



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 26 August 2022</b>	<b>Committee Room 1 County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Emma Hunter, Democratic Services Officer

**Telephone:** 033301 36601

**Email:** democratic.services@essex.gov.uk

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		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>7 - 7</b>
<b>2</b>	<b>Minutes</b> To approve the minutes of the meeting held on 22 July 2022.	<b>8 - 19</b>

- 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](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting.
- 4 Minerals and Waste**
- 4.1 Land at Rivenhall Airfield, Coggeshall Road, Braintree 20 - 35**  
To consider report DR/30/22 relating to the non-material amendment to amend the wording of Condition 8 of planning permission ESS/34/15/BTE to allow the delivery and removal of abnormal indivisible loads associated with the piling rigs in connection with the construction of the IWMP.
- Location:** Land at Rivenhall Airfield, Coggeshall Road, Braintree, CO5 9DF
- Ref:** ESS/34/15/BTE/NMA3

To consider report DR/31/22 relating to:

i) The continuation of development permitted by CHL/1019/87 without compliance with condition 1 (Application details), condition 3 (Completion of extraction and restoration) and condition 12 (Phasing) to allow for a temporary suspension of extraction within Boreham Airfield, relocation of field conveyor to Park Farm extraction area, amended phasing scheme and an extension of time to complete extraction and restoration. Planning permission CHL/1019/87 was for "Winning and working of sand and gravel".

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

**Ref:** ESS/148/20/CHL

ii) Continuation of development permitted by CHL/1890/87 without compliance with condition 1 (Application details), condition 3 (Completion of extraction and restoration), condition 12 (Phasing), condition 13 (Completion of Boreham Airfield extraction before the Park Farm, Bulls Lodge and Brick Farm land extraction is commenced) and condition 16 (Approved conveyor route) to allow a rephasing of operations such that Park Farm is worked earlier within the overall working scheme for Bulls Lodge Quarry, Park Farm land is worked from north to south as opposed to the approved south to north, an amended route for the field conveyor and an extension of time to complete extraction and restoration. Planning permission CHL/1890/87 was for "Winning and working of sand and gravel, the erection of a processing plant and ready mix concrete and mortar plants, workshop and weighbridge and office."

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

**Ref:** ESS/147/20/CHL

- 5.1 Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden** **121 - 122**  
To update Members on enforcement of planning control.  
  
**Location:** Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden, CM10 1NU  
  
**Ref:** ENF/1159  
  
Report DR/32/22
- 5.2 Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing** **123 - 124**  
To update Members on enforcement of planning control.  
  
**Location:** Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing, EN9 2EX  
  
**Ref:** ENF/1138  
  
Report DR/33/22
- 5.3 Applications, Enforcement and Appeals Statistics** **125 - 126**  
To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.  
  
Report DR/34/22
- 6 Date of Next Meeting**  
To note that the next meeting will be held on Friday 23 September 2022, in Committee Room 1, County Hall.
- 7 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.**

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**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

Chairman

Councillor J Jowers

Vice-Chairman

Councillor J Fleming

Councillor M Garnett

Councillor L Bowers-Flint

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 22 July 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr L Bowers-Flint
Cllr M Steptoe	Cllr S Kane
Cllr M Grundy	Cllr R Moore
Cllr M Garnett	Cllr B Aspinell
Cllr D Harris	Cllr M Hardware

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

Apologies were received from Cllr J Fleming, for whom Cllr M Grundy substituted.

### 2. Minutes

The minutes of the meeting held on 27 May 2022 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) Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford

To consider report DR/25/22 relating to the continuation of development permitted by planning permission ESS/01/11/CHL without compliance with condition 8 (restriction on number of nights on which night-time working is permitted) to allow an additional week night and weekend night working for a period of 2 years. ESS/01/11/CHL amended planning permission ESS/36/03/CHL which was for "Use of a coated roadstone plant and associated facilities for the manufacture of coated roadstone products using predominantly sand and gravel and recycled aggregates produced at the quarry"

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

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

Public speakers:

- On behalf of the applicant: Mr Ben Ayres – speaking for
- Local Member: Cllr M Steel – speaking against

#### 2) Caretakes House, 32 Takely End, Basildon, Essex



To consider report DR/26/22 relating to the change of use of the Caretakers House, 32 Takely End from use class C3 (residential) to use class C2 (residential institution) to provide temporary accommodation for children in care.

**Location:** Caretakers House, 32 Takely End, Basildon, Essex, SS16 5AZ

**Ref:** CC/BAS/46/22

Public speakers:

- On behalf of the applicant: Mr David Easterbrook – speaking for

#### **4. Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford**

The Committee considered report DR/25/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Traffic & Highways
- Noise

In accordance with the protocol on public speaking the Committee was addressed by Mr Ben Ayres, speaking on behalf of the applicant. Mr Ayres made several points:

- The applicant was seeking the temporary relaxation of the number of nights the asphalt plant would be able to operate for the purpose of supplying major highway works on the A12, A14 and A120.
- It was noted that it is common for road maintenance programmes to require deliveries of asphalt products outside normal day time hours to avoid causing unnecessary congestion, hence, work typically takes place in the evening, overnight and on weekends.
- It was noted that asphalt is a temperature sensitive product which has to be made and laid within a short time span. It was for this reason that the applicant was already able to work during some weekday evenings and weekends.
- The applicant sought to increase the allowance of weekday evenings permissible from 5 to 10 a month and sought to increase the allowance of weekends permissible from 11 to 22 a year.
- The proposed changes only related to the asphalt plant.
- The proposals did not aim to alter the number of HGV movements permissible.
- Quarry liaison meetings had been re-established in April 2022, with the next meeting scheduled for September 2022.
- Quarterly noise monitoring in agreed locations would also take place.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Mike Steel, speaking as the Local Member. Cllr Steel made several points:

- An increase in night-time working would increase the number of HGV movements overnight and in the morning along the radial distributor road (RDR).
- Residents were concerned about the number of HGV movements along the RDR.
- Due to the temporary removal of General's Lane Bridge, all quarry traffic used the RDR in order to reach the A12.
- It was anticipated that when the north-east bypass would be introduced in 2025 traffic would be eased along the RDR.
- The short-term effect was that HGVs were causing noise disruption. Delaying the increase in weekday evening and weekend working until General's Lane Bridge was in place would ease the traffic and noise experienced by residents.
- Chelmsford City Council were considering noise measurements in order to determine if the installed noise barriers were sufficient.

