Desk-Based Study ignores the finds at Fenn Farm (ECCFAU 2008 etal) and Lufkins which were only found when agricultural reservoirs were planned. The Study is also not based on any field-walk or excavation to ascertain the archaeology; and gets local history incorrect. Local information and surveys seem to have been ignored.</p>	<p>See appraisal.</p>

<p>This application should be turned down until we have a Government incentive for (a) a joined up transport system and (b) a nationalised housing scheme.</p>	<p>Noted.</p>
<p>There are no proposals for increasing public transport provision or improve railway connections.</p>	<p>Noted, albeit not considered that the comment specifically relates to the proposal.</p>
<p>Just get on with it.</p>	<p>Noted.</p>
<p>A recent Essex County Council report made in response to objections to the link road by residents, signed and agreed by Councillor Wagland, states that the impact of housing in the Tendring and Colchester Borders Garden Community "is a separate question to the impact of the road. The housing is likely to be provided even if the road is not built". This is a clear admission that there is no justification or requirement for the provision of the link road, which in any case conflicts with the stated garden community aims of achieving a modal shift to sustainable means of travel and discouragement of car use.</p>	<p>Noted.</p>
<p>Since the original deadline for comments on this application, the severity of the climate change emergency has become much more apparent and the urgent need to take more drastic action to combat it in a shorter timeframe than previously envisioned has been recognized worldwide. In these circumstances it would be both unjustifiable and irresponsible if this unnecessary and environmentally damaging link road were to be approved and built.</p>	<p>See appraisal.</p>
<p>Request made that the temporary access road which links Tye Road to the access drive for Allens Farm be made a permanent feature of the proposals.</p>	<p>This request was incorporated into the project design as part of the revised/updated submission in August 2021.</p>
<p>Request made for an earth bund to be constructed to the east of the access road from Tye Road to Allens Farm for</p>	<p>This request has not been taken forward within the proposals. See appraisal for assessment of noise and visual impact</p>

additional noise and visual mitigation.

Confirmation is sought that the connection to the Anaerobic Digestion plant at Allens Farm is hard surfaced and capable of receiving HGVs.

Concerns with regard to drainage attenuation and proposed use of local ditches.

Elmstead Road will become a rat run which it is completely unsuitable for. Elmstead Road should be closed at its junction with the Brightlingsea Road (B1027).

Existing field drainage will be severed and will have to be replaced. Field irrigation rigs are also likely to be affected and accordingly re-designed.

Some gaps in the central reservation on the A133 are proposed to be closed. The gaps opposite Elmstead Road, Blossomwood Farm, Tye Farm, Fen Farm, Park Farm and Carpenters Lane should remain open from an agricultural perspective.

All field access must be retained or replaced.

Concerns over the impact of the high-level lighting on the roundabouts.

Concerns over the impact of the proposed use of the Ardleigh Services' site as the main access for construction traffic.

and proposed mitigation.

An equivalent length of maintained highway is proposed in comparison to existing. The length of maintained highway proposed does not connect to the entrance to the AD plant however it does connect to an area which as existing is used for HGV circulation.

See appraisal.

Noted. The gap in the central reservation in the A133 at Elmstead Road would be closed. However, no measures are proposed at the junction with the B1027 as part of the scheme. Potential does nevertheless exist, as suggested by the applicant, for a Traffic Regulation Order to be placed on Elmstead Road if this subsequently is identified as needed.

See appraisal.

The gap opposite Elmstead Road is proposed to be closed up, as are two of the three gaps near Park Farm. To access the A133 eastbound, vehicles would need to go around the new proposed roundabout.

Noted.

See appraisal.

The existing access to Ardleigh Services is proposed to be utilised as an initial site access. Whilst this would likely impact on operations as the site would have a dual use, for a temporary period,

	it is understood that during the complete construction period the site would be able to stay open and operate – albeit potentially not at full capacity.
The proposed new access to Ardleigh Services is uncomfortably long and indirect for users and as a slip back onto the A120.	See appraisal.
Impact on the viability of Ardleigh Services.	See appraisal.
The proposed access arrangement for Ardleigh Services is unworkable.	See appraisal.
The proposed design of the project has significant environmental and other impacts which are unnecessary (in that the link road could and should be delivered without them). The cost and environmental impact of the access arrangements is only necessary because Ardleigh Services is proposed to remain where it is.	See appraisal.
The HIF is not justification for the compromises in terms of conflict with the Local Plan and the overall sustainability of the development. Alternative funding should be explored or at least an extension requested to the HIF.	See appraisal.
The application is silent on the potential consequence of Ardleigh Services closing.	Noted.
There are genuine shortcomings in the proposal arising from the decision to design and build ahead of the masterplanning process.	See appraisal.
The proposal fails to deliver any prior extraction of sand and gravel.	See appraisal.
The project requires significant quantities of infill material but details on where and how this will be sourced are limited.	See appraisal.

<p>This proposal may benefit from being called-in by the Secretary of State for determination.</p>	<p>Noted.</p>
<p>National Highways has concerns about the proposed departures from standard.</p>	<p>See consultation section of the report.</p>
<p>Some of the plans do not show a fence or any drainage between the two-way slip road serving the dual purpose of access to Ardleigh Services, and entry to the westbound carriageway of the A120, and the westbound carriageway itself.</p>	<p>Noted.</p>
<p>The assessment of alternatives within the Environment Statement is not robust.</p>	<p>See appraisal.</p>
<p>We note Ringway Jacobs are the named agent on the application and prepared the Environmental Statement. We would be grateful therefore if you could confirm in what capacity they have been consulted by the planning department?</p>	<p>Jacobs are the planning agent acting on behalf of the applicant (ECC). The application is being assessed/determined by ECC in its capacity as County Planning Authority. Jacobs, as a company, are also the County Planning Authority's noise, air quality, lighting and climate change consultants and have been consulted on the application. However, different members of staff were involved in the review undertaken on behalf of the CPA to those involved in putting the application together for ECC as applicant. For the avoidance of doubt, Jacobs are not in any way involved in the final decision making process. Without prejudice, should planning permission be granted, the project would also be tendered to the open market for appointment of a contractor to build out the development.</p>
<p>Has the Environmental Statement been independently assessed by an environmental consultancy?</p>	<p>No</p>
<p>A field access off the spur road to the waste transfer station should be incorporated within the proposals.</p>	<p>This request was incorporated into the project as part of the revised/updated submission in August 2021.</p>

The spur road to the waste transfer station seems excess for its use/purpose. See appraisal.

Concerns about the location of borrow pit 5. Noted.

Comments received from Essex's Quality Review Panel have not been properly considered and/or adequately responded to. See appraisal.

It is clear from the concerns raised by the EQRP that a full review of the design of the Link Road should have been undertaken and a revised scheme reported back to EQRP before the application was submitted. The Applicant's response was simply to submit an Indicative Landscape and Environmental Design Plan and insert a table of Landscape, Environmental Design and Related Sustainability Objectives and Principles (Table 2.1) into the Environmental Management Plan (EMP) as part of the application.

The applicant clearly seems landscaping as a form of mitigation rather than leading the design intent. Noted.

Considered that the landscaping should have taken the form of a design code, especially as detailed design of the landscape is being treated more like a reserved matter. See appraisal.

COVID restrictions are not an excuse for not undertaking on-site surveys. Noted.

Regulation 25 requests for additional information rating to alternatives; surveys and baseline data; archaeology; significance of heritage assets; biodiversity and flood risk should be made. Noted.

The lack of measured baseline noise data is a fundamental issue that undermines the whole Noise Impact Assessment. If the wrong locations have See appraisal.

been used, then the noise levels should be properly tested at the correct locations. The impact from noise from this proposal goes to the heart of the design, the mitigation and the landscaping of the Link Road. If this is all based on incorrect predictions, then the whole scheme will fail. There is also no mention of potential impacts from vehicles using the new road to the waste transfer station.

Air quality monitoring should have been undertaken for significantly longer than two months. See appraisal.

Impact on/to Turnip Lodge Lane as a protected lane. The impact of the proposal on the full stretch of the Lane has not been assessed. See appraisal.

A revised route for the link road could have reduced the impact on Turnip Lodge Lane or at least offered the opportunity for more mitigation. See appraisal.

Why does the link road have to be elevated? See appraisal.

Tree densities within the linear belts between the WCH and the link road need to be the highest possible. See appraisal.

The design and landscaping around proposed attenuation ponds should be reviewed to ensure these achieve best results all round. See appraisal.

Concerns about viewpoint 12 and this accurately representing views off/from the whole of Turnip Lodge Lane. Impacts are therefore underplayed and required mitigation missed. Noted and see appraisal.

The proposed location of attenuation pond 2 requires the removal of a significant length of hedgerow, when moving this a short distance would allow this to be retained. Attenuation pond 2 has been moved to the east side of the link road as part of the revised/updated submission in August 2021.

Stopping up of vehicular traffic to Turnip Lodge Lane should happen very early in the construction programme.	See appraisal.
Why is ECC applicant and determining authority? Surely there must be a conflict of interest.	Regulation 3 of the Town & Country Planning General Regulations 1992 allows for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined by the authority concerned.
Request made that the installation of hoardings as screening be considered as mitigation for more properties in close proximity to the development.	See appraisal.
Could it be confirmed is low noise road surfacing will be used across the whole scheme?	Low noise road surfacing is proposed to be used on the entire length of the link road.
Some landscaping should be planned to be undertaken at the start of construction works.	See appraisal.
The Department for Transport is reviewing its road programme due to pandemic-related changes in the demand for, and cost-benefit of, new roads. Why are ECC therefore pressing ahead with this proposal?	Noted.
Instead of a dual carriageway, consideration should instead be given to creating a connector road onto the strategic network (A12/A120) and preventing cars from leaving the south of the garden community.	See appraisal.
It is perverse and unreasonable to declare a climate emergency and yet add extra carbon and reject zero carbon options.	See appraisal.
There is a lack of evidence-based consideration of the impact of the A120-A133 link road on air quality in the garden community.	See appraisal.

There is a lack of robust, evidence-based consideration given to induced traffic (more colloquially, “new roads generate new traffic”). This lack of consideration produces exaggerated estimates of benefits e.g. time savings and reduced congestion and underestimates of environmental disbenefits e.g. carbon emissions and air pollution (NOx, CO and PM2.5).

See appraisal.

This planning application fails Government’s WebTag methodology.

Noted.

It is inconceivable that the modelling submitted finds that the garden community does not add to congestion in Colchester. The conclusion that the impact on the strategic network is limited, due to the rapid transit system, and that the network is will be able to cope also seems open to challenge, particularly in terms of Junction 29 of the A12 and generally the A120.

See appraisal.

The proposal is contrary to policy or guidance in the Treasury Green Book. Treasury guidance requires optimism bias/contingency of around 44% for infrastructure projects of this type. The contingency for this project, according to a report prepared for Essex County Council last year, is only 17%.

Noted.

The proposal is contrary to the Climate Change Act 2008 (as amended), Clean Air Strategy, Clean Growth Strategy, 25 Year Environment Plan, Sixth Carbon Budget, Essex Transport Plan 2011, Essex County Council Climate Action Commission, Colchester Borough Council’s Climate Emergency Declaration and Tendring Borough Council’s Climate Emergency Declaration.

See appraisal.

Unacceptable financial risk to taxpayers taken in respect of the terms agreed for the HIF funding. The project is already

Noted.

reliant on additional developer contributions as the HIF wouldn't cover the construction costs.

Loss of Grade 1 agricultural land. See appraisal.

Impacts can not simply be offset by reference to 'net biodiversity gain'. See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development and Alternatives
- B. Highway Design
- C. Landscape and Ecology
- D. Geology and Soils
- E. Heritage
- F. Amenity (including noise and vibration, air quality and lighting)
- G. Human Health
- H. Flood Risk and Drainage
- I. Climate Change
- J. Public Sector Equality Duty and Human Rights

A PRINCIPLE OF DEVELOPMENT AND ALTERNATIVES

The NPPF at paragraph 8 when describing sustainable development states that in an economic role, the planning system should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Expanding, paragraph 82 states that policies should c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.

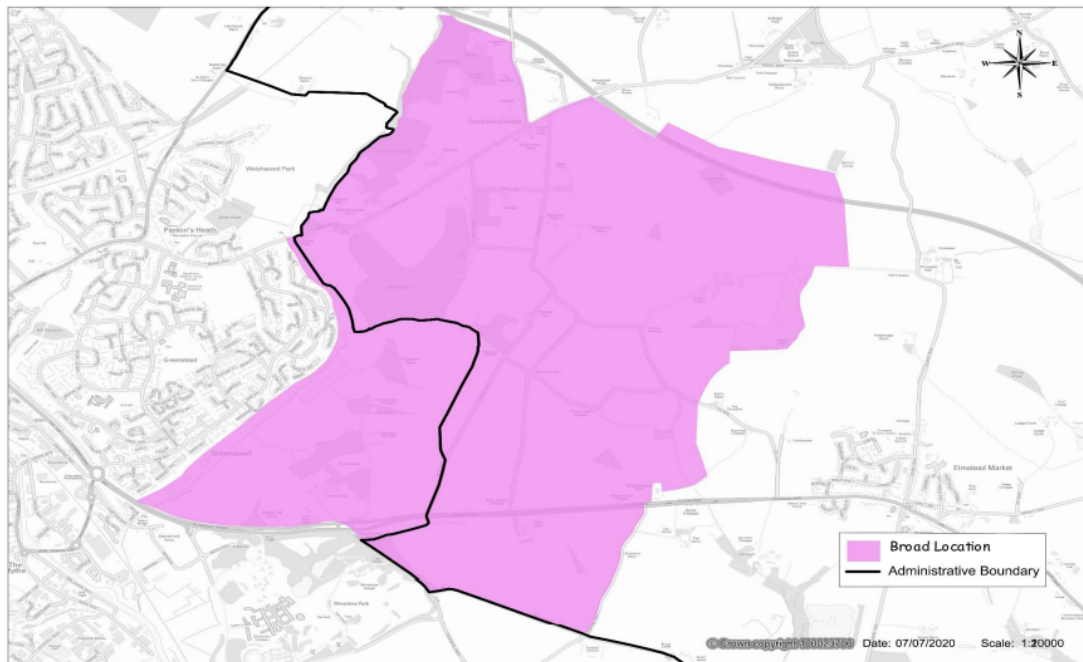
Specifically, in terms of transport, paragraph 104 details that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Policy SP3 of Section 1 of the North Essex Authorities Local Plan, confirms that as part of the sustainable strategy for growth, the Tendring Colchester Borders Garden Community (TCBGC) will be developed and delivered at the broad location shown below.

Map 10.2 from Section 1 of the North Essex Authorities Local Plan



The TCBGC is planned to provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will also be delivered as part of the TCBGC beyond the current Local Plan period.

To realise the aspiration for the TCBGC policy SP6, which relates to infrastructure and connectivity, states that before any planning approval is granted for development forming part of the garden community, the following strategic transport infrastructure must have secured funding approval and planning permission:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

Policy SP8 relates specifically to the TCBGC. This states that the garden community will be holistically and comprehensively planned with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. With regard to this, the policy outlines that a Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the TCBGC will be designed, developed and

delivered and no planning permission for development forming part of the garden community shall be granted until the DPD has been adopted.

Policy SP9 expands to confirm the DPD will define the boundary of the TCBGC and the amount of development it will contain. In terms of transportation, policy SP9 details “a package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and to maximise the opportunities for sustainable travel. Policy SP6 requires planning consent and full funding approval for the A120-A133 link road and Route 1 of the rapid transit system to have been secured before planning approval is granted for any development at the garden community. Additional transport priorities include the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access and to access the adjoining areas; park and ride facilities and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local transport network and fully mitigate any environmental or traffic impacts arising from the development.”

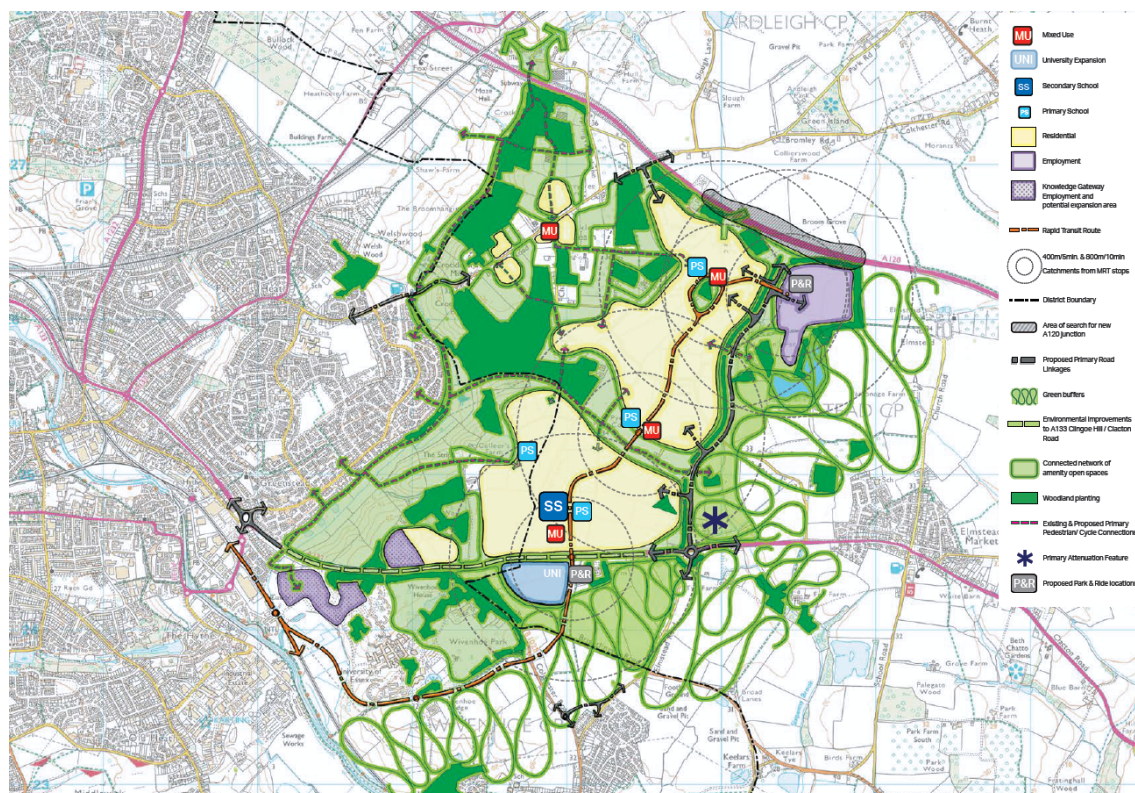
The principle of a link road between the A120 and A133 to facilitate the TCBGC has been established by Section 1 of the North Essex Authorities Local Plan. Policy SP6 requires planning approval for this before any other development associated with the garden community will be considered for approval. Accordingly, it is considered that Section 1 of the North Essex Authorities Local Plan has indicated that the garden community principally needs to be infrastructure led.

The DPD for the TCBGC, referred to within policies SP8 and SP9, however is not at a stage of production to have any real weight to inform the link road design and in this regard it will be noted that some representations received have accordingly sought to call this application premature.

The most recent published spatial expression of the TCBGC is contained within the concept framework (‘A Plan for Tendring Colchester Borders Garden Community Issues and Options Report November 2017’). An extract is provided for reference below, albeit it is noted that this plan only formed part of an issues and options paper and therefore as an expression is merely a potential option presented as a starter for discussion with interested parties.

It is not considered ideal that this application has come forward before the DPD for the garden community has progressed, indeed policy SP8 seeks to suggest that no development forming part of the garden community shall be granted until the DPD has been adopted. The Government’s award of Housing Infrastructure Funding (HIF) is however conditional on the link road being delivered and the first homes being built within an anticipated timeframe. The timeframe imposed for the HIF aligns with the wider trajectory anticipated by the Section 1 Local Plan and accordingly the lack of progress on the DPD would give rise to major deliver implications, if consideration of in-particular this proposal was delayed until production and adoption of the DPD, given the lengthy construction timetable associated with the link road.

'Draft Concept Framework' from A Plan for Tendring Colchester Borders Garden Community Issues and Options



Officers can understand the resistance to parcels/part of the TCBGC allocation coming forward until the DPD is in place. However, given the strategic nature of the link road, the need for this to be in place to support the delivery of the garden community and the development specific constraints which relate to the link road, it is not considered that determining this application prior to the production of the DPD will fundamentally undermine the principles envisaged for the garden community and/or the emerging quality or character of the garden community as a whole. This is however subject to appropriate consideration of the guiding aspirations for the area and these aligning with that proposed as part of this development.

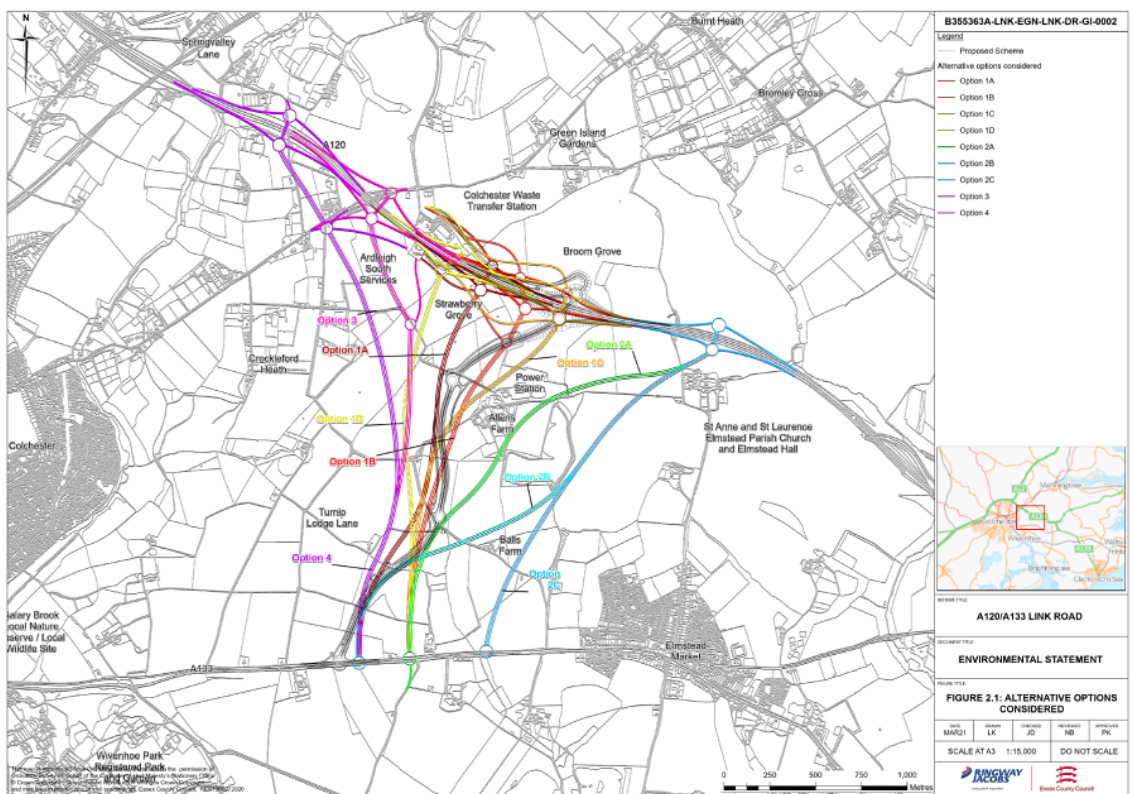
Alternatives

In context of the above conclusion, it is nevertheless noted that many representations received have raised concern about the proposed link road route and the consideration (or lack of) alternatives. Regarding the proposed route, several alternatives have been considered and appraised as part of the Environment Statement to support the route (option 1C variant) proposed by this application, see below drawing. Further commentary to that provided in the Environment Statement on the evolution process undertaken by the applicant and engagement sought can be found on a report produced for Essex County Council's Cabinet ([HYPERLINK](#)

<https://cmis.essex.gov.uk/essexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=V%2bnDru83bK0KFFudNBUr%2bk8nXHp3hTNQJm%2f0DEXhkGDv%2fqay3TspMQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFL>

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uCpMRKZMwaG1PaO=ctNJFf55vVA%3d" link) seeking to agree option 1C variant
as the preferred option for the A120 to A133 link road.

Figure 2.1 from the submitted Environment Statement 'Alternative Options Considered'



It is acknowledged that in addition to the actual route of the link road, questions have been raised about need in general, certain design features incorporated and some measures/restrictions not. The highway design of the link road is discussed in detail in the proceeding section of this report. Comments received relating to Ardleigh South Services are also appraised within this section of the report. However, for the avoidance of doubt, officers are content with the assessment of alternatives presented within the Environment Statement in terms of compliance with Regulation 18 (3)(d) and schedule 4, paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

B HIGHWAY DESIGN

Policy SP7 of Section 1 of the North Essex Authorities Local Plan relates to place shaping principles. The policy states that all new developments must meet high standards or urban and architectural design and respond positively to local

character and context to preserve and enhance the quality of existing places and their environs; protect and enhance assets of historical or natural value; incorporate biodiversity creation and enhancement measures; create well-connected places that priorities the needs of pedestrians, cyclists and public transport services above use of the private car; provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites; include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking (only criteria relevant to this proposal have been detailed).

Policy SP7 touches on many topic areas or considerations discussed later in this report in respect of the link road project and design. Specifically, with regard to highways, policy TR1 of the Tendring Local Plan (2007) requires submission of a transport assessment for all major developments with policy TR1a confirming that proposals will be considered in relation to the road hierarchy and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. Policies TR3a, TR4, TR5 and COM12a relate to provisions for walking and cycling, the safeguarding and improvement of Public Rights of Way and specifically Bridleways. With policy QL2 seeking to promote transport choice, COM1 seeking to ensure access for all, COM2 relating to community safety.

The applicant has stated that in addition to relieving traffic congestion in the wider road network, the proposed link road is aimed to support the allocated garden community. Transport modelling undertaken to support the Local Plan process, as well as the HIF bid, has evidenced that building homes at the TCBGC would lead to an increase in flow and journey times on local routes through Colchester and a worsening of congestion spots along the A133 approach. This worsening is considered significant after 1,000 homes have been built.

The link road would allow delivery of the more ambitious levels of housing building, up to circa 5,000 homes. Past this point there is a predicted sharp deterioration in network performance, even with the link road in place. However, when the Rapid Transit System (RTS) is also considered, the transport modelling shows that growth up to and beyond 7,500 homes can be accommodated, which is why both the link road and RTS are policy requirements to development coming forward within the TCBGC.

In terms of the link being a dual carriageway, assessment of whether a spine road providing access only would be sufficient has been considered. However, if a spine road providing access was created to the south it is suggested that this would load traffic onto the A133, which is a congested route into Colchester and would severely limit the growth of the garden including the opportunity for job creation. Meanwhile if a spine road provided only access to the A120 to the north of the site, this would load traffic onto the regional A120/A12 route which already has limited capacity. Hence, it is too suggested that this would limit growth of the TCBGC.

Furthermore, a northern only spine route would significantly lengthen trips to the University and town centre with the likelihood that traffic in Colchester would worsen.

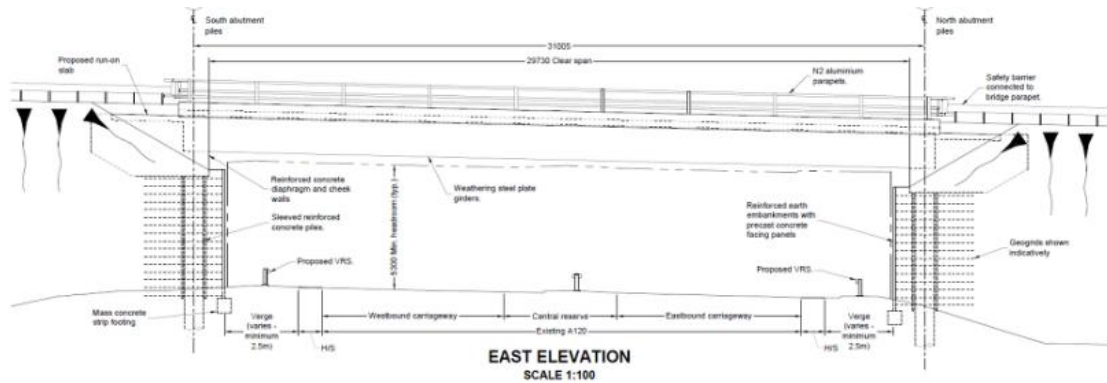
The justification for the link road and the support for it in policy is considered comprehensive. Whilst concerns have been raised that road building is never going to not lead to a step or gear change in thinking or the modal shift envisaged for the TCBGC, the link road is only one part of a package of infrastructure developments and initiatives proposed to support the garden community.

As detailed in the Proposal section of this report, the main design elements of the proposal in addition to the actual 2.4km 50mph design speed dual two-lane carriageway are:

- One grade separated dumbbell junction connecting the link road to the A120, with bridge across the A120;
- A new roundabout at the junction with the link road and A133;
- Two intermediate roundabout locations giving access to Allens Farm, Wivenhoe Road and the future TCBGC development;
- New access road to ECC's Waste Transfer Station north-west of the proposed A120 junction;
- New two-way access to Ardleigh South Services west of the proposed A120 junction;
- A 5m wide segregated footway/cycleway along the western side of the Link Road from the new roundabout at the A133 junction, up to Allens Lane;
- A 5m wide shared use PRow diversion from Allens Lane to a new underpass catering for walkers, cyclists and horse riders (WCH). The diverted shared use PRow diversion then becomes 4m wide, as it continues to the east of the underpass;
- Two at grade crossing points – one a Pegasus crossing (catering to horse riders, walkers and cyclists), located where the scheme crosses Turnip Lodge Lane; and a Toucan crossing proposed approximately 60m north of the A133 roundabout, to provide a link for walkers and eastbound cyclists so they can avoid the new A133 roundabout circulatory carriageway;
- Four borrow pits; and
- New farm maintenance access track near Allens Farm.

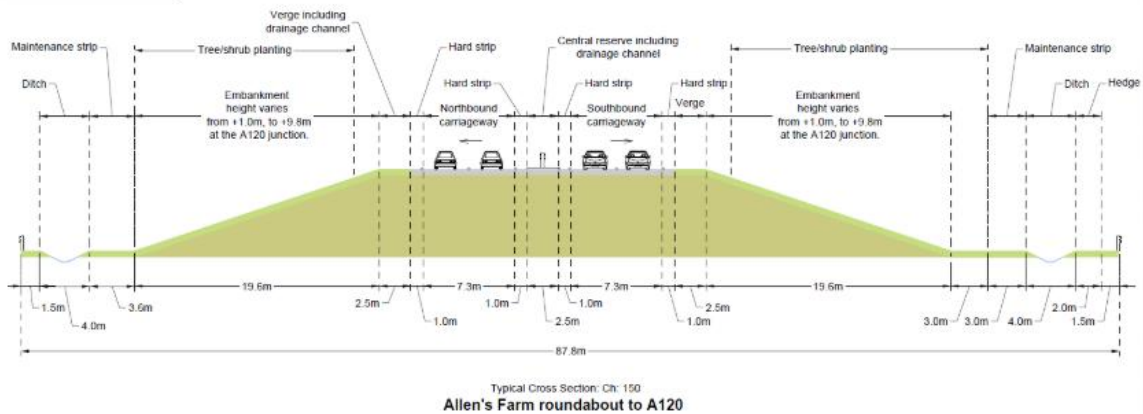
The proposal includes a number of structures including the A120 overbridge, WCH underpass, three culverts and a retaining wall adjacent to Strawberry Grove. As shown on the below the A120 overbridge would provide 5.3m minimum clearance to the A120 carriageway, with the top of the safety barrier on overbridge circa 9m above the A120 carriageway level.

Extract from 'Proposed A120 Overbridge ST01 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0001 (Rev A)

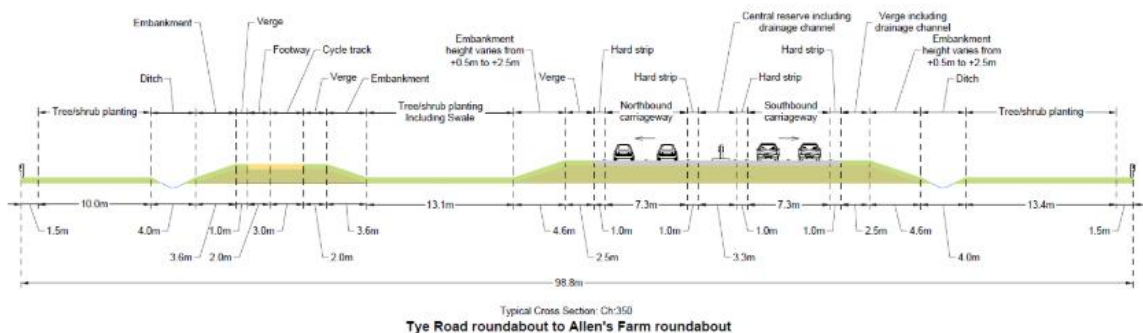


Progressing south from the A120, the road embankment which the overbridge would sit would reduce with the introduction of the WCH to the west of the carriageway and some linear landscaping and attenuation features incorporated within the proposals, as shown below on the cross sections through the link road at various points.

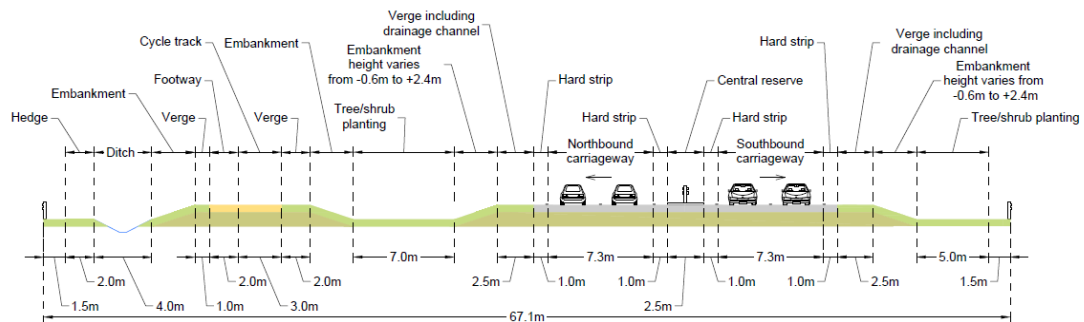
Extract from 'Typical Cross Section Sheet 2 of 3 – Allens Farm Roundabout to A120 to Tye Road Roundabout', drawing no. B355363A-LNK-HML-LNK-DR-C-0002 (Rev A)



Extract from 'Typical Cross Section Sheet 3 of 3 – Tye Road RBT to Allens Farm RBT', drawing no. B355363A-LNK-HML-LNK-DR-C-0003 (Rev A)



Extract from 'Typical Cross Section Sheet 1 of 3 – A133 to Tye Road Roundabout', drawing no. B355363A-LNK-HML-LNK-DR-C-0001 (Rev A)



Typical Cross Section: Ch: 700
A133 to Tye Road roundabout

In terms of policy, the provision of the footway and cycleway adjacent to the link road (in part a WCH) is considered as a concept and entity to accord with policies QL2, COM1 and COM2, TR3a, TR5 and COM12a. In respect of this and policy TR4 the link road would however sever PRow 162_21 (a restricted byway) and its connections with PRow 162_2 (a footpath) within Allens Farm. To counter this a new PRow route (usable by cyclists and horse riders) is proposed be provided between PRow 162_21 west of the link road and PRow 162_2 east of Allens Farm via an underpass beneath the link road thus bypassing existing routes through Allens Farm. PRow 162_2 is also proposed to be upgraded to allow passage of cyclists and horse riders from PRow 162_21, eastward to the northern end of Church Road where it becomes maintainable highway, south of Elmstead Hall. It will however be noted that concerns have been raised that although the upgrading of PRow 162_2 to a bridleway would create a loop route for horse riders, horse drawn carriages which legally can use PRow 162_2 as a by-way would be faced with a dead end. That said, it is noted that this is an existing issue with PRow 162_2 as this currently terminates on a footpath. Subject to the above diversions and creations being secured by any planning permission granted, the Highway Authority has raised no objections to the development coming forward from a Public Right of Way perspective and as such no objection is raised in terms of paragraph 100 of the NPPF and taking opportunities to provide better facilities for users.

With regard to this, and concerns raised that the development has not gone far enough to support a modal shift, it is accepted that wider walking and cycling connectivity is not tackled by this application. However as per paragraph 110 of the NPPF it is considered that appropriate opportunities to promote sustainable transport have been incorporated and accordingly a foundation to instigate improved connections can be realised as the TCBGC evolves.

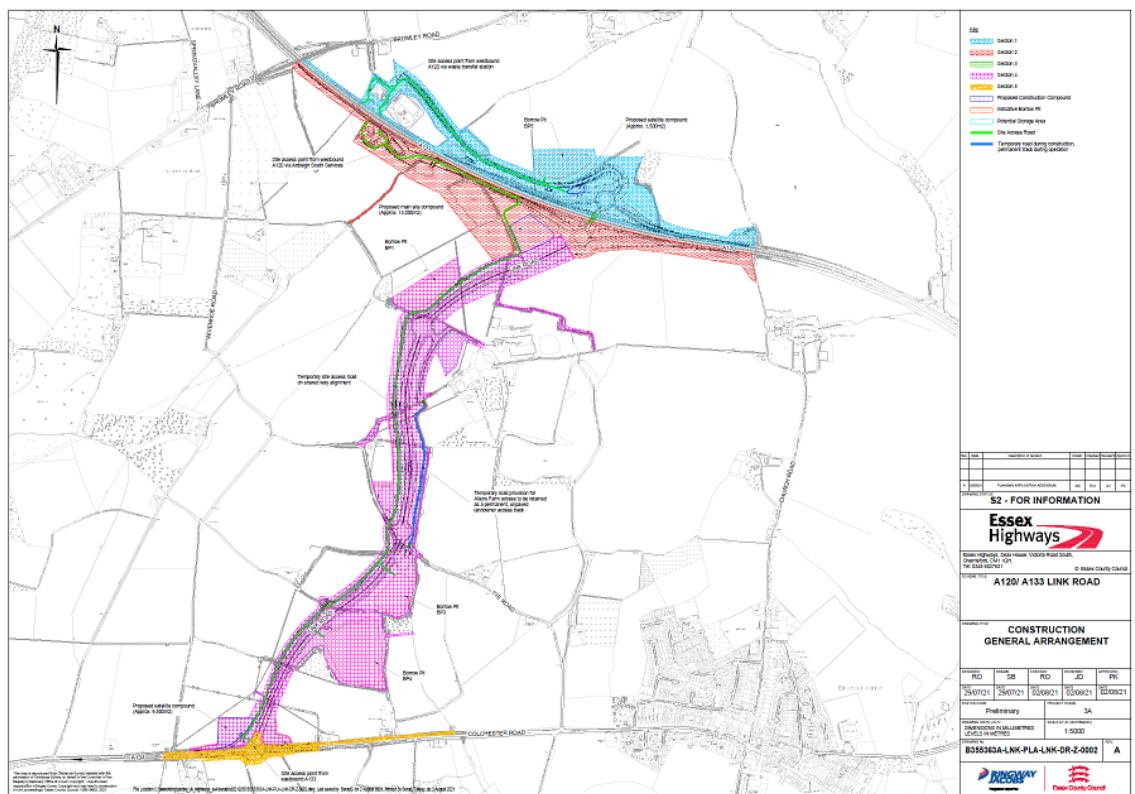
Turning back to the vehicular roads, the link road would also sever Turnip Lodge Lane, a protected lane, and this is proposed to stopped up to vehicular traffic at Turnip Lodge Cottages. Tye Road, on the east side of the Tye Road / Wivenhoe Road roundabout would also be stopped up with a turning head proposed with a maintenance access to an attenuation pond. The highway modelling undertaken

has not identified any issues with the stopping up of these two roads and whilst locally the connection severance may be an inconvenience, the impact of this is considered to be greater from a landscape and heritage perspective (which is considered later in the report).