Following comments and concerns raised by public speakers, it was noted:

- Proposed Condition 17 was intended to ensure that asphalt could be removed from the site out of hours, but that general materials such as bitumen would not be able to come into the site out of hours.

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

- The permission would only apply to the road coating aspect of the site.
- It was noted that General's Lane Bridge and the RDR were scheduled for completion in Spring 2023.
- This application was separate to the RDR and that the two year permission would have been recommended regardless of the progress of the road.
- The operator was required by condition to submit records of how many nights and weekends had been worked when requested. They had been submitting this information since December 2021. If it was felt by officers that these records were not representative of the queries received, then additional monitoring could take place.
- Although there was a proposed maximum of the number of weekday nights and weekends worked, this was a maximum which gave flexibility, and this number was not always reached.

There being no further points raised, the resolution, was proposed by Councillor L Bowers-Flint and seconded by Councillor M Garnett. Following a vote of 8 in favour, 2 abstentions, 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 months 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]. The shorter implementation period reflects that the application seeks amended hours to serve 2022/2023 contracts for asphalt. To limit the impact of the site on local amenity and to comply with Mineral Local Plan adopted November 2014 (MLP) policy DM1.

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the planning application (ESS/63/03/CHL) and supporting statement dated 24 October 2003 and letter 18 November 2003 and amending details and plans as follows:

- Drawing B215r/205 - Site Location;
- Drawing B215r/202 - Site Plan for Proposed Coated Roadstone Plant;
- Drawing B215r/201a - Proposed New Coated Roadstone Plant - Layout & Sections;
- Drawing B215r/204 - Sections through proposed coated roadstone plant and existing quarry processing plant; and
- Drawing B215r/206 - Vehicle stacking and routing arrangements for coated roadstone plant

as amended by application ESS/01/11/CHL dated 21 December 2010, the attached narrative dated December 2010, together with Noise assessment dated December 2010, and drawing no. B215/307a Site layout health and safety dated November 2010, and e-mails from Stewart Lenton dated 23 December 2010 (16:34) and 31<sup>st</sup> January 2011 (15:04) and 18<sup>th</sup> March 2011 (09.39) with report Proposed Night Working - Bats.

As amended by application ESS/10/22/CHL dated 25 January 2022, covering letter from Hanson dated 25 January 2022 and Noise compliance monitoring September 2011 and Additional week night and weekend night working – Noise Impact Assessment dated 1 June 2022.

and in accordance with any Non-Material Amendment(s) as may be subsequently approved in writing by the Mineral 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 NPPF, MLP policies DM1 and Chelmsford Local Plan adopted May 2020 (CLP) policy DM29.

3. The development hereby permitted shall only be operated in conjunction with operations at Bulls Lodge Quarry as permitted under planning permissions CHL/1890/87, CHL/1019/87, ESS/44/19/CHL and ESS/25/08/CHL (or any superseding/amending planning permissions or Non-Material Amendments).

Reason: To ensure that the coated roadstone plant is operated only in conjunction with the adjoining Bulls Lodge Quarry approved under planning permissions CHL/1890/87, CHL/1019/87 and ESS/44/19/CHL and ESS/43/06/CHL (or any superseding/additional planning permissions or Non - Material Amendments) and to comply with MLP policy DM1.

4. This permission shall expire on the 31 December 2030 by which date all plant, machinery, foundations, hardstandings, roadway or structures constructed in connection with this permission shall be removed and the land restored in accordance with planning permission CHL/1890/87 (or any superseding planning permission).

Reason: To provide for the completion of the site within the approved timescale to protect the amenities of local residents and to comply with MLP policies S12 and DM1.

5. The maximum number of HGV movements (in and out of the site) associated with the coated roadstone plant for the life of this permission when aggregated with all other permitted operations at Bulls Lodge Quarry, including sand and gravel extraction, concrete batching plant, recycling facility and band bagging plant shall not exceed 60 per hour during the hours of 0730-0900 and 1630-1800. A permanent record shall be kept of HGV movements, to be submitted to the Mineral Planning Authority on written request.

Reason: In the interest of highway safety, the amenity of the local area and to comply with MLP policies S11 and DM1 and CLP policy DM29.

6. The maximum number of HGV movements (in and out of the site) associated with the coated roadstone plant shall not exceed 60 HGV movements in any one period of 1800-0500 hours and shall not exceed an average of 40 HGV movements in any one period of 1800 and 0500 hours over a 3 month period. To this end a permanent record shall be kept of HGV movements to be submitted to the Mineral Planning Authority upon a written request.

Reason: In the interest of the amenity of the local area and to comply with MLP policy S11 and DM1 and CLP policy DM29.

7. Not less than 66% of aggregates supplied to the development per annum shall be from indigenous sources at Bulls Lodge Quarry (permitted under refs. CHL/1890/87 and CHL/1019/87 (or any superseding planning permission). The quantity and source of aggregates shall be recorded and available for inspection by the Mineral Planning Authority within 7 days of written request.

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

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

0500 to 1800 hours Monday to Friday;

0500 to 1300 Saturday;

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

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

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

Upon expiration of the two year period from the date of commencement of this planning permission the hours of operation and export of material shall not be outside the following:

0500 to 1800 hours Monday to Friday;

0500 to 1300 Saturday;

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

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

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

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

9. Access to and egress from the site shall be obtained solely by way of Radial Distributor Road (Beaulieu Parkway) Roundabout 5.

Reason: In the interest of the highway safety and amenity of the local area and to comply with MLP policy S11 and DM1.

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

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

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

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

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

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

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

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

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

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

11. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 500mm in diameter.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with MLP policy DM1.

12. Aggregate and other materials associated with the coated roadstone plant shall not be stored in stockpiles greater than 8 metres in height above immediate surrounding ground levels.

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

13. 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 interest of the amenity of the local area and highway safety and to comply with MLP policy DM1.

14. 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/drums 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.

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

15. 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, fixed plant or machinery (other than hydraulic excavator or plant for the movement of materials), shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.

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

16. Unless otherwise approved in writing by the Mineral Planning Authority, lighting shall be erected, installed and operated in accordance with the details in the letter dated 18 March 2010 (SLR ref 403.00027.00305) and drawing reference B215/307a (dated Nov 10) accompanying the application. No alternative lighting proposals 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. Lighting on site shall be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and in the interests of highway safety and to comply with MLP policy DM1 and CLP policy DM29.

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

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

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

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

## **5. Caretakers House, 32 Takely End, Basildon, Essex**

The Committee considered report DR/26/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of the addition of proposed condition 5.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Policy Considerations
- Impact on Residential Amenity

In accordance with the protocol on public speaking the Committee was addressed by Mr David Easterbrook, speaking on behalf of the applicant. Mr Easterbrook made several points:

- Essex County Council could not use unregulated settings to house children in care, and to do so would be a reputational risk to the authority.



- This would be a provision for a solo placement with two carers, intended to replicate a family setting.
- The local police had been consulted and had considered that the area was not a crime hotspot.

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

- There was already a fence between the school ground and the building and there was no change proposed for this fencing.
- Any child residing in the building would be aged between 5 and 18 and would most likely be attending school.
- There would be one bedroom for the child, one bedroom for the carer and the third bedroom would be used as an office. The downstairs area would be used as in the same way as a normal residential property.
- Woodlands School, or the Academy Trust, were in the process of surrendering the lease of the building back to Essex County Council. Once this was completed, the building would be completely independent of the school.
- Children would reside at the site temporarily until permanent accommodation was found for them.
- Originally, the proposed management and operational details for the site were secured within Condition 2. The newly proposed Condition 5, as outlined in the addendum, sought to incorporate these details instead within a standalone condition. This was considered more appropriate in the circumstances and also gave increased flexibility in terms of potential future operational changes.
- Whilst recognising that a number of the matters considered during Members' discussions were not pertinent to the determination of the application, Members suggested that it may be helpful for the Chairman to write to the relevant scrutiny committee to draw their attention to the points raised.
- It was noted that it would be possible for Members to approve this initially on a temporary basis. This, however, was not recommended as it was considered that there was no justification to support such an approach.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor D Harris and seconded by Councillor L Bowers-Flint. Following a unanimous vote in favour, it was

## **Resolved**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/46/22 dated 11 May 2022 and validated on 25 May 2022 together with Drawing Numbers:

- 078/001 – Floor Plan as Existing – April 2022
- L2327 Rev B – Site Plan – 05/05/22

And

- Planning Statement prepared by Lambert Smith Hampton – May 2022
- Email from Lambert Smith Hampton dated 29 June 2022 15:04
- Email from Lambert Smith Hampton dated 30 June 2022 15:15 incorporating supplementary statement

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) and Policy BAS BE21 (Healthcare Development) of the Basildon District Local Plan Saved Policies September 2007.

3. At least one cycle parking facility shall be provided in accordance with the EPOA Parking Standards. The facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: In the interests of highway safety and amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

4. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

- 08:00 – 18:00 hours Monday to Friday
- 08:00 – 13:00 hours Saturdays

And there shall be no working at any other times including on Sundays, Bank or Public Holidays.

Reason: In the interest of limiting the effects on local amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

5. The development hereby permitted shall be carried out in accordance with the supplementary statement attached to the email from Lambert Smith Hampton dated 30 June 2022 15:15.

Reason: In the interest of local amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

**6. Ashwells Road, Pilgrims Hatch, Brentwood, Essex**

The Committee considered report DR/27/22, by the Chief Planning Officer, concerning Ashwells Road, Pilgrims Hatch, Brentwood, Essex.

The Committee NOTED the report.

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

The Committee considered report DR/28/22; applications, enforcement and appeals statistics, as at the end of May 2022.

The Committee NOTED the report.