Construction Phase

The construction of the proposed development is anticipated to take two years. A Construction General Arrangement Plan, replicated below, has been submitted to show how the construction phase of the development would likely be phased.

'Construction General Arrangement', drawing no. B355363A-LNK-PLA-LNK-DR-Z-0002 (Rev A)



To supplement this, an Outline Construction Management Plan has also been submitted which provides information on likely construction traffic and routing and also how much fill material would be required to deliver the scheme. In respect of this, to confirm, should the four borrow pits proposed be utilised by the appointed contractor, the volume of fill material needed to be imported from off-site sources would likely be small. However, the suitability of material from the areas identified as potential borrow pits is not currently known so it maybe that all fill material is required to be imported. The Environmental Statement has sought to assess both scenarios.

With regard to construction traffic, whilst the majority of construction movements would be offline from the existing road network, assuming the proposed borrow pits are utilised, traffic management measures are identified as needed to facilitate initial site access, the construction of structures and connections to the A120 and A133. Initially construction access to the site is proposed to be gained from Ardleigh South Services and the existing waste transfer station access on the A120. Where road closures are required on the A120, the National Highways diversion route would be utilised via the B1035 from Horsley Cross, B1033, A133 and A1232. If the A133 is required to be closed, the diversion would be via the A120 and A1232; the A120 and A133 would not be closed at the same time; with the intention to also sever Tye Road / Wivenhoe Road and Allens Lane early in the construction.

Ardleigh South Services

As will be noted from the 'Representations' section of this report, specific concerns have been raised about the impact of the proposal both during construction and long term on the viability of Ardleigh South Services. With regard to this, initially it is sought to confirm that the proposal allows this facility to remain in current location. Yet, whilst the scheme does include revised access arrangements for the service station, the current owner of the site considers that the access arrangement proposed are unworkable.

Whilst consideration of the viability of this business is a material planning consideration, and that not having a direct access off the A120 may impact on trade, it is not considered that subject to suitable signage that having to access the site off a junction, via a slip road, would be a major deterrent to users in need of services offered. In addition, it is noted that the proposal also seeks to make the services easier to access for those travelling east and as the TCBGC comes forward the facility would have additional cliental in comparison to existing.

In respect of the option mooted that ECC should have sought to procure the site or relocate the facility as part of the proposals to avoid the need for the long slip (and loss of part of Strawberry Grove), it is acknowledged that the need to maintain access to this site has resulted in a highway solution which is heavily engineered for what would have otherwise likely been designed if this site didn't exist. However, equally the same could be said for the access road proposed for the waste transfer station. The issue is that with the new slips in place the existing access points to both these sites become either unusable or unsafe. From an economic perspective, and keeping the status quo, the applicant has sought to re-provide accesses to allow both the service station and waste transfer station to continue to operate.

It is accepted that there is an argument that a more environmental sensitive scheme could have come forward if, for example, the access to the petrol station was not needed or this would have been provided in a different way from the A120 or to the south, as Strawberry Grove would likely not then be impacted. However, this scheme is not before the CPA for consideration as a deliverable option.

C LANDSCAPE AND ECOLOGY

Landscape

Policy EN1 of the Tendring Local Plan (2007) states that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Particular conservation of the following natural and manmade features which contribute to local distinctiveness are proclaimed: estuaries and rivers, and the undeveloped coast; skylines and prominent views, including those of ridge tops and plateau edges; the settings and character of settlements and of attractive and/or vernacular buildings within the landscape; historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; native species of landscape planting and local building materials; and the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement.

At a national level, the area to which this application relates forms part of the Northern Thames Basin National Character Area. This area is summarised as generally being land of a flat plateau; heavy and acidic soils supporting arable farmland; and sandy, gravelly soils supporting heathland, market gardening and orchards with river valleys divide the plateau. The character area has ancient and ancient semi-natural woodlands with field patterns influenced by the 18th and 19th centuries but with 20th century field enlargement. At a regional level the Essex Landscape Character Assessment assigns this area as E3 Tendring Plain character area; albeit a small part of the site is designated as the G4 Colchester and Environs character area. The Tendring Plain character area is characterised by a flat plateau of regularly shaped, arable fields bordered by low, clipped hedgerows, with occasional pasture fields, heathland areas and orchards. Narrow stream valleys cross the farmland, which incorporate some woodland and are enclosed and intimate in character. Elsewhere, woodland blocks are more dispersed, resulting in an open character, with pylons, masts and major road corridors apparent. Both the Tendring Plain and Colchester and Environs character areas have been assessed as having a moderate sensitivity to major transport developments. At a local level, the majority of the site is defined within the 7A Bromley Heaths character area.

The landscape character of this area would be directly affected by construction activities. Construction noise and machinery on haul routes and the temporary diversion of Allens Farm access road would also detract from the rural tranquillity of the landscape locally. There would also be vegetation removal required, including tree belts along the A120, most of the vegetation surrounding the Ardleigh South Services, hedgerows along field boundaries and a thin strip of likely Ancient Woodland on the north-eastern edge of Strawberry Grove. It is estimated that one category A and five category B trees and part of G179, a category C tree group, would be removed on the edge of Strawberry Grove.

The rural character of the area, between the A120 and A133, would be eroded by the proposal, initially during construction with uncharacteristic construction plant, compounds, stockpiles, haulage routes and bare earth. Post construction, as a significant piece of infrastructure, the link road would also result in a significant change to character and perception. The embankments to the A120 dumbbell junction would be circa 10m and the elevated nature of the road would be prominent in the landscape setting. The severance of Turnip Lodge Lane and Tye Road together with changes to many field boundaries brought out from the removal of hedgerows would furthermore be harmful to the historic nature or the existing landscape character and quality.

In respect of this and potential mitigation, during early operation the absence of tree belts and hedgerows removed would still be apparent. In time (15 years used for the basis of assessment submitted) landscape planting would nevertheless have established to the point that visually view of the link road would be diffused, albeit not to the extent to completely diffuse views of vehicular traffic on the link road.

Overall, it is considered that the development would have significant adverse effects on local landscape character and on some views from footpaths and residential properties. By year 15 of operation, adverse visual effects for most users of footpaths and for residents would have reduced, due to the establishment of planting mitigation. However, moderate adverse effects would remain from three representative viewpoints with close-range views of the development.

As detailed previously, it is considered unfortunate that the DPD for the TCBGC is not yet adopted as this would have potentially allowed the landscape design for the link to be a bit more reactive to the garden community area. The DPD would also have likely set certain aims or visions for the landscaping and provision of open space within the TCBGC which the link road design could have assisted with.

For this reason, the CPA requested the applicant took the development proposal, at pre-application stage, to the Essex Quality Review Panel (EQRP). Officers as part of this were keen to ensure that the design and landscape principles being suggested as part of this development were appropriate and sufficiently aspirational. It is fair to say that feedback received from the EQRP was quite critical. The conclusion summary of the Panel's report is provided below:

“Overall, the Panel are generally supportive of this link road coming forward in terms of its principle and alignment with the local area. However, whilst it is agreed in generic terms that the landscape objectives are meeting the minimum requirements of what should be achieved for this site, in terms of retaining certain landscape and ecological features, there is a consensus that they are not ambitious enough in terms of responding to the specific placemaking needs and context analysis that is required to respond to the changes towards the future garden communities that will be developed here. It is agreed across the Panel that this needs to be reviewed before the final planning submission of this scheme goes ahead, with further investigation into providing a more collaborative approach across all parties contributing towards the final design of this scheme and the upcoming garden community.”

As a result, the Panel feel strongly over the highly important and reasonable request that these considerations are reviewed and brought forward through the masterplanning stage to address the key considerations for this site; what the shape and form of the new landscape morphology to the West of the road contrasting to the East, in terms of the dynamic landscape requirements of the future. The introduction of 9,000 new homes means a greater necessity to provide for leisure, recreation, walking, cycling, etc. and the lack of considered thought towards this has led to a rather arbitrary landscape design development. It is felt that there have been many missed opportunities to improve the placemaking narrative of this site, in particular towards the proposals of the borrow pits, which would be a lot more advantageous towards the future development of the Garden Village, as well as the notion of increasing the accessibility across the road between the vast areas of landscape that exist here.”

The proposals submitted with this application for the environmental design of the link road are, disappointingly, as presented to the EQRP. However, for the avoidance of doubt, it is not considered that this design has been submitted on the basis that the applicant necessarily disagrees with the advice and recommendations given by the EQRP and/or are not willing or able to make changes/improvements. The landscaping proposals have, in this regard, been submitted solely for information only in terms of showing how mitigation measures, as well as environmental enhancements could be incorporated. Following the feedback received from the EQRP, rather than updating the actual environmental design drawings, the applicant sought to review the guiding objectives and principles which the environmental design is based.

The applicant has taken this approach given the nature of the feedback received and by potentially simply requiring a re-worked environmental design down the line, the DPD process may have evolved, but in any regard a contractor will be on board so there can be more certainty in terms of the use of borrow pits and the restoration potential of these.

This is a slightly unusual approach, and probably considered more akin to an approach taken with an outline application when landscaping would be proposed as a reserved matter. However, it is considered that the revised/updated landscape objectives are more ambitious, and the indicative designs provided do provide the CPA with sufficient certainty as to the impacts and what may be achievable from a landscaping perspective to be comfortable with a condition approach, should permission be granted.

Ecology

Policy EN6 of the Tending Local Plan (2007) states development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced. In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided. Policy EN6a relates to protected species, policy EN6b habitat creation, policy EN11a protection of international sites, policy EN11b protection of national sites and policy EN11c

protection of local sites.

The NPPF at paragraph 180 states:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

There are no statutory or non-statutory designated nature conservation sites within the application boundary. That said, the site does fall within the Impact Risk Zone for the following:

- Bullock Wood SSSI: 2.4 km to the west; designated for its uncommon woodland community types;
- Upper Colne Marshes SSSI: 2 km to the south-west; designated for its coastal habitats and the plant species that they support, as well as the presence of invertebrates and breeding birds of interest, including Redshank (*Tringa totanus*), Lapwing (*Vanellus vanellus*) and Shelduck (*Tadorna tadorna*); and
- Colne Estuary SSSI: 3.5 km to the south; designated for its internationally important overwintering populations of Black-tailed Godwit (*Limosa limosa*) and Dark-bellied Brent Goose (*Branta bernicla*) and nationally important over-wintering populations of Redshank, Dunlin (*Calidris alpina*), Sanderling (*Calidris alba*), Ringed Plover (*Charadrius hiaticula*) and Grey Plover (*Pluvialis squatarola*), together with nationally important breeding numbers of Little Tern (*Sternula albifrons*).

As noted previously in this report both Ardleigh Gravel Pit SSSI and Wivenhoe Gravel Pit SSSI are closer to the development site than the above but as geological designations it is not considered the development has the potential to adversely impact these.

In addition to the above, as there is a drainage connection between the application site and the Colne Estuary, the Colne Estuary SSSI is also a consideration as is accordingly the:

- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area;

- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site; and
- Essex Estuaries Special Area of Conservation.

The land to which this application relates is predominantly characterised by intensive agricultural management, being a combination of arable and horticultural, with seasonal presence of livestock. Along most of the link roads route, there is relatively little semi-natural habitat, apart from hedgerows and roadside verges. However, there are two small fragments of Ancient Woodland and several small plantation woodlands. Many of the hedgerows are old and support a high frequency of mature Pedunculate Oak trees, often to the detriment of their shrub layer. Surveys have established the presence of a breeding population of Dormouse and four trees used by roosting bats, with wider evidence of bat movement through the landscape, with at least seven species recorded, including Barbastelle Bat.

The route has been selected to avoid significant effects for ecological receptors as far as is possible and the landscaping plans have sought to suggest that habitat connectivity can be maintained, while reflecting the character of local habitats and the needs of the species present and providing enhancement for biodiversity. The ecological 'offer' in the design includes an underpass that will be established as a safe crossing point for bats, which together with appropriate fencing, bat hop-overs and culverts at strategic locations, to reduce the barrier effect of the new road.

Best practice ecological protection measures will be employed during construction to reduce any harm to habitats and species. This will include the supervision of a qualified ecologist during vegetation clearance and site establishment, method statements for the safe removal of habitat features with the potential to support wildlife and adherence to best practice concerning the prevention of pollution.

Construction will however result in the loss of 0.05 ha of Ancient Woodland habitat from Strawberry Grove alongside the existing A120, will require the removal of habitat used by the local Dormouse population, and will lead to the loss of 3.8 km of hedgerow.

New hedgerows are proposed to be planted along the new road to replace those lost and to improve connectivity in the landscape. Although the loss of Ancient Woodland habitat is a residual effect, as it is considered irreplaceable, compensation in the form of 1.5 ha of new woodland at a ratio of 30:1, nearly doubling the size of Strawberry Grove, is proposed. In addition, Strawberry Grove will be enhanced to improve its suitability for Dormouse and 2ha of new habitat will be established immediately for this species, with a further 4ha of connected woodland and scrub and 500m of hedgerow within the landscaping plans that will be suitable for Dormouse.

Biodiversity Net Gain cannot be claimed where irreplaceable habitat is being lost. However, a calculation using the Defra Metric demonstrates a 15.13% increase in Habitat Units and a 20.29 % increase in Hedgerow Units as part of the development.

The loss of ancient woodland is a significant weakness to the proposal and link road design. That said, it is noted that if there are wholly exceptional reasons and

a suitable compensation strategy exists then potentially loss of such irreplaceable habitat can be deemed acceptable. Infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat is suggested within the NPPF as potentially being representative of wholly exceptional reasons and it is considered that such a case could be made that this proposal represents such a development.

D GEOLOGY AND SOILS

The Proposed Scheme predominantly crosses grade 1 (excellent quality) and some grade 2 (very good quality) Best and Most Versatile agricultural land. The development would therefore result in the loss of agricultural production across the land in question, with the agricultural land take approximately 64ha (excluding known temporary land requirements and land already developed). This site does however form part of a strategic allocation and the applicant has sought to suggest that the soils excavated will be treated as a resource and re-used as part of the development landscaping were appropriate.

Mineral Resource Assessment

The entirety of the project area is located within land which is designated as a Mineral Safeguarding Area (MSA) and accordingly policy S8 of the Essex Minerals Local Plan 2014 applies. Policy S8 requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a minerals resource assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource. A Mineral Resource Assessment (MRA) has been submitted with this application and this seeks to suggest that prior extraction ahead of the implementation of the A120/A133 link road is not practical.

The MRA finds that the mineral present under the site, equating to approximately 1.128mt, is of sufficient quality to have an economic use and in addition has the potential to be extracted on a commercial basis. As such, it is considered that by not prior extracting the mineral, a significant amount of locally import mineral resource would be sterilised by the proposed development. However, the MRA sets out an accepted justification for why prior extraction of the site is not practical.

Regarding this, it is acknowledged that the proposed road scheme is essential infrastructure required to deliver the proposed TCBGC, and that the scheme is being part funded through a grant which has time limits attached to it.

The MRA seeks to suggest that prior extraction would accordingly impact significantly on the construction programme of the development, to the point prior extraction is not feasible.

It is generally not considered that impact on development timescales would be a valid reason to allow the sterilisation of mineral. However, in this case, it is accepted that prior extraction would risk the forfeit of significant funding from the HIF as well as other planning contributions. This would not only be detrimental to the overall viability of the scheme itself but also more generally the TCBGC, given the policy requirement for the link road. Accordingly, it is considered that it is clearly

not practical, which is a key test of the appropriateness, to require the prior extraction of mineral ahead of the implementation of this non-mineral development. Especially in context that the applicant is proposing the use of borrow pits, if future investigations prove material which would be realised would be suitable for construction.

Furthermore, no objections are raised from a safeguarding perspective to Martells Quarry and/or the ECC Waste Transfer Station, given the changes proposed as part of these application to the accesses to these sites off the A120. It is not considered that the proposal in any way should seek to unduly impact on the operations of either of these sites.

E HERITAGE

A total of 126 cultural heritage elements were identified by the applicant within the Environmental Statement, comprising 70 within the actual red line boundary, 41 within the 300m study area and 15 additional elements within a 1km study area – albeit archaeological remains and historic hedgerows were not counted in the extended 1km study area.

Policy EN23 of the Tendring Local Plan (2007) states that development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. With regard to archaeology, policy EN29 similarly states that:

- i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.
- ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define

- a. the nature and condition of any archaeological remains within the application site;
- b. the likely impact of the proposed development on such features; and
- c. the means of mitigating the impact of the proposed development in order to achieve preservation “in situ” or, where this is not merited, the method of recording such remains prior to development.

Where development is permitted on sites containing archaeological remains, any planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.

Construction is predicted to have a moderate or large adverse significance of effect on nine archaeological remains due to their partial or substantial removal. An additional seven archaeological remains will experience a slight significance of effect during construction. The footprint of the development may however also contain unknown archaeological remains and no on-site investigations have yet

been undertaken.

ECC's archaeology consultant has accordingly, whilst raising no objection in principle, requested conditions are attached to any planning permission securing a programme of archaeological and geoarchaeological investigation; the undertaking of the work agreed as part of this programme and subsequent evaluation of findings; a mitigation strategy (if appropriate); and submission of a post excavation assessment, in accordance with relevant policy.

With regard to listed buildings, Allens Farmhouse is the only historic building predicted to experience a moderate adverse effect during both construction and operation. Although landscaping proposals/mitigation may provide visual screening within and to the setting of this asset, it is not considered as part of the assessment submitted that this would decrease the significance of effect in any way.

Four additional historic buildings, Elmstead Hall, the Church of St Anne and St Lawrence, Group of 3 Tombstones approximately 30m North East of North East Corner of Chancel and the Barn approximately 100m South West of Collierswood Farmhouse, will experience impacts on their settings during construction and operation. Albeit this impact is assessed as only slight adverse, given the distance to the development and the settings of these assets are already influenced by the A120.

Turnip Lodge Lane, a protected lane (non-designated heritage asset), would be severed as part of the proposals and it is considered that this would have a significant adverse effect, which cannot in any way be avoided or mitigated against in context of the link road alignment proposed. Operational impacts, once the link road is constructed, are also not able to be adequately mitigated through landscaping to the end that there is a significant adverse effect on Turnip Lodge Lane both during construction and operation as a result of the proposal.

Construction will also involve partial or complete removal of 25 historic hedgerows. The removal of the historic fabric from these hedgerows will not be able to be mitigated or replicated immediately, resulting in considered moderate and large adverse residual significance of effects for all 25 hedgerows. An additional eight historic hedgerows will experience more limited impacts during construction, resulting in a slight adverse significance of effect.

The assessment submitted in support of this proposal in terms of heritage, similarly to the position formed with regard to ecology, has identified residual significant effects. These significant effects are predicted to 27 cultural assets (Allens Farmhouse, Turnip Lodge Lane and 25 historic hedgerows) and as part of the overall consideration of whether this proposal represents sustainable development or not need therefore to be weighed in the balance in terms of the significance of the asset, the harms identified and public benefits to the scheme as detailed within paragraphs 201, 202 and 203 of the NPPF.