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

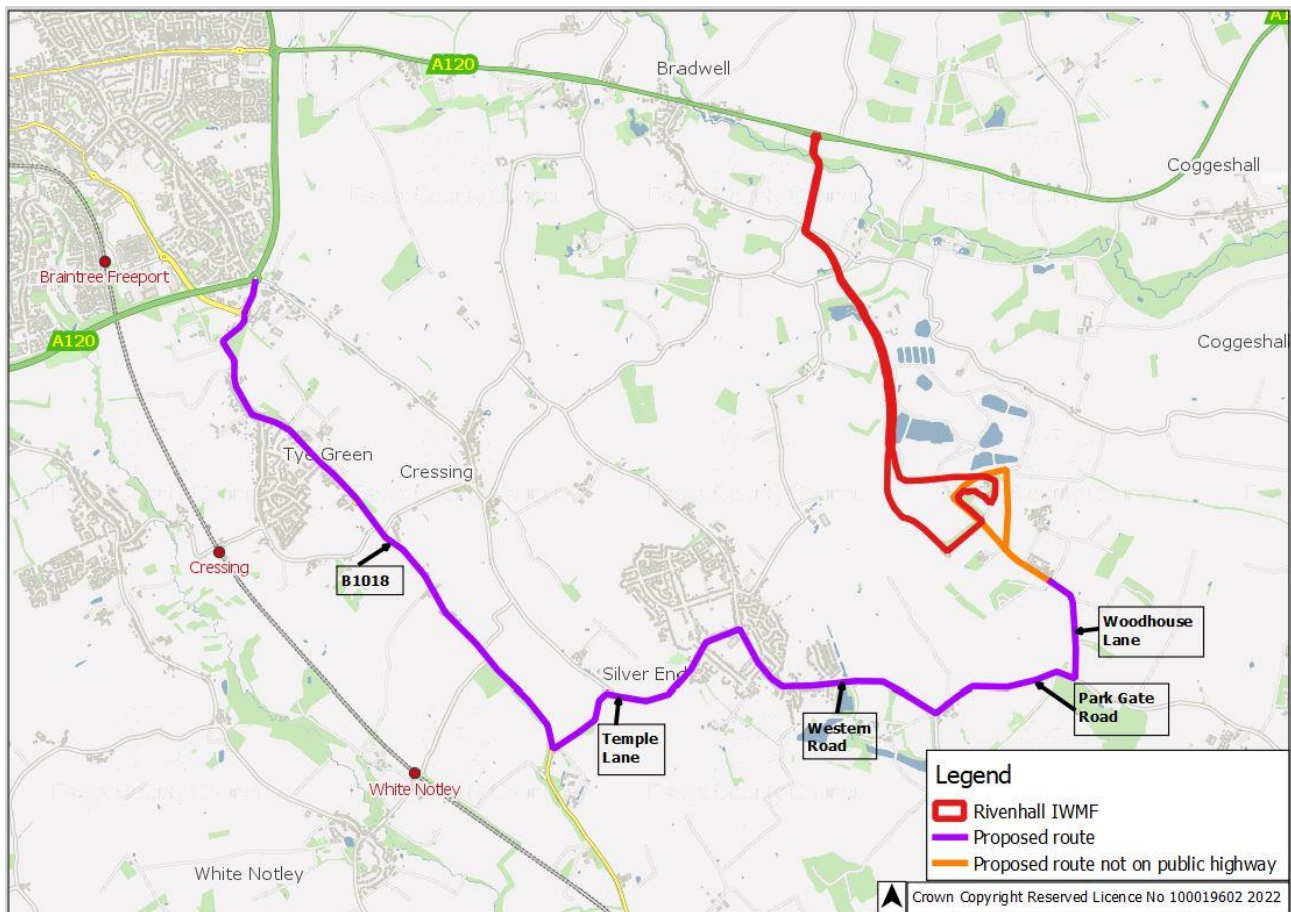
The Committee considered report DR/29/22; applications, enforcement and appeals statistics, as at the end of June 2022.

The Committee NOTED the report.

**9. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 August 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:37am.

**DR/30/22****Report to:** DEVELOPMENT & REGULATION (26 AUGUST 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENT - Non-Material Amendment to amend the wording of Condition 8 of planning permission ESS/34/15/BTE to allow the delivery and removal of abnormal indivisible loads associated with the piling rigs in connection with the construction of the IWMF.**Ref:** ESS/34/15/BTE/NMA3**Applicant:** Indaver Rivenhall Limited**Location:** Land at Rivenhall Airfield, Coggeshall Road, Braintree, C05 9DF**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

## **1. BACKGROUND**

Planning Permission for the Rivenhall IWMF was first granted by the Secretary of State (SoS) in March 2010 following a call-in public inquiry (ECC Ref ESS/37/08/BTE).

While the original application was determined by the SoS, subsequent applications fall to the Waste Planning Authority (WPA) to determine, unless called-in or legislation requires otherwise. There have been subsequent variations to the planning permission and submissions in response to conditions, which have been dealt with by the WPA. The extant planning permission for the Rivenhall IWMF is ESS/34/15/BTE.

The development of the IWMF is currently progressing to date the works have mainly been preparing the levels prior to actual construction works. Works are in the future to start on stabilising the void walls and preparing the base on which the IWMF would be constructed.

The planning permission for the IWMF requires all access to the IWMF to be via the access road from the A120 to the north of the facility (condition 8). At the time of determination of the original application there was particular concern that there should be no access to the facility from Woodhouse Lane to the south.

Members may recall in April 2022 they considered and granted planning permission (ESS/01/22/BTE) to allow limited access for staff and visitors to the IWMF Information Hub from the south via Woodhouse Lane.

The current non-material amendment (NMA) applications seeks an NMA to the main IWMF permission to allow 10 abnormal loads (5 in and 5 out) to access the site from the south via Woodhouse Lane.

## **2. SITE**

The IWMF site is located east of Braintree, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall and approximately 3km south east of Bradwell village. The site is 25.3 ha which includes the access road.

The IWMF site at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road, the location of the access road. To the south the IWMF site widens into an irregular shaped plot of land. The private access road is shared with Bradwell Quarry.

The private access road crosses the River Blackwater, there are two bailey style bridges one for each direction of traffic. The private access road also crosses Church Road and Ash Lane by single lane crossovers. The access road is two way from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane, although works are underway to make this two way. Then from Ash Lane the access road becomes two way again to Bradwell Quarry processing plant.

The IWMF site lies within the boundaries of both Bradwell Parish Council and Kelvedon Parish Council, the access road being mainly within Bradwell Parish Council and the remainder of the access road and IWMF location itself lying within Kelvedon Parish Council.

The nearest residential properties, not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the IWMF site approximately 450m. To the north/north east on Cuthedge Lane are Heron's Farm at approximately 700m from the site of the IWMF, Deeks Cottage at approximately 850m and Haywards 920m from the site of the IWMF. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm 580mm from the site of the IWMF, also Gosling's Cottage, Gosling's Farm and Goslings Barn and Greenpastures all approximately 1200m from the site of the IWMF. Properties to the southwest within Silver End village lie approximately 850m from the of the IWMF. Parkgate Farm lies south of the site approximately 1000m from the site of the IWMF.

Approximately 400m to the east of the IWMF site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshots Farm and a scrap yard.

Approximately 500m to the south east of the IWMF, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway Woodhouse Lane leading from Parkgate Road.

There are 2 County Wildlife Sites (CWS) within 3 km of the site: Blackwater Plantation West, which is within the Blackwater Valley which the access road crosses. The second CWS is at Storey's Wood (south of the site), which is also an Ancient Woodland.

To the south of the Bradwell processing area, the permitted access road to the IWMF site has not been constructed. However, works have been undertaken to create a construction access road for plant and staff to the IWMF site where a construction compound has been formed. The site of the IWMF has been worked for sand and gravel and the overburden that had been replaced in the void has now been removed and works to stabilise the sides of the void in which the IWMF will be located are underway.

The same area of the IWMF site is allocated in the adopted Waste Local Plan 2017 as a site IWMF2 for residual non-hazardous waste management and biological treatment.

The land comprising the IWMF site has no designations within the Braintree Development Plan.

There are 4 Grade II Listed properties within 1km of the IWMF site including Woodhouse Farm and buildings within 200m, Allshots Farm and Lodge (400m away) to the east, Sheepcotes Farm (1000m) to the west.

Three footpaths (FP's 19, 57 [Essex Way], 58) are crossed by the existing private access road and the extended access road to the IWMF would cross the FP35.

The proposed route for the abnormal loads would utilise the B1018, then east on Temple Lane into Silver End and then south east on Western Road, east on Park Gate Road and the north on Woodhouse Lane. None of these roads are Protected Lanes Silver End village is subject of a Conservation Area.

### 3. PROPOSAL

Condition 8 of the IWMF Planning Permission (ESS/34/15/CHL) states:

*"No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2."*

The application is seeking a NMA to allow 10 abnormal loads to access the site not via the A120, but accessing the site via Woodhouse Lane to the south of the IWMF.

The route to Woodhouse Lane and the site would use the B1018 from Galleys Roundabout on the A120 to south Cressing Tye Green and then via Temple Lane to Silver End, then Western Road through Silver End to Parkgate Road and then into Woodhouse Lane.

The abnormal loads are piling rigs that are approximately 35 m long and approximately 3.7m wide and 4.8 m high.

The applicant has stated

*This non-material amendment seeks permission to amend condition 8 to allow a limited number of HGV vehicles associated with the piling activities to access the IWMF site via Woodhouse Lane. The details of these vehicle movements are described below:*

- *Indaver wish to move only 5 abnormal indivisible loads in total to site;*
- *This would comprise of 5 incoming abnormal indivisible loads and 5 departing abnormal vehicles (10 movements in total (in and out)). Only the abnormal indivisible loads are proposed to access the site via Woodhouse Lane. The unloaded vehicles will exit the site to the north via the normal construction traffic route as unloaded HGVs.*
- *Movements should occur during daylight hours but outside peak times i.e., morning and afternoon between 10.00am and 4.00pm.*
- *Indaver will be able to provide 14 days' notice of the exact date for each abnormal indivisible load movement. The anticipated programme is currently as follows:*
- *First inbound individual load movement is likely to be Mid-September 2022 (date to be confirmed). The associated outbound movement for this load is likely to leave the site by end of September 2022.*
- *Second, third and fourth inbound movements are likely to be in mid October 2022 (date to be confirmed). Two associated outbound movements are likely to take place in March 2023, and a further outbound movement likely in April 2023.*

• *The fifth inbound movement is likely to be at the end of October 2023 (date to be confirmed). The outbound movement is likely to leave site by the end of November 2023.*

*In general, one movement would take one day from the point the vehicle leaves the A120.*

• *Indaver will be able to give 14 days' notice of the exact dates for the departing abnormal indivisible load movements.*

*Alternate means of bringing the piling units onto site have been investigated to see if smaller vehicles could be used to bring the piling rigs onto site but the type of piles, size of piles and ground conditions demand large high torque machines.*

*These vehicle movements are sought for the ongoing implementation of the facility. It will be made clear to the contractor that only those vehicles which cannot use the Bailey Bridges will be able to use the entrance from Woodhouse Lane (i.e. only these limited movements will be authorized, and all supporting deliveries related to the piling rigs must use the existing quarry entrance).*

The application was also supported by technical note and is summarised by the applicant as follows:

*The attached transport note demonstrates that the piling rig can be safely and practically accommodated along the entire section of public highway shown above subject to applying standard abnormal indivisible load traffic management techniques including employing escort vehicles, potentially holding oncoming traffic at locations along the route where the opposite side of the carriageway is needed, potentially cutting back trees/vegetation and temporarily removing street furniture. In addition, the highway or environmental capacity effects would be negligible along the route given the very low number of movements (comprising five incoming movements in 2022 and five departing movements in 2023) and that they will be so infrequent.*

The technical assessment of movement of the abnormal loads has demonstrated that the loads can be manoeuvred with the confines of the land within the public highway. Some trees and hedges may need trimming but only those that are within the public highway.

#### **4. POLICIES**

The following policies of the, [Essex and Southend Waste Local Plan \(WLP\) adopted 2017](#) and the [Braintree Local Plan Sections 1 and 2 adopted July 222](#) provide the development plan framework for this application. The following policies are of relevance to this application:

##### WASTE LOCAL PLAN (WLP)

Policy 3 - Strategic Site Allocations

Policy 10 - Development Management Criteria

Policy 12 - Transport and Access

##### BRANINTREE LOCAL PLAN – sections 1 and 2 (BLP)

LPP42            Sustainable transport



LPP63	Natural environment and green infrastructure
LPP65	Tree protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity)
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### NEIGHBOURHOOD PLAN

KELVEDON NEIGHBOURHOOD PLAN adopted July 2022

Policy MA1 Traffic Congestion And Parking Stress

CRESSING NEIGHBOURHOOD PLAN adopted February 2020

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

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

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

## **5. CONSULTATIONS**

National planning policy guidance with respect to applications for NMA states with respect to whether consultation/publicity is required:

*As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.*

*As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.*

Due to the high public interest in the Rivenhall IWMF site, it was felt appropriate to consult local councils.