F AMENITY

Policy QL11 of the Tendring Local Plan (2007) details that all new development should be compatible with surrounding land uses and minimise any adverse

environmental impacts. Policies COM20, COM21, COM22 and COM23 then pick up on specific considerations relating to air pollution/air quality, light pollution, noise pollution and general pollution.

Noise and Vibration

The development is predicted, as part of the noise and vibration assessments submitted, to have both beneficial and adverse effects on sensitive receptors. During the construction phase, potential significant effects have been identified for a number of noise and vibration sensitive receptors. These effects, however, would only affect a limited number of receptors (Mount Pleasant Cottages, Turnip Lodge Cottages and Allens Farm) and would be transient in nature (when plant is operating in close proximity).

At Mount Pleasant Cottages, site clearance, construction of haul roads, earthworks and capping layer activities are all predicted to result in a moderate impact magnitude when at the point nearest to this property. Works in this location are expected to last approximately 60 weeks, and therefore, it is likely that the total number of days with a moderate impact magnitude could exceed 40 in a six-month period, such that these activities are predicted to result in a significant effect.

Similarly, Turnip Lodge Cottages and Allens Farm are also likely to experience an impact of moderate magnitude for more than 40 days in a six-month period (for the site clearance, earthworks and pavement activities) such that significant effects are predicted.

Operational road traffic noise modelling has been undertaken for all noise sensitive receptors within the defined operational study area, as shown below, in respect of a number of scenarios. The development is predicted to result in both significant adverse and significant beneficial effects in both the short-term and long-term. All adverse effects, unsurprisingly, are within close proximity to the link road, whilst beneficial effects have been predicted along bypassed routes to the east of the scheme.

Table 11.19: Short-term noise impact – Do-Minimum 2026 vs Do-Something 2026

Scenario/Comparison: Do-Minimum 2026 against Do-Something 2026					
Change in Noise Level dB(A)	Daytime			Night-time	
	Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors	
Increase in noise level, L _{A10,18hr} / L _{night}	<1.0	207	2	253	2
	1.0 – 2.9	6	0	6	0
	3.0 – 4.9	3	0	3	0
	>5	3	0	3	0
No change	0	0	0	120	1
Decrease in noise level, L _{A10,18hr} / L _{night}	<1.0	518	5	550	7
	1.0 – 2.9	548	10	408	8
	3.0 – 4.9	70	2	14	1
	>5	2	0	0	0

Table 11.21: Long-term noise impact with the Proposed Scheme – Do-Minimum 2025 vs Do-Something 2040

Scenario/Comparison: Do-Minimum 2026 against Do-Something 2041									
Change in Noise Level dB(A)		Daytime				Night-time			
		Without Garden Community		With Garden Community		Without Garden Community		With Garden Community	
		Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors
Increase in noise level, $L_{A10,18hr} / L_{Night}$	<3.0	536	5	559	5	736	9	768	8
	3.0 – 4.9	3	0	3	0	3	0	0	0
	5.0 – 9.9	3	0	3	0	3	0	6	0
	>10+	0	0	0	0	0	0	0	0
No change	0	90	2	65	1	55	2	43	1
Decrease in noise level, $L_{A10,18hr} / L_{Night}$	<3.0	696	11	690	12	560	8	540	10
	3.0 – 4.9	29	1	37	1	0	0	0	0
	5.0 – 9.9	0	0	0	0	0	0	0	0
	>10+	0	0	0	0	0	0	0	0

Whilst the proposal is predicted to result in substantially more significant beneficial effects than adverse during operation. In context of the adverse effects, the short distance of some receptors from the development and the existing quiet rural environment, these significant adverse effects are considered to outweigh the significant beneficial effects afforded by the reduction in flow on the bypassed routes.

With regard to this some embedded mitigation is included in the proposal design i.e. low noise road surfacing. However, further specific noise mitigation such as barriers have been evidenced as either not cost effective or practicable to install. Accordingly, the outstanding adverse impacts resulting from the development in terms of noise and vibration need to be weighed in the planning balance in this instance.

Air Quality

The air quality assessment submitted in support of this application has assessed operational air quality effects across following scenarios:

- Base year (2019), to allow model outputs to be verified against monitoring results;
- Do-minimum scenario in opening year (2026);
- A120/A133 link road in opening year (2026);
- Do-minimum scenario in the future year (2041); and
- The cumulative scenario (i.e. link road and the garden community) in the future year (2041).

In respect of baseline conditions, no Air Quality Management Areas (AQMAs) have been declared by Tendring District Council. However, Colchester Borough Council has declared three AQMAs within its administrative boundary, due to exceedances of annual mean NO₂ Air Quality Objectives. Given the location of these, and reductions in traffic flows are generally expected as a result of this proposal, it is not considered that this development would adversely impact to the air quality conditions within these areas.

Looking at impacts predicted in opening year, the maximum modelled annual mean NO₂ concentration with the link road in place is predicted to be 37.6 µg/m³ which is still below the 40 µg/m³ Air Quality Objective. With regard to concentration changes, the biggest increase predicted at one location is +2.2 µg/m³. However, a 'medium' increase +2.0 µg/m³ is only predicted at one location, with all other increases predicted to be 'small' (or less than 2.0 µg/m³). It is however also of note that the scheme is also predicted to result in some reductions of NO₂ concentrations in some locations, with the greatest benefit noted at -6.1 µg/m³.

In terms of NO₂ concentrations in the cumulative scenario, similar to the opening year predictions, maximum predicted concentrations are 36.6 µg/m³. Some larger concentration changes are noted (biggest change being 2.8 µg/m³) and some of the benefits or reductions in concentrations are not as large (-5.9 µg/m³). However, as detailed the NO₂ concentration fits well within the Air Quality Objectives and as such the development is considered to comply with policy COM20.

Lighting

Whilst the link road in its majority is not proposed to be lit, lighting is proposed at both junctions with the A120 and A133 and at the two intermediate roundabouts on the link road. With regard to the WCH, solar studs are proposed to be installed along the entire route to facilitate safe use.

Whilst no objections are raised to the proposed installation of solar studs along the WCH, the Council's lighting consultant has raised concerns about the upward lux levels which it is considered would impact on the success of the proposed bat crossings. Accordingly, in the event that planning permission is granted it is considered that a blanket restriction on all external lighting should be imposed. This is not seeking to state that external lighting on the link road or WCH is fundamentally unacceptable, just that the package of lighting put forward is. The condition would allow the applicant to review the concerns raised and propose an alternative lighting strategy or details of mitigation to overcome reservations raised and to comply with policy COM21.

G HUMAN HEALTH

For the purpose of assessment, a detailed study area comprising the red line application area plus a 500m buffer was considered. Together with a wider study area used to understand the health profiles of the communities living in proximity to the proposed development.

The assessment undertaken by the applicant predicts the scheme to have both beneficial and adverse effects on population and health. Principally the negative effects or connotations are predicted to be felt by those living close to the development or already utilising the land as a result of amenity impacts or changes to air quality or noise levels for example.

However, in terms of human health, long term effects are suggested as overall positive due to the opportunities for increased physical activity and tackling health inequalities through the provision of safe, accessible routes (segregated pedestrian/cyclist facilities).

H FLOOD RISK AND DRAINAGE

Policy QL3 of the Tendring Local Plan (2007) seeks to ensure that flood risk is considered at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Expanding on this policy EN13 details proposals should incorporate measures for the conservation and sustainable use of water. Their overall design and layout of proposals should as such reflect this requirement.

The area to which this application is Flood Zone 1 (low risk of fluvial flooding) according to the Environment Agency's Flood Map. Regarding surface water flooding, similarly the area is at very low risk: less than 0.1 % (1 in 1,000) AEP of surface water flooding. However, some ponding is predicted within the floodplain of the ordinary watercourses, with a mainly low risk of flooding: less than 1 % (1 in 100) AEP. In general, the flood depth is predicted to be below 300 mm and the velocity less than 0.25 m/sec.

The proposed surface water drainage strategy ensures that the road will drain freely, existing surface water flood risk is managed with SuDS incorporated to provide attenuation. In respect of this a combination of swales and attenuation ponds are proposed as part of the drainage strategy, with the SuDS also contributing to the protection of the receiving waterbodies from any increased pollution risk resulting from the development with additional safeguards.

In principle the proposed drainage strategy is considered acceptable as no significant impacts have been identified as resulting from the development. The Lead Local Flood Authority have, to confirm, raised no objection subject to the securement of a finalised surface water drainage and maintenance plan by condition. Accordingly, subject to such conditions being imposed, no objections from a flood risk or drainage perspective are raised to the development coming forward.

I CLIMATE CHANGE

In July and August 2019, respectively, Colchester Borough Council and Tendring District Council declared a Climate Emergency and both Council's have subsequently produced and adopted Action Plans with the aim of being carbon neutral by 2030:

- Tendring Climate Emergency Action Plan 2020-2023
- Colchester Borough Council Climate Emergency Action Plan 2020

The Essex Climate Action Commission has also been set up by Essex County Council, as an independent body to advise the Council on how best to tackle the climate challenge and become a net zero emissions county. And, in this regard published the below report including a number of recommendations in July 2021:

- Essex Climate Action Commission – Net Zero: Making Essex Carbon Neutral

This reports only concerns the determination of an application for planning permission. Due regard has however been given to relevant policies and guidance forming the development plan in terms of climate change and sustainability in general. This is so particularly in terms of the achieving sustainable development and the environmental objection of mitigating and adapting to climate change, including moving to a low carbon economy. The NPPF at paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The Environmental Statement submitted in support of the application includes 'climate' as a chapter of consideration. This seeks to predict the likely impacts or increase greenhouse gas emission against baseline date and do-minimum scenarios. In the do-minimum scenario in opening year (2026), operational road user greenhouse gas emissions are predicted to be 224,016tCO₂e. In the design year (2041) emissions are predicted to be 198,251tCO₂e. And, over a 60 year appraisal period (2026-2085) 12,101,180tCO₂e.

The construction phase of this proposal is predicted to result in 15,016tCO₂e; and management/operation (i.e. maintenance, lighting etc...) of the link road over a 60 year period predicted to result in 13,592tCO₂e.

Turning to road user emission, in opening year (2026) with the link road in place 224,603tCO₂e – an increase of 586tCO₂e in comparison to the do minimum scenario. In the design year (2041) emissions are predicted at 195,018tCO₂e – a decrease of 3,233 in comparison to the do minimum scenario; and over a 60 year period (2026-2085) emissions are predicted at 11,937,752tCO₂e – a decrease of 163,428tCO₂e in comparison to the do minimum scenario.

The inclusion of the garden community in the above scenario does lead to an increase in emissions across the study area, by 1,699 tCO₂e in the design year and 93,036 tCO₂e over the 60-year appraisal period, an increase of approximately 256,000 tCO₂e relative to the scenario without the TCBGC. The implication of this, is that when considered with the garden community as a whole the development may lead to an increase in greenhouse emissions. However, in terms of the acceptability it must be remembered that this is just the application for the link road and the predictions for the link road in comparison to existing infrastructure use predict a decrease in emissions.

Whilst small changes do make a difference, it is noted that the change in greenhouse gas emissions expected to result from the link road is estimated to account for less than 0.001% of the 3rd and 4th Carbon Budgets. During the 5th Carbon Budget period the operation of the scheme is estimated to lead to a beneficial impact on greenhouse emissions, but less than -0.0001% of

the 5th Carbon Budget. Accordingly, the changes in emissions are considered to be negligible in terms of Carbon Budgets. Accordingly, mindful that this is planned development/growth, it is not considered that granting this permission would fundamentally undermine the declared climate emergency and or unduly hinder the meeting of legislated and/or aspirational emission targets set.

PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS

Equalities Impact Assessments pursuant to the Public Sector Equality Duty

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications arising from the Council's statutory duties and obligations under the Equality Act 2010. 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.

Separate Equality Impact Assessments have been carried out as part of the road scheme progress, including in relation to the preferred route which forms the basis of the planning application.

Tendring District and Colchester Borough Councils may also have carried out Equality Impact Assessments as part of the progress of their Local Plans which reference the TCBGC and supportive infrastructure.

Human Rights

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual (including companies).

In carrying out the development pursuant to any grant of planning permission there is likely to be an impact would fall within the following provisions addressing the rights of property owners under the Convention, notably under the following articles:

Article 1 (of the First Protocol) - This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14 - This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary for the reasons set out.

Any interference with Convention rights must be necessary and proportionate.

In the case of each of these Articles the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public.

In the light of the significant public benefit that has been identified as arising from the construction of the proposed link road it is considered that it would be appropriate to grant planning permission. In considering this, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of the link road and is justified in order to secure the economic, social and physical regeneration that the link road will bring including supporting the delivery of the new TCBGC in the relevant Local Plans. In the circumstances, it is not considered that granting planning permission would constitute an unlawful interference with the individual property rights or other Convention rights taking account of the fact that those directly affected by the link road might be entitled to compensation proportionate to the loss which they incur as a result of having to give up their land for its construction or for the impact of the link road on their use of their property in accordance with statutory compensation rights in UK law.

The report sets out the public interest for granting planning permission.

8. CONCLUSION

It is noted that the principle of this development coming forward is clearly supported in planning policy. This is seen as an essential piece of infrastructure to realising the aspirations for the Tendring Colchester Borders Garden Community.

That said, concerns raised about the application being premature are acknowledged, in so much as this application has come forward before the production and adoption of the Development Plan Document which was envisaged effectively as the masterplan for TCBGC. However, it is not considered that the lack of DPD is a reason, in isolation, that this application for the link road should be refused in context of the funding secured which, as accepted by both Tendring Borough Council and Colchester Borough Council's, has accelerated the link road programme ahead of the DPD production.

Subject to suitable consideration of the TCBGC area, importantly it is not considered that determining this application prior to the production of the DPD would undermine the aspirations, quality or character of the garden community as this evolves in the future.

In respect of the proposed alignment and design of the link road, residual significant adverse effects from a landscape/ecology, heritage and amenity (noise) perspective have however been predicted.

With regard to this and the landscape/ecology impact, resulting from the proposed removal of Ancient Woodland, this is considered unfortunate. Although it is accepted that, in order to maintain (or propose) a deliverable two-way access to Ardleigh South Services, this has been put forward as a more environmentally friendly approach than the slip seeking to go around Strawberry Grove, which would effectively isolate the woodland between the slip and the A120.

The heritage impact, particularly the severance of Turnip Lode Lane, again is considered a disappointing consequence of the proposed alignment. The proposals do however maintain a significant part of the Lane and, through the proposed stopping up of the Lane to vehicular traffic, will allow this to form an import landscape, heritage and recreational feature within the garden community development going forward. The public benefits to the scheme are therefore considered to outweigh the residual harms to heritage.

in terms of identified significant adverse impacts to noise levels, 12 receptors are predicted to experience significant increases in noise levels which are simply either not possible or feasible to further mitigate.

Overall, whilst there is strong policy support for this link road, it is considered that the need for the link road and the benefits which would be realised need to be weighed in context of the significant impacts which are not able to be mitigated or offset.

On balance, it is considered that the benefits to the scheme do outweigh the harms and accordingly the development does represent sustainable development, subject to the securing of appropriate safeguards, mitigation and enhancements by way of planning conditions.

9. RECOMMENDED

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 06/04/2021, together with drawings titled 'Site Location Plan' drawing no. B355363A-LNK-PLA-LNK-DR-C-0002 (Rev A), dated 02/08/2021; 'General Arrangement Sheet 1 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0013 (Rev B), dated 07/21; 'General Arrangement Sheet 2 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0014 (Rev B), dated 07/21; 'Proposed A120 Overbridge ST01 General Arrangement', drawing no.

B355363A-LNK-SBR-LNK-DR-S-0001 (Rev A), dated 30/03/21; 'Proposed Strawberry Grove Retaining Wall ST08 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0008 (Rev A), dated 30/03/21; 'Proposed PROW Underpass ST02 General Arrangement, drawing no. B355363A-LNK-SBR-LNK-DR-S-0003 (Rev A), dated 30/03/21; 'Proposed Culvert ST03 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0004 (Rev A), dated 30/03/21; 'Proposed Culvert ST04 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0005 (Rev A), dated 30/03/21; 'Proposed Culvert ST06 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0007 (Rev A), dated 30/03/21; 'Plan & Profile Sheet 1 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0004 (Rev A), dated 03/08/21; 'Plan & Profile Sheet 2 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0005 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 3 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0006 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 4 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0007 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 5 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0008 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 6 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0009 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 7 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0010 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 8 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0011 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 9 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0012 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 10 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0013 (Rev A), dated 02/08/21; and 'Plan & Profile Sheet 11 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0014 (Rev A), dated 02/08/21 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies SP1 – Presumption in favour of sustainable development, SP3 – Spatial strategy for North Essex, SP6 – Infrastructure and connectivity, SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL2 – Promoting transport choice, QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, COM19 – Contaminated land, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 –

Sustainable Drainage Systems, EN23 – Development within the Proximity of a Listed Building , EN29 – Archaeology, TR1a – Development affecting highways, TR1 – Transport assessment, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity, S11 – Access and transportation and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

3. No development (including demolition, ground works, vegetation clearance) shall take place until a project/construction schedule has been submitted to and approved in writing by the County Planning Authority. The schedule shall include details on the proposed phasing and timetabling of the development, including reference to any specific stages in the construction period (e.g. advance works and main works contract) which in turn will provide clarity and allow for partial or phased discharge of details submitted pursuant to other conditions. The development shall be implemented in accordance with the approved scheme.

Reason: For the avoidance of doubt as to the proposed construction timetable and to enable the County Planning Authority to effectively consider whether information required pursuant to other conditions is required before any development takes place or if some works may be permissible.

4. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall specifically seek to confirm the location and layout of construction compounds, provide details on proposed hours of working, access/haul roads and routes, proposed traffic management for deliveries and contractors, measures proposed to reduce the potential for increased flood risk or pollution/contamination from surface water run-off during construction, any temporary mitigation measures proposed during the construction phase to reduce the potential for amenity impacts, the management of excavated soils/materials, a material audit and schedule of material movements (both import and export), in addition to the other topics and information indicatively covered within the 'Outline Construction Management Plan', document reference: B355363A-LNK-GEN-LNK-RP-Z-0005, dated 31/03/2021 and 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021 submitted in support of this application. In terms of environmental management, and specifically biodiversity, the plan shall also seek to cover include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;

- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and the
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of the environment, highways, amenity and biodiversity, to ensure suitable accountability for mitigation and measures proposed during the construction period and to comply with QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S11 – Access and transportation of the Essex Minerals Local Plan (2014).

5. In accordance with the project schedule approved pursuant to condition 3, no development of the borrow pits shall take place until full details of the proposed location, size, design and management of the borrow pits during construction have been submitted to the County Planning Authority for review and approval in writing. Without prejudice to the foregoing, the details provided shall include full technical drawings both during construction/use and as a restoration feature including appropriate engineering reports covering slope stability. Details of the landscaping proposed, as part of the restoration of any such features, shall be submitted setting out how the restored borrow pits would support the wider garden community aspirations and the landscape proposals for the link road (required pursuant to condition 12 of this permission). The development shall be implemented in accordance with the approved details.

Reason: Only indicative details of the proposed borrow pits have been provided with this application on the basis that currently there is no guarantee and/or planning requirement to utilise. That said, in the event that borrow pits are utilised, which as a concept is supported in planning terms, the submission of sufficient details as to the construction, design and long term management of such features is to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and

SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, EN1 – Landscape character, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 – Sustainable Drainage Systems, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007) of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

6. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a dust management scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods proposed to monitor emissions of dust arising from the development during the construction phase. The development shall be implemented in accordance with the approved scheme.¹

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in policies QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

7. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an intrusive Phase 2 ground investigation report has been submitted to and approved in writing by the County Planning Authority. The report shall seek to:
 - Confirm the ground and groundwater conditions underlying the site;
 - Undertake soil sampling and chemical analysis of soils for potential contaminants to facilitate an assessment of any potential risks to identified receptors. Therefore, determining the requirement for relevant health, safety and environmental practices during construction works and any other remediation requirements;
 - Undertake groundwater sampling and laboratory analysis to establish current groundwater quality beneath the scheme and to assess the potential risk to controlled waters where proposed works on the

For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 4 if preferable to the applicant.

scheme will intercept groundwater table; and

- Assess site-won materials to determine their suitability for reuse (under the CL:AIRE Definition of Waste: Code of Practice) and disposal routes for unsuitable materials (as necessary)

The development shall be implemented in accordance with findings and recommendations of the approved ground investigation report.

Reason: To ensure that contamination (and contaminated land) is duly considered and does not pose a risk during the development, to safeguard the environment and public and to comply with policies QL11 – Environmental impacts and compatibility of uses, COM19 – Contaminated land, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

8. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a written scheme and programme of archaeological and geoarchaeological investigation has been submitted to the County Planning Authority for review and approval in writing. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including that within associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

9. In accordance with the project schedule approved pursuant to condition 3, prior to commencement of development but following completion of the archaeological work required by condition 8, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval in writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified undertaken in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

10. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 8, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

11. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a tree survey, arboricultural impact assessment and arboricultural method statement has been submitted to the County Planning Authority for review and approval in writing. These details shall be supported by a tree protection scheme which shall include indications of existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, proposed to be retained, together with measures identified for their protection in accordance with BS:5837 “Trees in Relation to Construction”. The development shall be implemented and managed in accordance with the details approved.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity, landscape and ecology and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

12. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a detailed hard and soft landscaping scheme (inclusive of all boundary treatments, fencing and gates) has been submitted to the County Planning Authority for review and approval in writing. The scheme shall be based on the landscape, environmental design and related sustainability objectives and principles detailed within Table 1 of the document titled ‘Response to Essex Quality Review Panel Report’, document reference: B355363A-LNK-PLA-LNK-RP-LE-0001 (Rev A), dated 3 August 2021 and shall include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented as approved.

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 County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to mitigate impacts of the development on the natural environment in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

13. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Landscape and Ecological Mitigation and Management Plan (LEMMP) has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:
- a) Aims and objectives of management;
 - b) Appropriate management options for achieving aims and objectives;
 - c) Prescriptions for management actions;
 - d) Preparation of an annual work schedule/plan; and
 - e) Details of the body or organisation responsible for management

and for ecology:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions and annual work schedule;
- f) Full detailed designs (written specification and technical drawings) of all proposed ecological mitigation measures, which for the avoidance of doubt are, at least, expected to comprise measures similar to that outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application.
- g) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan, which shall as a minimum cover 25 years post first public use of the link road, shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County

Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

14. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an Ecological Design Strategy addressing the compensation of bats has been submitted to the County Planning Authority for review and approval in writing². The Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed bat hop overs;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used where appropriate;
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) Persons responsible for implementing the works;
 - h) Details of initial aftercare and long-term maintenance;
 - i) Details for monitoring and remedial measures; and
 - j) Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

15. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Farmland Bird Mitigation Strategy has been submitted to the County Planning Authority for review and approval in writing. The strategy shall seek to outline measures/mitigation proposed to

For the avoidance of doubt, the requirements of this condition may be incorporated within the LEMMP produced to satisfy condition 13 if preferable to the applicant.

- a) purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the LEMMP period.

Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policies EN6 – Biodiversity, EN6a – Protected species and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

16. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Biodiversity Monitoring Strategy has been submitted to the County Planning Authority for review and approval in writing. The purpose of the strategy shall be to:
- Determine the effectiveness of the biodiversity mitigation measures during the construction period;
 - Determine the effectiveness of the underpass and hop-overs in directing the movement of bats across the new road;
 - Provide monitoring to ensure the successful establishment and development of habitat creation measures; and
 - Monitor the impacts upon the Dormouse population

The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Review, and where appropriate, publication of results and outcomes; and
- i) Publication of the results of the monitoring of bat hop-overs and underpass in a format that can help to provide evidence to inform future mitigation design on road schemes.

A report describing the results of monitoring shall be submitted to the County Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and

objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Biodiversity Monitoring Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate monitoring of biodiversity mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

17. If the development is not commenced within 2 years from the date of this permission, the ecological mitigation measures outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application, shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of bats, reptiles, wintering and nesting bird developments; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred and different ecological impacts, not previously addressed, are identified, revised and new or amended measures shall be submitted pursuant to Plans and Strategies secured by conditions 4, 13, 14, 15 and 16. In such an event, the development shall be undertaken in accordance with the updated/revised ecological measures and timetables.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate biodiversity mitigation in the event of a time delay in commencement, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and

EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

18. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability 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 lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies COM21 – Light pollution, EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

19. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDS Manual C753.

- If infiltration is proven to be unviable then discharge rates should be limited to 83l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to first public use of the link road.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

20. Prior to first public use of the link road hereby permitted, a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to the County Planning Authority for review and approval in writing. The development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution

and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

21. The entire length of the dual carriageway link road hereby permitted shall be provided with a Low Noise Road Surface as part of its design. For the avoidance of doubt, noting there are many Low Noise Road Surfacing products, as a minimum the product to be used for the link road shall have a Road Surface Influence of -3.5 dB or less.

Reason: In the interests of amenity, to reduce the impacts of road noise and to comply with policy COM22 – Noise pollution of the Tendring District Local Plan (2007).

22. Prior to any temporary or permanent diversion or stopping up of any existing Public Right Way, pursuant to the development hereby permitted, details of the proposed temporary and permanent Public Right of Way creations, diversions and stopping up orders shall be submitted to the County Planning Authority for review and approval in writing. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not result in reduced Public Right of Way connectivity temporarily or permanently and that appropriate enhancements are secured to the network to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007).

23. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until detailed designs of the footway/cycleway and walker, cyclist and horse rider (WCH) path and the two at grade crossings proposed across the link road, hereby permitted as part of this development, have been submitted to the County Planning Authority for review and approval in writing. The details shall seek to confirm the proposed legal use of the path and crossings; the proposed construction finish of the path, crossings and associated underpass; any lining and signage proposed; and any lighting and/or barriers/fencing proposed. The footway/cycleway/WCH and crossings shall be constructed as approved prior to first beneficial use of the link road hereby permitted.

Reason: To ensure that the footway/cycleway/WCH is fit for purpose, is delivered in a timely manner and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for

cycling of the Tendring District Local Plan (2007).

BACKGROUND PAPERS

Consultation replies
Representations

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal 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

TENDRING – Tendring Rural West
COLCHESTER – Wivenhoe St Andrew

APPENDIX 1
EXTRACT FROM ENVIRONMENT STATEMENT – NON-TECHNICAL SUMMARY

4. Air Quality

4.1 Scope of Assessment

4.1.1 This factor assesses the potential effects of construction and operation of the Proposed Scheme on air quality at sensitive human health and ecological receptors, as well as on the UK's reported ability to meet air quality European Union Limit Values in the shortest possible time.

4.1.2 The elements scoped into the air quality assessment include:

- Construction dust
- Operational traffic emissions – effects on human health, designated habitats and compliance limit values

4.1.3 The elements scoped out of the air quality assessment include:

- Construction plant emissions – as deemed unlikely to be significant
- Construction traffic exhaust emissions – in accordance with the *Design Manual for Roads and Bridges LA 105 Air Quality* – as construction is not expected to exceed two years' duration.
- Air Quality Management Areas in Colchester – as traffic modelling did not indicate significant changes in traffic in these areas

4.2 Baseline Environment

4.2.1 Currently, no Air Quality Management Areas have been declared by Tendring District Council. Colchester Borough Council, however, has three Air Quality Management Areas, all declared due to exceedances of annual mean nitrogen dioxide.

4.2.2 A number of human receptors (primarily residences) have been identified within 20 m – 350 m of the Proposed Scheme.

4.2.3 A number of designated ecological receptors have been identified within the air quality study area (350 m from the boundary of the site and 50 m of the routes likely to be used by construction vehicles on the public highway, up to 500 m from the site entrance). The baseline rates of nitrogen deposition have been obtained for these ecological sites for the assessment on air quality on ecological receptors. This has been assessed within the Biodiversity assessment.

4.3 Method of Assessment

4.3.1 The air quality assessment has been completed using the following standards and guidance:

- *Design Manual for Roads and Bridges LA 105 Air quality*
- Institute of Air Quality Management, *Guidance on the Assessment of Dust from Demolition and Construction*
- Department for Environment, Food and Rural Affairs, *Local Air Quality Management Technical Guidance, LAQM.TG (16)*

4.3.2 Information for the air quality assessment has been collected from:

- Local Air Quality Management review and assessments and air quality monitoring undertaken by Tendring District Council and Colchester Borough Council
- A site-specific air quality survey undertaken by Jacobs
- Department for Environment, Food and Rural Affairs background maps, for a 2018 reference year

- Projected roadside nitrogen dioxide concentrations data, for a 2018 reference year, from the Department for Environment, Food and Rural Affairs' Pollution Climate Mapping model
- Observed meteorological data from Wattisham Airport in 2019
- The Air Dispersion Model Software-Roads air dispersion model, which was used to estimate annual mean pollutant concentrations at sensitive receptors
- Vissim and EMME traffic models, which provided data on traffic flow, composition and speed on the local road network
- Ordnance Survey datasets, including AddressBase Plus (to identify sensitive human receptors), MasterMap and Highway Network
- Defra's MAGIC Map website and local ecological datasets to identify designated ecological habitat locations

4.4 Results

4.4.1 No significant effects were identified for the following:

- Construction dust: – due to a Low to Medium-level risk of dust soiling impacts at sensitive receptors, and a Negligible to Low risk of human health impacts, and a Negligible to Low risk of ecological impacts
- Operation – human health receptors: as the opening year and cumulative assessments indicate that all of the human health receptors considered are modelled to experience pollutant concentrations within the relevant Air Quality Objectives for all pollutants
- Operation – designated habitats: see paragraph 6.4.2 (significance has been assigned in the biodiversity assessment)
- Operation – compliance with Limit Values: annual mean nitrogen dioxide concentrations are modelled to be within the EU Limit Value adjacent to all links. As such, it is considered that there is no risk of the Proposed Scheme affecting the UK's reported ability to comply with the Air Quality Directive in the shortest timescale possible

4.5 Mitigation

4.5.1 No mitigation other than construction good practice has been considered as no significant effects have been identified.

4.6 Residual Effects

4.6.1 No residual effects have been identified.

4.7 Conclusion

4.7.1 The Proposed Scheme is predicted to have no significant effects on air quality.

5. Cultural Heritage

5.1 Scope of Assessment

5.1.1 This factor assesses potential effects of the construction and operation of the Proposed Scheme on archaeological remains, historic buildings and historic landscapes.

5.1.2 The elements scoped into the cultural heritage assessment include:

- Archaeology
- Historic buildings
- Historic landscapes
- Historic hedgerows

5.1.3 During construction the following potential effects were considered:

- Partial or total removal/damage of cultural heritage features
- Compaction of archaeological deposits
- Changes in groundwater levels leading to the desiccation of waterlogged archaeological deposits and/or subsidence of historic buildings
- Effects on setting from visual and noise intrusion, severance and adverse impacts on amenity

5.1.4 During operation only setting effects were considered relevant.

5.1.5 No elements were scoped out.

5.2 Baseline Environment

5.2.1 A summary of the cultural heritage assets in the vicinity of the Proposed Scheme is presented in Table 5.1.

Table 5.1: Cultural Heritage elements within the study area

Cultural Heritage Element	Within Planning Application Boundary	300 m Study Area	1 km Study Area	Total
Archaeological remains	22	34	Not included	56
Historic buildings	1*	2	14	17
Historic landscapes	8	3	1	12
Historic hedgerows	37 39	2	Not included	39 41
Total	68 70	41	15	124 126

* A non-designated cast iron milepost, not a designated Listed Building

5.3 Method of Assessment

5.3.1 The cultural heritage assessment has been completed using the following standards and guidance:

- *Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring*
- *Design Manual for Roads and Bridges LA 106 Cultural heritage assessment*
- English Heritage (now Historic England) *Conservation Principles, Policies and Guidance*

- Historic England's *Statement of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12*
- Historic England's *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*
- Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*
- The Chartered Institute for Archaeologists' *Code of Conduct*
- The Chartered Institute for Archaeologists' *Standard and guidance for historic environment desk-based assessment*

5.3.2 Information for the cultural heritage assessment has been collected from:

- Essex County Council Historic Environment Record data
- Results of a hedgerow assessment and aerial investigation mapping
- Results of a cultural heritage site visit of certain assets in December 2020
- Consideration of other factor assessments including:
 - Landscape and Visual - to assist determining potential visual impacts on the setting of cultural heritage assets
 - Geology and Soils - to understand the geology of the study area and assist in understanding the potential for the presence of prehistoric archaeological remains
 - Noise and Vibration - to assist in determining potential noise impacts on the settings of cultural heritage assets
 - Road Drainage and Water Environment - to understand the potential impacts from flooding and dewatering on cultural heritage assets

5.3.3 Due to access constraints, intrusive investigation has not occurred to inform the assessment of archaeological remains and there is the potential for unknown archaeological remains to be present. It is assumed that archaeological investigations are to be undertaken under the terms of a planning condition.

5.4 Results

5.4.1 Potential effects that have been identified as significant during construction and operation are summarised in Table 5.2.

5.4.2 Construction of the Proposed Scheme would have the potential to impact heritage assets through partial/total removal, compaction, changes in groundwater levels, or effects on setting. The main impacts during operation are expected to be effects on setting.

Table 5.2: Cultural Heritage potential effects identified as significant

Stage	Significance of Effect	Cultural Heritage Element								Total
		Archaeological remains		Historic buildings		Historic landscapes		Historic hedgerows		
		A ¹	B	A	B	A	B	A	B	
Construction (physical and setting impacts)	Moderate adverse	6			1			14		21
	Large adverse	3				1		14		18

Stage	Significance of Effect	Cultural Heritage Element								Total
		Archaeological remains		Historic buildings		Historic landscapes		Historic hedgerows		
		A ¹	B	A	B	A	B	A	B	
Operation (setting impacts only)	Moderate adverse				1					1
	Large adverse					1				1

Note 1: where A = within the Planning Application Boundary and B = within 300 m of the Planning Application Boundary

5.4.3 No potential effects on cultural heritage assets within 300 m - 1 km of the Planning Application Boundary have been identified as significant.

5.5 Mitigation

5.5.1 During construction, proposed essential mitigation includes:

- Archaeological investigations to confirm the presence or absence of unknown archaeological remains. The results would inform the design of site-specific mitigation measures
- Creation of barriers around borrow pits, limiting their radius of influence to prevent dewatering of waterlogged deposits and subsidence to historic buildings
- Creation of new hedgerows, and hedgerows with trees
- Should Milepost at Elmstead (site of) (a historic building within the Planning Application Boundary) still be present, reinstatement or relocation will be considered

5.5.2 During operation, no mitigation has been proposed other than that associated with landscape designs which will afford some long-term screening to heritage assets.

5.6 Residual Effects

5.6.1 One historic building (Allen's Farmhouse - Grade II listed building) is predicted to experience a moderate adverse significant effect during both construction and operation. The mitigation measures proposed will not decrease the significance of effect to below moderate.

5.6.2 One historic landscape (Turnip Lodge Lane - Protected Lane) is predicted to experience a large adverse significant effect during both construction and operation. As there is no specific noise mitigation proposed, and the operational Proposed Scheme will be directly abutting this lane, the residual significance of effect of large adverse will remain.

5.6.3 Construction will involve partial or complete removal of 25 23 historic hedgerows and the Proposed Scheme will have moderate to large adverse significant effects on these assets. The removal of the historic fabric from these hedgerows is not mitigable, resulting in moderate or large adverse residual significant effects for all 25 23 hedgerows.

5.6.4 No archaeological remains are predicted to experience significant residual effects.

5.7 Conclusion

- 5.7.1 The Proposed Scheme is predicted to have significant adverse effects on 27 25 cultural heritage assets (primarily historic hedgerows) that cannot be sufficiently mitigated. Overall, the Proposed Scheme is predicted to result in a moderate adverse effect on cultural heritage receptors which is considered significant under the *Design Manual for Roads and Bridges*.

6. Biodiversity

6.1 Scope of Assessment

6.1.1 This factor assesses the potential effects of construction and operation of the Proposed Scheme on ecological receptors, which are considered to be those species and habitats protected by legislation or those otherwise recognised to be of importance in the maintenance of biodiversity within proximity to the Proposed Scheme.

6.1.2 The elements scoped into the biodiversity assessment include:

- Habitats
- Protected species including:
 - Bats
 - Dormouse
 - Water vole
 - Breeding birds
 - Reptiles
 - Badger
 - Invertebrates (stag beetle)
 - Invasive species
 - Other priority species (e.g. brown hare)

6.1.3 Following desk study and survey the following were scoped out of the biodiversity assessment:

- Ecologically designated sites - as none are considered to be ecologically connected to the study area
- Over-wintering birds - as no significant populations of species of nature conservation significance were identified during survey work
- Great crested newts - as no likely breeding ponds were identified within 500 m of the Proposed Scheme
- White-clawed crayfish - as no suitable habitat is present and the species is known to be absent from the catchment

6.2 Baseline Environment

6.2.1 Two Sites of Special Scientific Interest and one Local Nature Reserve are located within approximately 1 km of the Proposed Scheme.

6.2.2 Colne Estuary is designated as a Sites of Special Scientific Interest, Special Protection Area, Special Area of Conservation and Ramsar, and is located 3.5 km to the south of the Planning Application Boundary. Despite the distance of this site from the Proposed Scheme, there is a connection between the Proposed Scheme and the Colne Estuary as its drainage output will ultimately flow into the estuary. However the impact assessment concluded that there will be no direct physical impacts or disturbance of Colne Estuary or the habitats that are derived from it, due to the distance from the Proposed Scheme, and any potential effects on drainage are mitigated through measures embedded into the drainage design.

6.2.3 Eighteen Local Wildlife Sites are located within 2 km of the Planning Application Boundary, the closest being approximately 400 m to the west.