Comments received are summarised as follows:

BRAINTREE DISTRICT COUNCIL: No comments received

HIGHWAY AUTHORITY: No objection. Having reviewed the submitted information, I would not normally wish to see such vehicles using the proposed route however I note and understand the circumstances and the very low number of vehicles involved and therefore from a highway and transportation perspective the Highway Authority has no adverse comments to make on the proposal.

Informative: The applicant should inform Essex County Council, as the Highway Authority, of the intended route of an abnormal load.

BRADWELL WITH PATTISWICK PARISH COUNCIL: No comments received

KELVEDON PARISH COUNCIL: Object on the following grounds:

- The proposal will cause a great deal of inconvenience and potential damage to the local rural road network including culverts, hedges and trees along the proposed route (for example: all of the parking on Western Road, Silver End will have to be removed). Subsequent planning applications may have to be submitted for the removal of street furniture and the trimming back of hedges to allow such exceptional loads through.
- Initial project planning for the site should have accounted for access to the site directly from the A120 for all construction needs associated with the IWMF.
- A dangerous precedent could be set in terms of potentially opening up new and preferred access routes by allowing HGVs non-A120 access in the future.

RIVENHALL PARISH COUNCIL: Object to the so called Non-Material Amendment for the following reasons:

- These will be extremely large load carrying vehicles, 35 metres long and almost 4 metres wide and to travel along the route indicated will inflict serious disruption to local residents in both Cressing and Silver End.

- All through the discussion process access to the site has been designated as along the haul road from the A120 and if the Bailey Bridge is considered unsafe for such heavy loads then the contractor should strengthen the bridge, not look for alternative routes onto the site.
- This proposal will only have a marginal affect upon Rivenhall but it is the principle that is the major factor. Indaver are opening up the rural access along Woodhouse Lane more and more, which poses a serious risk of many more HGVs travelling through the local villages, if and when the waste site becomes operational.
- For these reasons, Rivenhall Parish Council requests that this application be considered by the appropriate ECC Committee, not appraised by an Officer, and that it be refused.

SILVER END PARISH COUNCIL: No comments received

FEERING PARISH COUNCIL: Object pending a structural engineering assessment of the bailey bridges on the haul road being undertaken. The bailey bridges need to fit for purpose for the next 20+ years to cope with planned future uses.

COGGESHALL PARISH COUNCIL: No comments received

LOCAL MEMBER - WITHAM NORTHERN: Objection

I object in the strongest possible terms to the request of this Non-Material Amendment by the IWMF developer, Indaver. Regrettably, I also do not believe that the response from Essex Highways to this application fully appreciates the severity of this amendment, and circumstances within which it is being made.

The very reason Condition 8 was placed on the developer originally was to maintain highways safety and local amenity, the request from the developer starkly makes clear the risk that would be created if this amendment was agreed to. This would result in an unacceptable level of obtrusion and disruption to the local residents and the highway from a developer who has always claimed to want to work with the community.

The disruption includes removal of street furniture (including ECC assets), cutting back trees/vegetation and holding oncoming traffic. Presumably, this would also include powers to remove parked cars on residential streets (Temple Lane, Western Road) in Silver End? There are also multiple businesses accessed via Woodhouse Lane and no consideration appears to have been given to them or the possible effect this would have on their trade.

It is also important to emphasise that the developer does not complying with Condition 8 fully at this present time already. On a weekly, sometimes daily basis, residents of mine in Bradwell write to me complaining that HGVs accessing the IWMF are using residential roads (The Street, Church Road), rather than the agreed route via the A120. Agreeing to this amendment would be rewarding poor adherence to the very condition they wish to discharge formally.

From the developer's application it is not clear that they have investigated any alternative solutions with Plan A surely being reenforcing the existing Bailey

Bridges. Was the responsible Planning Officer made aware or asked about this during the preapplication period? I am not an engineer, but I do not believe this is an unreasonable ask or that it would be an impossible feat by any means.

The fact that there is yet again another request to discharge yet another condition is a flagrant example of planning creep. No one can give certainty that it will be 'only' 10 abnormal loads the developer seeks permission for. This sets another dangerous precedent when the local community and the Liaison Group have been told all along construction vehicles will never use Woodhouse Lane to access the site.

Due to the impact this amendment would have to the public highway and Essex residents in my division, I must urge that it is put before the Development and Regulation Committee for full consideration. There must be democratic oversight over this decision and accountability to the adverse impact it would have if it were to be agreed to.

LOCAL MEMBER - BRAINTREE EASTERN: I object to the above on the following grounds

These will be extremely large load-carrying vehicles, 35 metres long and almost 4 metres wide. To travel along the route indicated will inflict serious disruption, congestion and pollution upon local residents in both Cressing and Silver End.

All through the many years covering the planning process for the waste site, access has always been defined as being along the dedicated private haul road from the A120.

If the Bailey Bridges on that haul road are considered unsafe for such heavy loads it should be the responsibility of the developer to strengthen them, not to look for alternative routes to the site through local villages via a second access.

Many people have already objected to the waste site and incinerator. This latest application is more 'goalpost moving' and will inflict further harm on rural villages. As well as the direct impacts and disruption that will be caused by this proposal, the principle of using the second access is a major factor. The waste site developers, Indaver, are opening up the rural access along Woodhouse Lane more and more, which poses a serious risk of many more HGVs travelling through these villages if and when the site becomes operational. Local villages have already seen a large increase in HGV traffic due to other developments in the area.

If built the waste site has consent for up to 404 HGV movements per day. It is essential that now and in the future all HVG and other traffic accessing the waste site does so via the dedicated haul road from the A120, with no second access into the site.