- 6.2.4 One Site of Special Scientific Interest, three Local Nature Reserves, 20 Local Wildlife Sites, **Strawberry Grove and Broom Grove**, and the Ancient Woodland at Friars Grove and Boudge Hill Wood are located within 200 m of the roads potentially affected by traffic from the Proposed Scheme.
- 6.2.5 Five habitat units within the study area (Planning Application Boundary and a 250 m buffer) have been identified as Priority Habitat, all Lowland Mixed Deciduous Woodland, two of them being Strawberry Grove and Broom Grove, considered to be surviving fragments of Ancient Woodland and of national value.
- 6.2.6 The field boundaries within the study area include a significant number of large pedunculate oak trees. Hedgerows to be crossed by the Proposed Scheme, that should be considered as Priority Habitat with national value, have been identified.
- 6.2.7 Following further assessment of the presence of protected species, it has been concluded that water voles and invasive species are likely absent from the study area and so will not be impacted by the Proposed Scheme.
- 6.2.8 The following species have been identified as present within the study area:
- Bats: at least seven bat species present and two roosts identified within trees affected by the construction of the Proposed Scheme. Commuting routes have also been identified that cross the Proposed Scheme.
 - Dormouse: present in two locations
 - 38 breeding bird species
 - Reptiles: low numbers of common lizard and slow worm present in two areas of suitable habitat intersected by the Proposed Scheme
 - Badger: the Proposed Scheme includes parts of active badger territories
 - Brown hare: identified across the survey area, including young animals that indicate a breeding population
 - Stag beetle: presence considered likely

6.3 Method of Assessment

- 6.3.1 The biodiversity assessment has been completed using the following standards and guidance:
- *Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring*
 - *Design Manual for Roads and Bridges LA 108 Biodiversity*
 - Chartered Institute of Ecology and Environmental Management *Guidelines for Ecological Impact Assessment in the UK and Ireland*
- 6.3.2 Information for the biodiversity assessment has been collected through the use of:
- A desk study including requests for existing biological records from Essex Field Club and from the Essex Wildlife Trust Records Centre
 - Defra's MAGIC Map website was used to obtain information about statutory designated sites, and Tendring District Council's and Colchester Borough Council's Local Plan web pages were used to identify Local Wildlife Site data
 - Field surveys carried out for all relevant species and habitats using appropriate methodologies as set out in current published guidance and best practice documents

6.4 Results

- 6.4.1 Significant effects were identified for the following during construction:

- Habitats - Hedgerows (moderate adverse) - Loss of 940 m of Priority Habitat and 2,836 m of other hedgerows
- Habitats - Ancient Woodland - Strawberry Grove (large adverse) - due to the loss of approximately 0.05 ha on the northern edge of Strawberry Grove
- **Bats (moderate adverse) - due to the loss of foraging habitat and interruption of commuting routes**
- Dormouse (moderate adverse) - due to the removal of approximately 0.8 ha of dormouse habitat which could lead to harm to individual dormice, if present

6.4.2 No significant effects have been identified in the air quality assessment of designated habitats as the modelled changes in air quality will not result in the loss of one species, which is the threshold for significance.

6.4.3 **The only significant effect identified during operation is the barrier effect of the new road and lighting on bats, considered to be moderate adverse.**

6.5 Mitigation

6.5.1 Mitigation proposed includes:

- Hedgerow removal will be minimised as far as is possible
- ~~6,348~~ **6,987** m of new hedgerow and linear woodland planting
- Creation of 1.5 ha of new woodland adjacent to Strawberry Grove by natural regeneration
- The south-western edge of Strawberry Grove will be restored following fire damage in 2019, with replacement of lost understorey species and restocking of standard trees
- **Mitigation for impacts to dormouse will be addressed through an application for a European Protected Species licence from Natural England. The method statement to accompany the licence application will involve displacing them from the habitat to be lost, by phased removal of vegetation over the winter of 2021/22 and the spring of 2022, combined with enhancement of remaining habitat and the creation of new habitat in compensation. ~~including:~~ All vegetation removal will be supervised by a suitably qualified ecologist, with pre-works searches to prevent individuals being harmed.**
- **Enhancement works will be carried out in advance of construction, during autumn 2021, including:**
 - Provision of 2 ha of new or enhanced habitat adjacent to, or connected with, Strawberry Grove
 - Other landscape planting will be designed to provide habitat suitable for dormouse to facilitate their dispersal and establishment in the wider landscape
 - Over winter 2021/22 vegetation will be cleared to just above ground level along the verge between the service station and the eastern end of the Planning Application Boundary to prevent harm to over-wintering dormice and encourage them to disperse when they emerge from hibernation in the following spring
 - In spring 2022 the remaining vegetation in areas of dormouse habitat will be removed under ecological supervision, searching for any established nests
- **A farmland bird mitigation strategy will be developed for the non-significant effect on breeding species, principally Skylark. This will take the form of a partnership with a local farm business to provide four Skylark nest plots in nearby arable fields for ten years after construction.**
- The pedestrian underpass at the northern end of the Link Road will be designed to encourage low-flying bats to pass beneath the road in order to reduce the barrier effect caused by its operation.

- Hop-over points will be incorporated into the landscape planting at five other locations along the road (and one on the A120) where there is evidence of regularly used bat commuting routes

6.6 Residual Effects

- 6.6.1 With the passage of time, the loss of hedgerows will be amply compensated by the planting and maturity of new hedgerows, particularly considering the variable quality of the hedgerows to be lost. This amounts to a slight beneficial effect.
- 6.6.2 The loss of Ancient Woodland habitat in Strawberry Grove will be addressed by the creation of new woodland habitat, but as an irreplaceable habitat, this is insufficient to counteract the adverse effect. However, the loss is very small and with the new planting proposed, it is only considered to be a slight adverse effect.
- 6.6.3 Some consequences of the road's presence on the movement of bats through the landscape will remain despite the measures that will be put in place. However, given the generally low levels of bat activity, the lack of direct impacts on any species of raised nature conservation value and the beneficial effects of landscaping on habitat quality and connectivity, the residual effect is considered to be neutral.
- 6.6.4 In the longer term, the effect of the Proposed Scheme on the local Dormouse population is considered to be positive, with a more extensive area of suitable habitat available and improved quality of existing habitats. As such, the residual effect is considered to be slight beneficial.

6.7 Conclusion

- 6.7.1 The Proposed Scheme is predicted to have both beneficial and adverse effects on biodiversity. Overall, the Proposed Scheme has a neutral or slight beneficial effect on ecological receptors which are deemed to be not significant for the purposes of this impact assessment.

7. Landscape and Visual

7.1 Scope of Assessment

7.1.1 This factor assesses the potential effects of construction and operation of the Proposed Scheme on landscape as a resource and people's views and visual amenity.

7.1.2 The receptors scoped into the landscape and visual assessment include:

- Local Landscape Character Areas
- Visual receptors

7.1.3 Several potential visual receptors have been scoped out of the landscape and visual assessment as potential views would likely be filtered by intervening vegetation, topography or buildings.

7.2 Baseline Environment

7.2.1 There are no National Parks, **heritage coasts**, Areas of Outstanding Natural Beauty or Special Landscape Areas located within 1 km of the Proposed Scheme.

7.2.2 There are five Ancient Woodland blocks identified on the Ancient Woodland Inventory within approximately 1 km of the **proposed route Proposed Scheme**. In addition, Broom Grove, adjacent to the Planning Application Boundary; and Strawberry Grove, within the Planning Application Boundary, are woodland blocks that are considered likely to be Ancient Woodland.

7.2.3 There are a large number of veteran and ancient trees approximately 650 m to the south-west of the Proposed Scheme. No other veteran or ancient trees are recorded within the Proposed Scheme extents or a 15 m offset. Tree Protection Orders are present at seven locations within 1 km of the **proposed route Proposed Scheme**. These veteran trees, ancient tree and Tree Protection Orders are too far away to be affected by the Proposed Scheme.

7.2.4 The landscape setting of heritage features is relevant to the landscape assessment. One Registered Park and Garden, several listed buildings and a protected lane are located within 1 km of the Proposed Scheme, as set out in further detail in Chapter 5 – Cultural Heritage.

7.2.5 Settlement is sparse within 1 km of the **proposed route Proposed Scheme** with the largest settlements located approximately 1 km away. A number of existing and proposed open spaces and private open spaces are located within the vicinity of the Proposed Scheme.

7.2.6 The land use is predominantly arable agriculture, but sand and gravel extraction activities also take place due to the underlying geology. The busy A120 and A133 are key infrastructure routes crossing from east to west through the landscape. There are some recreational routes connecting Colchester, Wivenhoe, Elmstead Market and Bromley Cross within the wider countryside, which pass within the Planning Application Boundary.

7.2.7 The topography comprises a flat plateau, bisected by valleys associated with watercourses. The primary land cover is large-scale arable fields divided by managed hedgerows with intermittent hedgerow trees. Occasional woodland blocks punctuate the farmland. Intensification of agriculture has resulted in the gradual loss of areas of natural woodland and heathland, the amalgamation of fields and associated loss of hedgerow field boundaries, and remnant orchards. In addition, remaining hedgerow field boundaries have become gappy.

7.2.8 In the vicinity of the Proposed Scheme, the urban edges of Colchester and Wivenhoe, Elmstead Market and the area south of Ardleigh are most affected by light pollution, while the farmland areas furthest from these light sources are generally less affected by light pollution.

- 7.2.9 At a local scale, the area within 1 km of the **proposed route** ~~Proposed Scheme~~ is covered by both the Tendring and Colchester Landscape Character Assessments, which identify Landscape Character Areas within the study area. The majority of the study area is covered by Landscape Character Area 7A Bromley Heaths within the Tendring Landscape Character Assessment. Other Landscape Character Areas within the study area include Landscape Character Areas: LCA B8 Wivenhoe Farmland Plateau of the Colchester Landscape Character Assessment; as well as 6B Ardleigh Valley System and 6C Alresford Valley System, of the Tendring Landscape Character Assessment, and A6 Ardleigh River Valley, of the Colchester Landscape Character Assessment, which include the valleys of Salary, Bromley and Sixpenny Brooks.
- 7.2.10 While there are open views locally across agricultural fields, hedgerows, tree belts and woodlands tend to curtail more distant views. As such, views are generally close-range or middle-distance. There is potential for the following visual receptor groups to experience significant effects as a result of the Proposed Scheme:
- Users of Public Right of Ways
 - Residents of nearby dwellings
- 7.2.11 A selection of viewpoints that are representative of these visual receptor groups has been assessed. The final selection of representative viewpoints has been agreed with the local planning authorities.

7.3 Method of Assessment

- 7.3.1 The landscape and visual assessment has been undertaken using the following guidance:
- *Design Manual for Roads and Bridges LA 107 Landscape and visual effects (Rev. 2)*
 - *Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring*
 - The Landscape Institute and Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment, Third Edition GLVIA3*
 - The Landscape Institute's *Visual Representation of Development Proposals Technical Guidance Note 06/19*
- 7.3.2 Information for the landscape and visual assessment has been informed by the use of:
- Development of a Zone of Theoretical Visibility, i.e. determining from where the Proposed Scheme can be seen, taking account of topography and screening elements. **The Zone of Theoretical Visibility modelling produced are based upon the proposed route design for the Proposed Scheme submitted for planning in April 2021. The changes to the design for the Planning Application addendum submission are not considered likely to result in a materially different Zone of Theoretical Visibility, as the changes to the horizontal alignment of the proposed route are minor, the vertical alignment of the proposed route has not increased and the extent of any areas to be lit are similar to the April 2021 design** Desk-based study
 - Site visits (carried out in July 2019, March 2020, September 2020, October 2020 and December 2020)

7.4 Results

- 7.4.1 The potential effects of the Proposed Scheme on Landscape Character Areas and visual receptors are summarised in Table 7.1 (construction) and Table 7.2 (operation). Note that significance is not assessed in the landscape and visual assessment until after essential mitigation has been considered (see Section 7.6: Residual Effects, for the significant residual effects identified).

Table 7.1: Summary of potential landscape and visual construction effects

Adverse Short-term Construction Effects (Approximately Two Years)	
Effects on landscape character	<ul style="list-style-type: none"> • Removal of vegetation to facilitate construction of the Proposed Scheme, including some trees along the edge of Strawberry Grove, which is a likely Ancient Woodland • Changes to landform arising from earthworks to create embankments and excavation of attenuation ponds and borrow pits • Disruption to land use, landscape pattern and landscape character as a result of major earthworks and construction activity and the presence of construction plant and materials, temporary soil storage, construction compounds and haul routes • Reduced tranquillity
Effects on visual receptors	<ul style="list-style-type: none"> • Removal of vegetation would make the presence of traffic on the existing A120 more noticeable and open up views of construction activities • Views of construction compounds with temporary site offices, parking areas for plant and construction staff, and material storage • Views of construction plant and earthworks, including temporary soil storage • Views of temporary tall crane movements associated with construction of the proposed bridge across the A120 • Views of construction plant and vehicles on haul routes • Views of temporary signage, roadworks and congested traffic flow on roads locally due to traffic management • Views of lighting equipment during the day and lighting at night, associated with construction works to be undertaken during the hours of darkness

Table 7.2: Summary of potential landscape and visual operational effects

Adverse Long-term Operational Effects	
Effects on landscape character	<ul style="list-style-type: none"> • Absence of vegetation removed to facilitate the Proposed Scheme • Permanent changes to the landform due to embankments, attenuation ponds and borrow pits • Severance of the landscape by the proposed Link Road • Increased presence of traffic and highway infrastructure in the rural landscape, including signage and lighting columns, associated with the Link Road, roundabouts, A120 junction and A120 overbridge, which would reduce tranquillity locally • Increased lighting in the landscape in areas associated with roundabouts and the A120 junction
Effects on visual receptors	<ul style="list-style-type: none"> • Views of traffic and highway infrastructure, including signage, lighting columns, anti-glare barriers and vehicle restraint systems, associated with the Link Road, roundabouts, the A120 junction and A120 overbridge • Views of traffic on the A120 would be more noticeable due to the absence of vegetation along the road • Views of attenuation ponds and borrow pits • Night-time views of lighting associated with roundabouts and the A120 junction

Adverse Long-term Operational Effects	
	<ul style="list-style-type: none"> Night-time views of lighting associated with the shared use Public Right of Way diversion and segregated footway/cycleway routes to the west of the Link Road

7.5 Mitigation

7.5.1 It is not considered necessary to propose further essential mitigation for landscape and visual receptors during construction, as comprehensive mitigation is proposed as part of the embedded and good practice mitigation. However, where practicable, stripped soil shall be stored in windrows (a row of placed material, such as soil) around the perimeter of the temporary works and construction areas to provide temporary screening.

7.5.2 Mitigation proposed during operation includes:

- Native planting, including hedgerows, hedgerows with trees, shrubs and trees, and woodland, to integrate the Proposed Scheme into the landscape and screen views, whilst allowing some views to the surrounding landscape from the proposed Link Road and shared-use Public Right of Way diversion and segregated footway/cycleway routes. The indicative species, pattern and distribution of proposed hedgerows, shrubs and trees along the Proposed Scheme have been selected to reflect the distinctive local character of vegetation within the landscape and to provide screening
- Use of hedgerows on the highway boundary, including hedgerows with trees, to link into existing field boundaries, and provide screening and integration of the Proposed Scheme with the local landscape pattern
- Gapping up of poor-quality hedgerows to be retained, for landscape integration and to enhance the local landscape character
- Native planting and natural regeneration to expand woodland cover to integrate the Proposed Scheme into the landscape and enhance the local landscape character
- The sensitive design of attenuation ponds to integrate these into the landscape **and be sympathetic to their landscape surroundings**, reduce visual intrusion and enhance visual amenity value
- Specification of root barriers where necessary during detailed design to reduce effects on the proposed planting as a result of any refinements to the drainage design**
- Sensitive restoration of borrow pits to integrate these into the landscape, such as, where practicable, slackening earthworks, designing natural contours and allowing water to fill the pits, and to enhance visual amenity
- Creation of species-rich grassland, including naturally regenerated grassland, at locations where conditions are suitable for their establishment, to provide seasonal interest for visual amenity
- Explore feathering of earthwork slopes and rounding the crests and toes of embankments during detailed design to improve integration with the surrounding landform, where space and materials are available
- Integration of fences, **environmental barriers** and retaining walls within the landscape during detailed design
- Sensitive positioning and specification of signage during detailed design to help to integrate these features into the landscape**
- All lighting of the shared use Public Right of Way diversion and segregated footway/cycleway routes to the west of the Link Road will be sensitively designed and integrated into the path surface as solar studs in order to reduce visual intrusion

7.6 Residual Effects

- 7.6.1 Significant landscape residual effects have been identified for Bromley Heaths Landscape Character Area. Changes to the generally flat landform, removal of vegetation, including a narrow strip of likely Ancient Woodland, and the presence of construction activities and major earthworks in the landscape would affect the rural character, resulting in a moderate adverse and therefore significant effect locally. The significance of effect would remain moderate adverse and therefore significant locally during winter year 1 of operation due to the permanent change to the landform, absence of woody vegetation and presence of traffic and highway infrastructure (including lighting) in the landscape, which would erode the generally rural landscape character. The establishment of mitigation planting would help to integrate the Proposed Scheme into the surrounding landscape by summer year 15 of operation, but the significance of the effect would not change locally. However, the overall effect on the wider Bromley Heaths Landscape Character Area during construction and winter year 1 of operation, and summer year 15 of operation would not be significant due to distance.
- 7.6.2 Significant visual residual effects have been identified for users of Public Right of Ways and residents. There would be significant adverse effects on users of Public Right of Ways (moderate to very large adverse) and residents (moderate to large adverse) during construction, due to views of construction activities. There would also be significant effects on users of Public Right of Ways and residents (both moderate to very large adverse) during the winter year 1 of operation, due to views of traffic and highway infrastructure, which would be noticeable in most views and dominant in some. The established mitigation planting would generally screen traffic and highway infrastructure associated with the Proposed Scheme from Public Right of Ways and residential properties by the summer year 15 of operation. However, the tops of lighting columns associated with the roundabouts and A120 junction would remain visible above the planting, along with the tops of high-sided vehicles from some viewpoints. Lighting would also be visible during the hours of darkness. As such, adverse visual effects would have reduced notably and there would not be significant adverse effects on most visual receptors. However, a moderate adverse significant effect would remain at three representative viewpoints located in the vicinity of the Allens Farm.

7.7 Conclusion

- 7.7.1 The overall long-term residual significance of effect on the wider landscape character and visual amenity would not be significant. However, there would be moderate adverse and, therefore, significant adverse residual effects on local landscape character and three close-range views from footpaths and residential properties.

8. Geology and Soils

8.1 Scope of Assessment

8.1.1 This factor covers the potential effects of the construction and operation of the Proposed Scheme on soil resources, and from land contamination on human health and the water environment.

8.1.2 The elements scoped into the geology and soils assessment include:

- Soil resources
- Contamination effects on human health
- Contamination effects on groundwater and surface water

8.1.3 There are two geologically important sites within the study area, however they are approximately 1 km away from the Proposed Scheme, and therefore, outside the zone of influence. Based on this, and as there are no other geologically important sites within the study area, geologically important sites have been scoped out of further assessment.

8.2 Baseline Environment

8.2.1 The Proposed Scheme predominantly crosses grade 1 (excellent quality) and some grade 2 (very good quality) Best and Most Versatile agricultural land.

8.2.2 Residential properties are located over 100 m from the Proposed Scheme and are limited in number. There is a possibility of encountering potentially contaminated material from around commercial properties including Colchester Waste Transfer Station, Ardleigh South Services, and Allens Farm. Construction workers, and maintenance/ground workers during the operational phase, will likely have contact with soils.

8.2.3 The geology and aquifer designations for the study area are summarised in Table 8.1.

Table 8.1: Geology and aquifer designations within the study area

Geology	Aquifer Designation	Depth (Metres Below Ground Level)
Coversands	Secondary B Aquifer	Top depth: 0.0 to 0.9 Base depth: 0.9 to 3.4
Kesgrave Catchment Subgroup	Secondary A Aquifer	Top depth: 0.9 to 3.4 Base depth: 5.8 to 11.2
London Clay Formation	Unproductive Strata	Top depth: 5.8 to 11.2 Base depth: 42.6*

8.2.4 The study area falls within a groundwater source protection zone likely to be associated with abstractions from the Chalk Principal aquifer to the north of the Proposed Scheme. A groundwater source protection zone is a zone around groundwater sources used for potable supply or food processing, including wells, boreholes and springs. These zones show the risk of contamination from any activities that might cause pollution in the area. The closer the activity, the greater the risk.

8.2.5 The main surface water body in the study area is the Sixpenny Brook, which has several tributaries running through the study area. The southern part of the Proposed Scheme crosses one of the tributaries.

- 8.2.6 There are no surface water abstraction licences or recorded licensed active or closed landfills within 250 m of the Proposed Scheme.
- 8.2.7 The potential risk of pollutant linkages for the Proposed Scheme can be summarised as low to moderate/low with the risk drivers summarised as follows:
- Potential for made ground and soil contamination from existing road construction and local small-scale industries
 - Potential for made ground and contaminated soil from areas of potentially infilled land across the study area
 - Potential for contaminated soil from Colchester Waste Transfer Station
 - Potential for contaminated soil from Ardleigh South Services
 - Potential for contaminated soil from local active and historical farms
 - Potential for soil contamination within the Proposed Scheme footprint to have an impact upon human health (particularly construction workers during the construction phase)
 - Potential for pathways to develop during and following construction for soil contamination within the Proposed Scheme footprint to impact groundwater aquifers in the superficial geology
 - Potential for pathways to develop during and following construction for soil contamination within the Proposed Scheme footprint to impact surface watercourses on and near the Proposed Scheme
- 8.2.8 A number of uncertainties were identified, to be addressed by intrusive ground investigation and appropriate risk assessment, summarised as:
- The presence, extent, thickness, nature, variability and contaminative status of areas of Made Ground within the Proposed Scheme footprint, in particular the area of the A120 embankments and areas of potentially infilled land identified in the walkover
 - The presence and nature of any contamination associated with the local industrial areas, including the Colchester Waste Transfer Station, Ardleigh South Services and Allens Farm

8.3 Method of Assessment

- 8.3.1 The geology and soils assessment has been completed using the following standards and guidance:
- *Design Manual for Roads and Bridges LA 104 – Environmental assessment and monitoring*
 - *Design Manual for Roads and Bridges LA 109 – Geology and soils*
 - *Design Manual for Roads and Bridges LA 110 – Material assets and waste*
 - *Design Manual for Roads and Bridges LA 113 – Road drainage and the water environment*
 - *Environment Agency Land Contamination Risk Management*
 - *CIRIA C552: Contaminated Land Risk Assessment: A guide to good practice*

- 8.3.2 A site walkover was conducted in June 2019 as part of the desktop study. The site walkover provided information on the condition of the study area and any potential sources of contamination were noted.

8.4 Results

- 8.4.1 Significant effects have been identified during construction and outlined in Table 8.2. No significant effects have been identified during operation.

Table 8.2: Significant effects identified for geology and soils elements during construction

Elements	Description of Effect	Significance
Human health: land users, residents, and construction workers	Made ground/infill materials and natural soils may potentially be contaminated by existing or historical land uses.	Moderate adverse
	Disturbance of potentially contaminated soils may cause mobilisation of contaminants along new or existing pollution pathways to current and future land users including short-term, acute risks to the health of construction workers and those involved in underground works in the operational phase.	Moderate adverse
Soil resources	<p>Loss of agricultural land (Grades 1 and 2 – Best and Most Versatile).</p> <p>It will not be possible to avoid disturbing these soils during construction.</p> <p>Impacts may include temporary loss of access to soils from borrow pits, attenuation ponds, access road to Allens Farm, temporary land take areas, such as those for site compounds and haulage routes, and damage to soils during construction including physical, biological and chemical damage. During operation, soil may be impacted by runoff from the carriageway.</p>	Very large adverse

8.1 Mitigation

8.1.1 Mitigation proposed regarding construction, includes:

- Prior to construction, geoenvironmental ground investigation sufficient to determine the extent and type of contaminants present will be undertaken to inform land contamination risk assessments. This may require ground investigation in addition to that which was undertaken at the time of writing the **first issue of the** Environmental Statement
- Where a risk assessment identifies the need for remediation measures, an appropriate Remediation Options Appraisal and Remediation Strategy will be produced. Implementation of the recommendations made in the Remediation Options Appraisal and Remediation Strategy, if required, will break contamination source-pathway-receptor linkages and/or reduce the overall risk of harm

8.2 Residual Effects

8.2.1 The implementation of mitigation measures in relation to land contamination issues and direct/indirect impacts is expected to reduce potential impacts to a level which is not considered significant.

8.2.2 It is unlikely that the disturbance of agricultural soils resulting from the construction of the Proposed Scheme could be fully mitigated within the Planning Application Boundary and there will likely be a significant residual very large adverse impact on soils.

8.3 Conclusion

8.3.1 With the implementation of all the mitigation measures, the Proposed Scheme is unlikely to have significant adverse effects in relation to contamination, on human health, surface water and groundwater. However, a **very** large adverse effect on soil resources is predicted.

9. Noise and Vibration

9.1 Scope of Assessment

9.1.1 This factor assesses the potential effects of the construction and operation of the Proposed Scheme on noise and vibration sensitive receptors.

9.1.2 The elements scoped into the noise and vibration assessment include:

- Construction noise
- Construction vibration
- Operational road traffic noise
- Operational road traffic vibration

9.1.3 The elements scoped out of the noise and vibration assessment include:

- Construction traffic noise and vibration – to experience an increase in noise level sufficient to result in a significant effect, the road traffic flow on the A120 or A133 would need to approximately double. However, it is expected that additional road traffic from construction vehicles would only increase traffic flows on the A120/A133 by a small fraction. Therefore, the additional vehicles expected to use these roads are likely to have a negligible impact in terms of increases in noise levels
- Operational vibration – as the new maintained road surface will be free of irregularities, it will not have the potential to lead to significant adverse vibration effects

9.2 Baseline Environment

9.2.1 The baseline noise environment is likely to be dominated by road traffic noise from the A120 and A133. Within the study area there are 1,376 noise-sensitive receptors. These receptors are largely rural, including farms, smallholdings, villages and businesses.

9.2.2 Defra has undertaken noise-mapping exercises, the latest of which was published in late 2019. Defra has produced a list of Noise Important Areas (areas identified as requiring action to reduce noise levels). The Noise Important Areas identified within the study area are listed below, with a sample receptor chosen inside each Noise Important Area:

- The A120 westbound carriageway north of Bromley Road, responsibility of Highways England
- The A120 eastbound carriageway by the Bromley Road overbridge, responsibility of Highways England
- The A133 by Crabtree Farm, responsibility of Essex County Council
- The A133 in Frating, responsibility of Essex County Council

9.3 Method of Assessment

9.3.1 The noise and vibration assessment has been completed using the following standards and guidance:

- Construction noise:
 - *Design Manual for Roads and Bridges LA 111 Noise and vibration*
 - *BS 5228-1: 2009 + A1: 2014 – Code of practice for noise and vibration control on construction and open sites – Part 1: Noise (BS 5228-1)*
- Construction vibration:
 - *Design Manual for Roads and Bridges LA 111 Noise and vibration*

- *BS 5228-2: 2009 + A1: 2014 – Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration (BS 5228-2)*
- Operational road traffic noise:
 - *Design Manual for Roads and Bridges LA 111 Noise and vibration*
 - *Calculation of Road Traffic Noise*

9.3.2 Information for the noise and vibration assessment has been collected from:

- Defra's Noise Action Plan: Roads (Including Major Roads) – to identify any Noise Important Area within the study area
- Noise modelling – the Do-Minimum 2026 noise model has been used to represent the baseline in both the construction and operational assessments
- Ordnance Survey MasterMap data to identify existing building locations, existing road alignments and areas of acoustically hard (reflective) or soft (absorbent) ground
- Ordnance Survey AddressBase Plus to identify noise- and vibration-sensitive receptors
- Defra's MAGIC mapping database to identify any designated sites
- Highways England's Pavement Management System for information on existing road surfacing type on Highways England's roads (e.g. the A120)
- Defra National LIDAR Project Digital Terrain Model, 1 m contours to create the existing Digital Terrain Model for the noise model. LIDAR is a surveying method that measures distance to a target by illuminating that target with a laser light.
- Proposed Scheme 3D alignment, to create the proposed Digital Terrain Model for the noise model
- Indicative construction methods and plant/equipment lists provided by the Jacobs constructability team

9.3.3 For the noise and vibration assessment, an impact of moderate magnitude or above is considered potentially significant, dependent upon further contextual factors such as duration of the activity.

9.4 Results

9.4.1 During construction, Mount Pleasant Cottages, Turnip Lodge Cottages and Allens Farm are likely to experience an impact for more than 40 days in a six-month period for the site clearance, earthworks and capping-layer activities with a moderate impact magnitude considered to be significant.

9.4.2 There is the potential for significant vibration effects from compaction on a minimum of four sensitive receptors.

9.4.3 During operation the following potential significant effects have been identified:

- Significant adverse effects on 11 dwellings and one Protected Lane, due to increases in traffic noise levels
- Significant beneficial effects on 239 dwellings and five other noise-sensitive receptors (for example schools, hospitals, places of worship and outdoor spaces), due to reductions in traffic noise levels

9.5 Mitigation

9.5.1 Mitigation proposed during construction, includes:

- Engagement with the local community and anyone living or working with 100 m of vibratory works to pre-warn them, provide timings, and advise of what is being done to control vibration

- The 18-tonne Bomag BW 216 single drum vibratory roller should not be used within 100 m of a vibration-sensitive receptor when the highest vibration setting is selected. When the lowest vibration setting is selected, it can be used within 48 m of a vibration-sensitive receptor
- Selection of low-vibration or non-vibratory plant when working within 100 m of a vibration-sensitive receptor, should be considered
- Starting up and turning off vibratory equipment as far away from sensitive receptors as possible, should be considered

9.5.2 Implementing noise barriers for the operation of the Proposed Scheme is not considered proportionate from either a monetary or practical perspective, and therefore no permanent noise barriers are proposed.

9.6 Residual Effects

9.6.1 Mount Pleasant Cottages, Turnip Lodge Cottages and Allens Farm are likely to experience a significant adverse residual effect as a result of noise from daytime construction activities including construction of haul roads, earthworks, capping layer activities and site clearance.

9.6.2 Mount Pleasant Cottages are also likely to experience a significant adverse residual effect as a result of construction vibration due to the likely duration of the impact.

9.6.3 During operation, 256 receptors are likely to experience a significant residual effect as a result of operational noise. Of these, 244 receptors are likely to experience a significant residual beneficial effect as a result of reduction in noise levels. The remaining 12 receptors are likely to experience a significant residual adverse effect as a result of increases in noise levels.

9.7 Conclusion

9.7.1 During construction, whilst the application of best practicable means for controlling construction noise and vibration would provide a reasonable level of mitigation, it cannot be guaranteed that all adverse impacts would be reduced to a level resulting in no significant effects at the nearest noise-sensitive receptors. As such, it is likely, even with the inclusion of noise and vibration mitigation measures, that some residual significant adverse effects would remain. These effects, however, would only affect a limited number of receptors and would be transient in nature (when plant is operating in close proximity).

9.7.2 The Proposed Scheme is predicted to result in substantially more significant beneficial effects than adverse, during operation. However, given the context of the adverse effects (the short distance of some receptors from the Proposed Scheme and the existing quiet rural environment) these significant adverse effects are likely to outweigh the significant beneficial effects afforded by the reduction in flow on the bypassed routes.

10. Road Drainage and the Water Environment

10.1 Scope of Assessment

10.1.1 This factor assesses the potential effects of the construction and operation of the Proposed Scheme on surface water and water quality, hydromorphology (the scientific study of the physical characteristics of a water body including the shape and its content), groundwater flows and quality (including groundwater dependent terrestrial ecosystems) and flood risk.

10.1.2 The elements scoped into the assessment of road drainage and the water environment include:

- Hydromorphology of Sixpenny Brook
- Groundwater flows
- Operational surface water and water quality
- Operational groundwater quality
- Fluvial (relating to a river) flood risk
- Surface water flood risk
- Groundwater flood risk
- Flood risk associated with other artificial water-retaining infrastructure

10.1.3 The elements scoped out of the road drainage and the water environment assessment include:

- Construction surface water and water quality - as any impact would be mitigated by adhering to good practice embedded mitigation
- Hydromorphology of watercourses other than Sixpenny Brook - as any impact would be mitigated by adhering to good practice embedded mitigation
- Construction groundwater quality - as any impact would be mitigated by adhering to good practice embedded mitigation
- The following, associated with flood risk:
 - Tidal - as the study area is not influenced by tidal flooding
 - Reservoir failure - as there are no areas of risk within the study area
 - Sewers - as there are no records of sewer flooding within the study area
 - Flood defences - as no flood defences or areas benefiting from flood defences occur in the study area

10.2 Baseline Environment

10.2.1 The Proposed Scheme crosses six ordinary watercourses in ~~six seven~~ locations:

- Unnamed Tributary to Bromley Brook
- Ward Boundary Drain
- Strawberry Grove Ditch
- ~~An~~ Unnamed watercourse 5
- ~~Unnamed~~ Tye Road Drain (crossed at two locations)
- Sixpenny Brook - the only Water Environment Regulations Framework Directive watercourse in the study area (a waterbody classified under the Water Environment Regulations Framework Directive that requires an assessment to demonstrate compliance if a development is expected to cause

deterioration or contribute to a failure of the waterbody to meet the Good Status/Potential under the Directive)

- ~~Unnamed~~ Tributary of the Sixpenny Brook

10.2.2 There are also several ordinary watercourses within the study area (all watercourses not designated as Main River watercourses on maps approved by Defra in England):

- Salary Brook and its tributaries
- Tributaries of the Sixpenny Brook
- Small land drains

10.2.3 The A120 is currently served by filter drains and drainage gullies within the carriageway. It is currently assumed that the A133 drainage features are similar to the A120 with the road draining to the nearest watercourse.

10.2.4 The entire study area lies within a source protection zone (safeguarding area defined around large and public potable groundwater abstraction sites), likely to be associated with abstractions from the Chalk Principal aquifer.

10.2.5 Three licensed groundwater abstractions are located within the study area. One of these abstractions is located within the footprint of the Proposed Scheme at Collierswood Farm.

10.2.6 There is one active licensed discharge consent to groundwater within the study area and four unlicensed abstractions; and private water supplies lie within the 500 m buffer of the Proposed Scheme.

10.2.7 A number of potential springs are located in the south and east of the study area. The closest of these is approximately 50 m from the Proposed Scheme footprint, located within an area with potential for groundwater flooding at the surface. An area of the Proposed Scheme, where it crosses Tye Road, is also classed as having the potential for groundwater flooding at the surface.

10.2.8 There are areas of Flood Zone 3 (greater than 1 % Annual Exceedance Probability risk of fluvial flooding) and Flood Zone 2 (between 0.1 % and 1 % Annual Exceedance Probability risk of fluvial flooding) throughout the study area.

10.2.9 The study area lies predominantly within an area at very low risk of flooding from surface water and with <25 % susceptibility to groundwater flooding.

10.2.10 An artificial lake has been identified close to Allens Farm that is retained by an earth embankment. Therefore, the study area is considered at risk of flooding from the artificial water-retaining infrastructure.

10.2.11 The presence of irrigation pipes in the vicinity of the Proposed Scheme indicates a potential flood risk due to burst pipes.

10.2.12 There are no recorded historic flood events within the study area.

10.3 Method of Assessment

10.3.1 The assessment has been completed using the following standards and guidance:

- *Design Manual for Roads and Bridges LA 104 Environmental Assessment Methodology*
- *Design Manual for Roads and Bridges LA 113 Road drainage and the water environment*
- *CIRIA: Groundwater control: design and practice, second edition*

10.3.2 Information for the assessment of road drainage and the water environment has been collected from:

- Existing reports prepared for the Proposed Scheme as part of the Stage 2 Desktop Study

- Desk-based study of readily available information
- Site walkover survey undertaken prior to COVID-19 restrictions as part of the Stage 2 desktop study
- Data received from the Lead Local Flood Authority, Environment Agency, Tendring District Council and Essex Highways
- Groundsure reports
- Consultation with the engineering team and review of their outputs including the proposed drainage design and culvert-sizing assessment

10.4 Results

10.4.1 During construction, the following potential effects have been identified as significant:

- Borrow pit dewatering, impacting groundwater flows and quality of groundwater within the Coversands aquifer (moderate adverse)
- Borrow pit dewatering impacting groundwater flows and quality of groundwater within the Kesgrave Catchment Subgroup aquifer (large adverse)
- Reduction in groundwater flow/baseflow due to dewatering of Borrow Pit 3, on a potential spring, private water supply at Balls Farm and Sixpenny Brook (moderate adverse)
- Subsidence due to dewatering of Borrow Pit 3, on minor roads including Tye Road and Turnip Lodge Lane Protected Lane (moderate adverse)
- Reduction in groundwater flow/baseflow due to dewatering of Borrow Pit 4 on Sixpenny Brook (moderate adverse)
- Subsidence due to dewatering of Borrow Pit 4 on domestic properties and the A133 (moderate adverse)
- Reduction in groundwater flow/baseflow due to dewatering of Borrow Pit 5 on a licensed groundwater abstraction at Collierswood Farm (large adverse)
- Subsidence due to dewatering of Borrow Pit 5 on the A120 (moderate adverse)
- Direct impact as a result of the embankment on licensed groundwater abstraction at Collierswood Farm (very large adverse)
- Direct impact as a result of earthworks on a licensed discharge consent at Colchester Waste Transfer Station (moderate adverse)

10.4.2 There are no moderate or greater significance adverse effects on the water environment receptors during operation. ~~The proposed re-profiling of the Ward Boundary Drain is assumed to have a moderate beneficial effect on the local access road, which is a flood-risk receptor.~~

10.5 Mitigation

10.5.1 Mitigation proposed for construction includes:

- The installation of interception drains for the borrow pits to prevent excessive ingress of surface water into the workings
- Dewatering of the borrow pits will take place followed by controlled discharge into ordinary watercourses
- Where buildings or infrastructure may be impacted by settlement due to dewatering, a geotechnical dewatering settlement assessment will be carried out to determine the actual level of risk. Any required mitigation measures, either standalone or in combination, would be determined following full geotechnical assessment

- Where required, mitigation measures such as cut-off walls and/or recharge to groundwater and surface water would be used to mitigate the potential impacts of borrow pit dewatering on groundwater and associated receptors. At present these measures are not committed to as they would be contingent on the settlement assessment
- Relocation of the spray irrigation abstraction well at Collierswood Farm and the licensed discharge to ground consent will be needed if their loss is confirmed during construction

10.6 Residual Effects

- 10.6.1 As effects on surface water and water quality are predicted to be of neutral significance prior to mitigation, any residual effects are considered to be slight beneficial (not significant) on the basis that the embedded mitigation proposed would capture and treat existing highways drainage from the A120 and A133.
- 10.6.2 Effects on the hydromorphology of Sixpenny Brook and Salary Brook are predicted to be neutral or slight adverse (not significant).
- 10.6.3 Effects on groundwater flows and quality are predicted to be slight adverse (not significant) due to borrow pit dewatering. Neutral residual effects (not significant) are predicted for Collierswood Farm provided the abstraction is not located within the Proposed Scheme footprint, and for Colchester Waste Transfer Station provided the consented discharge is relocated to a suitable location.
- ~~10.6.4 Following the implementation of the embedded mitigation and good practice, residual effects on most flood risk receptors are expected to be neutral or slight adverse. However, there would be a slight beneficial effect (not significant) on agricultural land as a result of the construction of Ward Boundary Drain bypass ditch.~~

10.7 Conclusion

- 10.7.1 Overall, with the implementation of embedded, good practice and essential mitigation, the Proposed Scheme is not predicted to have any significant adverse effects on the receptors, as defined under the *Design Manual for Roads and Bridges*.

11. Population and Human Health

11.1 Scope of Assessment

11.1.1 This factor assesses the potential effects of construction and operation of the Proposed Scheme on population and human health.

11.1.2 The elements scoped into the population and human health assessment include:

- Effects on agricultural land holdings
- Effects on walking, cycling and horse riding
- Effects on human health associated with physical activity
- Effects on human health associated with access to green space and the countryside
- Effects on human health associated with air pollution
- Effects on human health associated with noise
- Effects on health inequalities

11.1.3 The elements scoped out of the population and human health assessment include:

- Effects on private property and housing - as it is not envisaged that any buildings would be lost to the Proposed Scheme
- Effects on community land and assets - as no community land has been identified that would be directly physically affected
- Effects on development land and businesses - as the Proposed Scheme has been identified and designed to facilitate proposals for growth within Colchester and, as such, is part of the strategic development and economic proposals for the area

11.2 Baseline Environment

11.2.1 There are currently no settlements within the footprint of the Proposed Scheme. The village of Elmstead Market is approximately 350 m east of the study area (footprint of the Proposed Scheme plus a 500 m buffer), situated either side of the A133, while the eastern outskirts of Colchester are some 800 m west of the study area.