I therefore ask that this application be considered by the appropriate ECC Committee, not decided by an officer, and that it be refused.

## 6. REPRESENTATIONS

There is no requirement for an application NMA to be subject of consultation with neighbours and therefore neighbours were not notified of the application. However, 28 letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Applicant should have planned for this and thus proposals are unacceptable	See appraisal
It was known for years the bridges would need reinforcement. Unacceptable to have such loads passing through local villages, on bus routes and passing residences and 2 local schools, with potential loss of ancient hedgerows and trees.	See appraisal
Applicant have known Bailey Bridges would not be strong enough for the large over-sized loads. They have had over 10 years to address issue  The developer should strengthen the existing bridges, not look for alternative routes	The applicant has been unable to establish whether the foundations for the existing bridges would be strong enough to support a temporary bridge that could support the abnormal loads. See appraisal
The existing two bailey bridges are designed for the quarry, empty HGVs arriving and full HGVs leaving	Both bridges are capable of taking fully laden HGVs
The abnormal loads are potentially dangerous and would disturb local residents.	See appraisal
The local rural roads are unsuitable for these abnormal loads.	See appraisal
The abnormal loads would cause disruption and pollution and change the face of our villages.	See appraisal
The Woodhouse Farm Lane access is being used more and more by the developers. The only access should be that via the A120.	See appraisal
If access is permitted via Woodhouse Lane, then more HGV movements may	See appraisal

be permitted via this route using narrow country lanes.

If use of this second access is allowed it would set a precedent for a second access for HGVs, contrary to what the Planning Inspector required.

See appraisal

If allowed on this occasion it may become the norm for HGV traffic as an easier more direct access, or for those blindly following sat navs.

See appraisal

The IWMF is permitted 404 HGV movements a day, it is essential all HGV and other traffic to the IWMF is the via the dedicated access and private access road, no second access should be permitted via Woodhouse Lane.

See appraisal

Request the application is considered by the Committee rather than officers.

Actioned

Temple Lane and Western Road are part of Silver End Conservation Area and the roads are already congested with residents vehicles as no off road vehicular access is available making visibility an issue.

See appraisal

Many local people have objected to the waste site and incinerator, this latest application is more "goalpost moving" with more harm to rural villages.

See appraisal

Massive disruption to the local community and damage with zero benefit for the community at all is unacceptable.

See appraisal

These abnormal roads will inflict serious disruption to local villages residents in both Cressing and Silver End.

See appraisal

What is the point of conditions applied within planning applications if they can just be changed to suit later on? If allowed, it undermines public credibility in the whole process.

See appraisal

The applicant has failed to spend the money to make the necessary and

The extant planning permission does not require improvement of the bridges

proper improvements to the existing access routes as set out in their original planning application and is now applying to bring vehicles through village streets that are totally unsuitable for this type of use.

across the River Blackwater, as the matter was not raised as part of the consideration of the original or subsequent applications.

If Indaver get permission, they can order resident's vehicles to be moved, remove signs and cut trees and hedges.

See appraisal

Object as tree lined village roads would be destroyed and resident would be required remove their fences.

See appraisal

Why are exiting loads able to cross the bridge

The vehicles delivering the rigs when not laden with the rigs would be able to exit the site crossing the bailey bridges. When removing the rigs from the site the vehicles would need to exit via Woodhouse Lane.

Silver End has a Conservation Area such that trimming of trees and hedges would require authorisation

It is understood the Highway Authority have permitted rights to trim vegetation if within the need for without the need for a Conservation Area consent.

The abnormal loads will require removal of trees and street furniture in a Conservation Area

There would be no removal of trees only trimming. The removal of street furniture would only be temporary.

Initially it was understood it would be 3 loads, now there are more and to be in place until the plant opens in 2024.

The proposal is 5 abnormal loads in, 5 abnormal loads out, to occur over the next 15 months i.e. until November 2023.

## 7. APPRAISAL

The key issues for consideration are:

- Need
- Highways
- Hedges and Trees
- Residential Amenity

### A NEED

Development of the IWMF is progressing and piling rigs are required for the next stage of construction. These pilings rigs need to be transported to the site.

The private access road from the A120 includes two bailey style bridges over the River Blackwater, which are suitable for normal HGV traffic visiting the quarry and IWMF site. However, the developer has not been able to establish whether the

existing reinforced bridge abutments (foundations) are adequate from a structural and geotechnical viewpoint to accept the vehicle and load required to transport the piling rigs. Various alternatives have been considered by the applicant to enable the existing access to the site to be used, including breaking the piling rigs into parts, lifting them with a crane over the river, but the conclusion is the only optional available at this time is to bring the abnormal loads via the Woodhouse Lane to the south of the site.

The extant planning permission (condition 8) requires all access to be from the north via the A120. Recently temporary planning permission was granted for visitors and staff to access the Information Hub from Woodhouse Lane.

The number of abnormal loads is 10 in total , 5 in and 5 out. The piling rigs would arrive between mid-September and October 2022 and leave over the course of 2023, the last likely to leave in November 2023. The unladen vehicles that transport the piling rigs could leave via the normal A120 route. As this is a discrete request it is considered by the WPA that the matter can be dealt with by a NMA to the existing planning permission.

It is acknowledged there has always been great sensitivity as to the use of route from the south along Woodhouse Lane and objections have been raised concerned that it might be used by more HGVs delivering construction materials to the site or in the future waste to the site. If an application were to be made for regular HGV access via Woodhouse Lane it would be strongly resisted by the Waste Planning Authority. One of the specific issues for allocation of the site within the Waste Local Plan is that access should only be via the A120, so there is policy support for regular/normal access to be only via the A120. The application is not for a permanent change to the access arrangements.