11.2.2 The Link Road section of the Proposed Scheme, and connections to the A120 to the north, fall within land owned by five different landowners. Four of these own large areas of arable land, the fifth owning a small parcel of land near Allens Farm.

11.2.3 The Public Right of Way network provides access to green space for local communities, particularly from Elmstead Market and the eastern parts of Colchester:

- A footpath runs from Wivenhoe Road in a south-easterly direction, becoming a restricted byway until it reaches Allens Farm where it joins a footpath and continues east to Elmstead. At Elmstead it terminates where it meets a further public footpath which extends northwards, crossing the A120
- A public footpath runs north-south between Brightlingsea Road and the A133
- Two footpaths connect Bromley Road to Wivenhoe Road via Broomhangings Farm, and head north from Bromley Road towards Fox Street

11.2.4 Turnip Lodge Lane Protected Lane runs from Slough Lane in an easterly direction for approximately 900 m where it intersects with Wivenhoe Road and Tye Road.

- 11.2.5 The A133 offers a potential cycle commuting route between southern Colchester and smaller settlements to the east. There is a footway alongside the eastbound carriageway of the A133. National Cycle Network Route 51 passes north-south, crossing the A133.
- 11.2.6 There is a horse riding stable, Crockleford Stud, on Bromley Road in Crockleford Heath approximately 1 km from the Proposed Scheme.
- 11.2.7 The health profiles of the communities in each ward compared to the average for England have been considered and the following have been identified:
- The Thorrington, Frating, Elmstead and Great Bromley ward (within which the majority of the Proposed Scheme falls, including the entire new Link Road section) has a larger proportion of older residents (65+ years) than the Ardleigh and Little Bromley ward, and the average for England as a whole. Levels of income deprivation are significantly lower than average for England
 - In the Ardleigh and Little Bromley ward (within which only the western connections to the A12 and services fall) the life expectancy at birth for males is significantly better than the England average and, unusually, male life expectancy is slightly longer than for females within the ward (though not significantly different)
 - The health of communities within the study area is generally comparable to the average for England, however the Thorrington, Frating, Elmstead and Great Bromley ward has significantly more of the population with a long-term illness or disability compared to the average for England, which is likely linked to the generally older population
- 11.2.8 According to the World Health Organization, noise from road traffic alone is the second most-harmful environmental stressor in Europe. The baseline noise environment is likely to be dominated by road traffic noise from the A120 and A133.
- 11.2.9 The percentage of adults walking or cycling for at least three days per week in 2017/18 in Colchester and Tendring was lower than the England averages.
- 11.2.10 Collision data during 2014-2019 were reviewed and no collisions involving pedestrians, cyclists or horse riders occurred on the A120, A133 or roads within the study area linking the A120 and A133 within this five-year period.

11.3 Method of Assessment

- 11.3.1 The population and human health assessment has been completed using the following standards and guidance:
- *Design Manual for Roads and Bridges LA 112 Population and human health*
 - The Institute for Environmental Management and Assessment's *Health in Environmental Assessment – A Primer for a Proportionate Approach*
 - The International Association for Impact Assessment's *Addressing Human Health in Environmental Impact Assessment, Consultation Draft*
- 11.3.2 Information for the population and human health assessment has been collected from:
- Desk-based review of:
 - Essex Highways Public Rights of Way web mapping application: <https://www.essexhighways.org/getting-around/public-rights-of-way/prow-interactive-map.aspx>
 - Public England's Local Health tool: <https://www.localhealth.org.uk/>
 - Ordnance Survey 1:25,000 mapping

- Shared information from other factors

11.4 Results

11.4.1 During construction, potential effects on agricultural holdings have been identified as significant (moderate adverse) due to the loss of land affecting operating conditions for individual farmers, representing 0.8 % of the arable farm holding community in the county. It is not anticipated that any agricultural lang holdings would become non-viable.

11.4.2 No potential effects during operation have been identified as significant.

11.5 Mitigation

11.5.1 There is no specific mitigation proposed for population impacts during construction or operation in addition to mitigation proposed for other factors. This includes minimising impacts on health and amenity arising from construction dust, noise, and views of the construction works. The embedded mitigation proposals mitigate the temporary significant effect on agricultural land holdings as far as practicable given the scale and location of the Proposed Scheme which necessarily requires a degree of temporary and permanent land take and disruption in access to affected landowners.

11.6 Residual Effects

11.6.1 In the absence of essential mitigation in addition to the proposed embedded mitigation, the residual effects are unchanged from those reported in Section 11.4, a moderate adverse significant effect on agricultural holdings due to loss of land.

11.7 Conclusion

11.7.1 The overall effects of the Proposed Scheme are deemed to be not significant under the *Design Manual for Roads and Bridges*.

12. Climate

12.1 Scope of Assessment

- 12.1.1 This factor assesses both the potential effects of construction and operation of the Proposed Scheme on climate, and potential effects of climate change on the Proposed Scheme.
- 12.1.2 The elements scoped into the climate assessment include:
- Greenhouse gas emissions resulting from construction
 - Greenhouse gas emissions associated with the change in land use
 - Vulnerability of the Proposed Scheme to changes in climate during construction and operation
 - Greenhouse gas emissions resulting from operation
 - Change in greenhouse gas emissions due to changes in end-user road traffic resulting from operation
- 12.1.3 No potential impacts required to be assessed by the *Design Manual for Roads and Bridges LA 114 Climate* have been scoped out.

12.2 Baseline Environment

- 12.2.1 Carbon dioxide emissions for Essex County in 2018 represented approximately 2 % of total carbon dioxide emissions for the UK, and 1.6 % of total UK greenhouse gas emissions. Tendring District Council area carbon dioxide emissions were approximately 0.2 % of the UK carbon dioxide emissions.
- 12.2.2 Road transport carbon dioxide emissions are estimated to comprise 49 % of the total carbon dioxide emissions within Essex County (2.8 % of the total in the UK), with A-roads estimated to generate approximately 20 % of the total carbon dioxide emissions in Essex.
- 12.2.3 The greenhouse gas emissions from operational road users for the Do-Minimum scenario (without the Proposed Scheme) against which the Proposed Scheme has been compared, are presented in Table 12.1.

Table 12.1: Operational road users' greenhouse gas emissions (total carbon dioxide equivalent) for the Do-Minimum scenario

Year/Period	Operational Road User Greenhouse Gas Emissions (Total Carbon Dioxide Equivalent)
Opening Year (2026)	224,016
Design Year (2041)	198,251
60-year appraisal period (i.e. 2026-2085)	12,101,180

- 12.2.4 The receptor for greenhouse gas emissions is the global climate and, indirectly, the UK carbon budgets which act as its proxy.
- 12.2.5 Under the climate scenarios considered, annual accumulated precipitation at the location of the Proposed Scheme is projected to slightly decrease over time. All of the temperature-related metrics considered, indicate that a steady increase in temperature has the potential to occur.
- 12.2.6 Climate variables selected to represent more extreme conditions indicate the following may occur between 2061-2080 compared to the baseline of 1981-2000:
- More extreme precipitation events to be of slightly greater intensity

- Very extreme precipitation events, which would occur very infrequently, would be more severe
 - Fewer days with very low temperatures
 - Days with more extreme temperatures will potentially be substantially warmer and more frequent
 - Wind speeds on days experiencing higher winds will potentially be marginally reduced
 - Annual number of air frost days is projected to be considerably lower
 - Extremely hot days are projected to be more frequent
 - Annual drought events and dry spells are projected to increase
 - Days with wind gust events exceeding 45 miles per hour are projected to be less frequent
- 12.2.7 The Essex Local Climate Impact Profile, summarised in Essex County Council's *Adapting to Climate Change Action Plan*, reviewed 160 weather-related incidents throughout Essex during the period 2004 – 2009 and identified that heavy rain and flooding, strong winds, extreme winter temperatures and extreme summer temperatures are the relevant climate-related hazards for the county.
- 12.2.8 Based on Highways England Data Management System, there were two historical flood records along the A120 in 2014 and 2016. The footprint of the Proposed Scheme is located predominantly within an area at very low risk of surface water flooding. The Tendring District Council Strategic Flood Risk Assessment indicates that the Proposed Scheme lies within 1 km grid squares defined as having less than 25 % susceptibility to groundwater flooding. However, according to the British Geological Survey susceptibility to groundwater mapping, the Proposed Scheme near to Tye Road is shown to be located within an area that has the potential for groundwater flooding to occur at the surface.
- 12.2.9 Following the identification of climate trends, and the past and potentially existing vulnerabilities within the Proposed Scheme's footprint, the identified receptors during each phase are as follows:
- Construction:
- Machinery and plant
 - Construction areas including compounds, material stockpiles and adjacent watercourses or land
 - The contractor and the construction workforce
- Operation:
- Drainage infrastructure
 - Pavements
 - Structures
 - Earthworks
 - Members of the public and commercial operators
- Maintenance
- Machinery and plant
 - Scheme operator
 - Maintenance workforce

12.3 Method of Assessment

- 12.3.1 The climate assessment has been completed using the following standards and guidance:
- *Design Manual for Roads and Bridges LA 114 Climate*
 - Highways England *Carbon Tool Guidance*
 - *Transport Analysis Guidance Unit A3 Environmental Impact Appraisal Data Book*

12.3.2 Information for the climate assessment has been collected from:

- Design and construction information for the Proposed Scheme
- Climate observations – Met Office HadUK-Grid regional observations dataset
- Climate projections – Met Office UK Climate Projections 2018 data collection
- Geological hazards – British Geological Survey
- Highways England carbon tool emission factors
- Traffic data for the reliable extent of the Vissim and EMME traffic models (total traffic flows, vehicle speed and percentage of heavy duty vehicles on an Annual Average Daily Traffic flow basis) for the opening year and the design year scenarios without (i.e. Do-Minimum) and with (i.e. Do-Something) the Proposed Scheme
- Transport Analysis Guidance Unit A3 Environmental Impact Appraisal Data Book emission factors and National Atmospheric Emissions Inventory vehicle fleet projections
- UK local authority and regional carbon dioxide emissions, Department of Business, Energy and Industrial Strategy
- Land use data statistics, Ministry of Housing, Communities and Local Government
- Natural England average estimated carbon stock values
- Other environmental factor assessments (Biodiversity, Landscape and Visual, Road Drainage and the Water Environment)

12.4 Results

12.4.1 No potential effects during construction or operation have been identified as significant, as any effects associated with greenhouse gas emissions or vulnerability would be mitigated through embedded mitigation measures.

12.4.2 It is noted (at the time of writing), that the Committee on Climate Change very recently published its recommendation on the level of the Sixth Carbon Budget in December 2020. The Sixth Carbon Budget recommendation is substantially lower than the third, fourth and fifth carbon budgets, used for this assessment. However, the Proposed Scheme is predicted to lead to a reduction in greenhouse gas emissions so it is concluded that the Proposed Scheme would not hinder the UK Government in meeting the Sixth Carbon Budget once it is formally legislated.

12.5 Mitigation

12.5.1 No mitigation has been proposed during construction or operation as no significant effects have been identified.

12.6 Residual Effects

12.6.1 No significant residual effects have been identified.

12.7 Conclusion

12.7.1 While the Proposed Scheme will result in greenhouse gas emissions, their magnitude is predicted to be negligible when compared with the UK carbon budgets. Therefore, it is not expected that the Proposed Scheme will materially hinder the UK Government from meeting its legislative carbon reduction targets. As such, no significant residual effects are identified.

12.7.2 Climate change is likely to have an adverse impact on certain parts of the Proposed Scheme during both the construction and operation stages. However, given the embedded mitigation and good practice measures to be applied, no significant residual impacts are identified.

13. Cumulative Effects

13.1 Scope of Assessment

13.1.1 This factor assesses the likely significant cumulative effects associated with the Proposed Scheme. Cumulative effects occur when impacts caused by past, present and reasonably foreseeable activities combine to create an increased level of effect. They can occur during both the construction and operational phases of a project.

13.1.2 Both intra-project and inter-project effects have been scoped into the assessment:

- Intra-project effects are the interrelationship between different environmental factors for the Proposed Scheme
- Inter-project effects are cumulative effects from different projects in the vicinity of the Proposed Scheme, as well as the Proposed Scheme itself

13.2 Baseline Environment

13.2.1 The baseline environment is the same baseline environment reported by each specialist factor assessment.

13.3 Method of Assessment

13.3.1 The methodology for this assessment draws on The Planning Inspectorate's *Advice Note 17 Cumulative Effects Assessment* and the *Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring*.

13.3.2 The main data sources for the cumulative effects assessment have been the other environmental factor assessments, and a shortlist of other proposed developments selected through professional judgement and consultation with Essex County Council.

13.3.3 The intra-project effects assessment only considered adverse effects and those assigned as slight adverse or greater.

13.3.4 For the inter-project effects assessment, a Zone of Influence was used in order to identify the different projects in the vicinity of the Proposed Scheme to include the assessment. The Zone of Influence is a distance from the Proposed Scheme determined based on the individual environmental factor study areas, professional judgement and experience from similar schemes.

13.4 Results

13.4.1 Intra-project and inter-project effects that have been identified as significant have been summarised in Table 13.1. The majority of cumulative effects identified are a result of noise, vibration and visual impacts on receptors.

Table 13.1: Potential significant intra-project and inter-project effects

Receptor	Description of Effect	Potential Cumulative Effect
Intra-project – construction		
Residents at Allens Farm	A temporary large adverse combined effect on receptors of high value as a result of noise, vibration and visual impacts.	Large adverse
Residents at Turnip Lodge Cottages		

Receptor	Description of Effect	Potential Cumulative Effect
Residents at Mount Pleasant Cottages	A temporary very large adverse combined effect on receptors of high value as a result of noise, vibration and visual impacts.	Very large adverse
Turnip Lodge Lane	A combined permanent large adverse effect on Turnip Lodge Lane as a Protected asset, from partial removal and dewatering-related subsidence.	Large adverse
Intra-project – operation		
Residents at Allens Farm House	A short-term very large adverse combined effect on receptors of high value as a result of noise and visual impacts.	Very large adverse
	The longer-term combined effect is considered to be of moderate adverse significance.	Moderate adverse
Residents at Mount Pleasant Cottages	A short-term very large adverse combined effect on receptors of high value as a result of noise and visual impacts.	Very large adverse
	The longer-term combined effect is considered to be of large adverse significance.	Large adverse
Residents at Balls Farm	A short-term moderate adverse combined effect on receptors of high value as a result of noise and visual impacts.	Moderate adverse
Residents at Turnip Lodge Cottages	A short-term large adverse combined effect (Significant) on receptors of high value as a result of noise and visual impacts.	Large adverse
	The longer-term, combined effect is considered to be of moderate adverse significance on receptors of high value as a result of noise and visual impacts.	Moderate adverse
Residents at Park Farm Cottages and Park Farmhouse	A medium-term large adverse combined effect (Significant) on receptors of high value as a result of noise and visual impacts.	Large adverse
Inter-project cumulative effects		
Landscape character	<p>A number of developments and mineral sites have been identified to have adverse cumulative impacts on landscape character along with the Proposed Scheme if the construction phases overlap, and also during operation.</p> <p>There would be a direct adverse cumulative impact on the Bromley Heaths Landscape Character Area having an urbanising effect</p>	Significant adverse

Receptor	Description of Effect	Potential Cumulative Effect
	on the rural landscape. Proposed Scheme construction lighting, street lighting and lighting from other developments during operation, would also affect the night-time character. The cumulative effect of this would be significant during construction and operation.	
Views from Public Right of Ways and residential properties	<p>Only five of the other developments have been identified to have adverse cumulative visual impact with the Proposed Scheme. These include:</p> <ul style="list-style-type: none"> • Bio-gas plant at Allens Farm • Agricultural building at Allens Farm • Mixed use development west of Church Road, Elmstead Market • Irrigation reservoir near Elmstead Hall • Extension of Martells Quarry <p>There could be inter-project cumulative adverse effects during construction, if the construction phases overlap, and during operation, on views from Public Right of Ways and residential properties in the vicinity of the Proposed Scheme as well as other developments. The effects are considered significant during construction and operation of the Proposed Scheme.</p>	Significant adverse

13.5 Mitigation

13.5.1 No additional mitigation has been identified beyond the measures proposed within each environmental factor assessment.

13.6 Residual Effects

13.6.1 As no additional mitigation has been proposed, the residual effects are the same as those identified in Section 13.4.

13.6.2 Further significant intra-project effects have been captured in the following environmental factor assessments and have not been reported here to avoid double counting:

- Cultural Heritage
- Population and Human Health

13.7 Conclusion

13.7.1 Both intra-project and inter-project significant adverse residual effects have been identified. Intra-project significant residual effects have resulted from a combination of potential noise, vibration (construction only) and visual impacts and are limited to receptors in close proximity to the Proposed Scheme. Inter-project significant residual effects with other developments were only identified for receptors associated with the landscape and visual assessment.

14. Overall Summary

14.1.1 The environmental factor assessments have demonstrated that the Proposed Scheme would only result in significant (i.e. moderate or above) residual adverse effects relating to the following issues:

- Cultural Heritage – physical effects on historic landscape and removal of historic hedgerows during construction, and visual and noise intrusion on setting during construction and operation
- Biodiversity – loss of Ancient Woodland
- Landscape – landscape and visual effects during both construction and operation on landscape character, users of Public Right of Ways and residents
- Geology and Soils – disturbance of soil resources resulting in loss and damage
- Noise and Vibration – noise and vibration effects on dwellings during construction, and noise effects on dwellings during operation
- Cumulative Effects:
 - Intra-project effects – construction and operation noise and visual impacts on residents, and partial removal and dewatering-related subsidence of Turnip Lodge Lane
 - Inter-project effects – combined noise impacts on residents and impacts on landscape character

14.1.2 Overall, significant adverse residual effects have been identified on 105 sensitive receptors, and significant beneficial residual effects have been identified on 244 receptors. These significant residual effects can be summarised as follows:

- Construction
 - Very large adverse: 2
 - Large adverse: 12
 - Moderate adverse: 17
 - Moderate to very large adverse: 10
 - Moderate to large adverse: 10
 - Significant adverse (noise and vibration and inter-project cumulative effects): 6
- Operation
 - Very large adverse: 2
 - Large adverse: 4
 - Moderate adverse: 9
 - Moderate to very large adverse: 19
 - Significant adverse (noise and vibration and inter-project cumulative effects): 14
 - Significant beneficial (noise and vibration): 244

14.1.3 No significant residual effects have been identified for the following environmental factors:

- Air Quality
- Biodiversity
- Road Drainage and the Water Environment
- Climate

DR/23/21**Report to:** DEVELOPMENT & REGULATION (1 November 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
N°. Pending at the end of August	32
N°. Decisions issued in September	2
N°. Decisions issued this financial year	18
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
N°. Delegated Decisions issued in September	1
N°. applications where Section 106 Agreements pending at the end of September	9

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of August	6
Nº. Decisions issued in September	1
Nº. Decisions issued this financial year	18
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in September	1

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in September	2
Nº. Committee determined applications issued in September	1
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	135
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of September	52
Nº. of referrals to Secretary of State under delegated powers in September	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of September	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of last quarter	24
Nº. of cases cleared last quarter	18
Nº. of enforcement notices issued in September	0
Nº. of breach of condition notices issued in September	0
Nº. of planning contravention notices issued in September	0
Nº. of Temporary Stop Notices issued in September	0
Nº. of Stop Notices issued in September	0