It is the current intention of the applicant in the future to install a temporary new bridge, subject to obtaining the necessary consents, with new supporting abutments to accept the scheduled abnormal loads necessary to build the IVMF. On completion of future abnormal loads the new temporary bridge would be removed and the existing bridges reinstated. The applicant is unable to confirm that these abnormal loads would be the only loads to come via Woodhouse Lane, as the temporary bridge requires the applicant to obtain the necessary consents. In the event that further discrete abnormal loads are required to be brought into the site via Woodhouse Lane, a further separate consent would be sought.

The Rivenhall site is an identified site within the Waste Local Plan for waste development (WLP policy 3), while the site was granted planning permission initially in 2010, it remains the case that the site has an extant planning permission for waste development. Since Indaver have taken on the development of the site, they have progressed implementation of the development and have sought to be open and transparent with the authority, local councils and residents, holding regular liaison meetings, at which the potential need for these abnormal loads has been raised on several occasions.

The applicant has stated that if access via Woodhouse Lane for these piling rigs cannot be made via Woodhouse Lane, it would significantly delay progress of the development.



It is considered that the request for 10 abnormal loads via Woodhouse Lane is in principle acceptable, subject to no unacceptable environmental impacts.

## B HIGHWAYS

The Highway Authority has raised no objection, acknowledging that they would not normally wish to see vehicles of this size using the proposed route, but due to the low number of movements and the circumstances they have no adverse comments to make.

As well as this NMA the applicant would be required to seek authorisation from the Highway Authority for the abnormal loads.

Objection has been raised that during the movement of the abnormal loads residents along the route would be required to not park vehicles on the road, this is potentially likely but this would only impact 10 days in total, the individual days spread over several months. The loads would be supported by the necessary warning support vehicles.

Comments have been made that the constraints of the bridges over the River Blackwater have been known for some time and therefore the applicant should have forward planned for these abnormal loads. The bridge crossing is in a sensitive location over the River Blackwater, within the Blackwater Plantation West Local Wildlife Site, such that strengthening of the abutments would need to be done carefully requiring no doubt ecological assessments, geotechnical assessments and assessment of impacts on the river. As explained it is the applicant's intention to improve the abutments and use a temporary bridge for future abnormal loads, but to obtain the necessary consents requires a greater lead in time than is currently available.

It is acknowledged that since works started on the site, there have been several occasions when vehicles, including HGVs have tried to approach the site not from the A120. The applicant has worked with its contractors to ensure drivers are aware of the correct route to the site and has temporarily put banksmen in place to direct traffic, when new contractors started at the site. Discussions are also ongoing with the Highway Authority and National Highways for additional road signage.

In highway safety and capacity terms there is no reason to withhold granting this NMA and the proposals are considered not to be in conflict with WLP policy 10 (Development management) and policy 12 (Transport and access), BLP policy (LPP42 Sustainable transport) and KNP policy MA1 (Traffic Congestion And Parking Stress).

## VEGETATION AND SIGNAGE ON ROUTE

It is stated by the applicant that there may have to be some trimming of hedges and trees. Considerable concern has been raised by objectors as to the potential visual and ecology impact that could be caused by the trimming of hedges and trees. The applicant has confirmed that a technical analysis has been undertaken

that has demonstrated that the abnormal loads can be moved within land that forms the public highway and that any trimming of hedges and trees would only be those within the public highway, which the highway authority has the right to trim. Concern has been raised that the abnormal loads might require private garden fences to be removed, this would not be the case, as these would not be within the public highway. Private hedges that overhang into the public highway could potentially require trimming. The start of the abnormal loads are not planned until mid-September such that any hedge/tree trimming required would be outside the bird nesting season.

It is therefore considered the proposals would not be in conflict with WLP policy 10 (Development Management) and BDLP policies LPP63 (Natural environment and green infrastructure), LPP65 (Tree protection) and LPP66 (Protection, Enhancement, Management and Monitoring of Biodiversity).

## **C RESIDENTIAL IMPACT**

The loads would be moved between 10 am and 4pm to avoid the busier periods of the day and each loads would take 1 day to move. It may require vehicles to be temporarily halted during the journey. Such that there might short periods of disruption for local traffic. The loads would be moved relatively slowly, such that noise is unlikely to be an issue and emissions from exhausts would be similar to HGVs which while not regularly using these routes are permitted.

The proposals are therefore not considered to be contrary to WLP policy 10 (Development management) or BLP policies LPP70 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards).

## **8. CONCLUSION**

It is considered due to limited number of abnormal movements and in view of the fact the applicant has considered other of alternatives, but these are not deliverable within a practical timescale, the amendment to condition 8 to allow these abnormal is acceptable as a NMA to the planning permission.

An application for a NMA cannot be subject of an appeal if refused. If the NMA were denied, the applicant can seek a “material amendment” to the application through a variation application (S73 of the TCPA), for which there is a right of appeal. The consideration of issues would be not different under a S73 application than are currently considered within this report and thus the recommendation would likely remain the same, unless other material considerations were identified in the interim.

As the outcome would likely be the same it is considered there is no justification to withhold consent for this discrete NMA to condition 8 and withholding permission would delay implementation of an extant planning permission.

## **9. RECOMMENDED**

That a NMA to condition 8 of planning permission ESS/34/15/BTE be granted, such that condition 8 reads as follows:

*No vehicles shall access or egress the site except via the access onto the Coggleshall Road (A120 Trunk Road) junction as shown on application drawing Figure 1-2, except for the movement of the abnormal indivisible loads associated with the piling rigs in connection with the construction the IWMF, as detailed in non-material amendment application (ref ESS/34/15/BTE/NMA3) dated 27 July 2022, Cover Letter from RPS dated 29 July 2022, Technical Note prepared by RPS (Referenced JNY11225-02B, dated 15 July 2022) and email from RPS dated 16 August 2022. The Waste Planning Authority shall be informed at least 14 days before any abnormal indivisible loads are brought to site.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for non material amendment to a 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 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 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**

BRAINTREE – Witham Northern  
BRAINTREE – Braintree Eastern

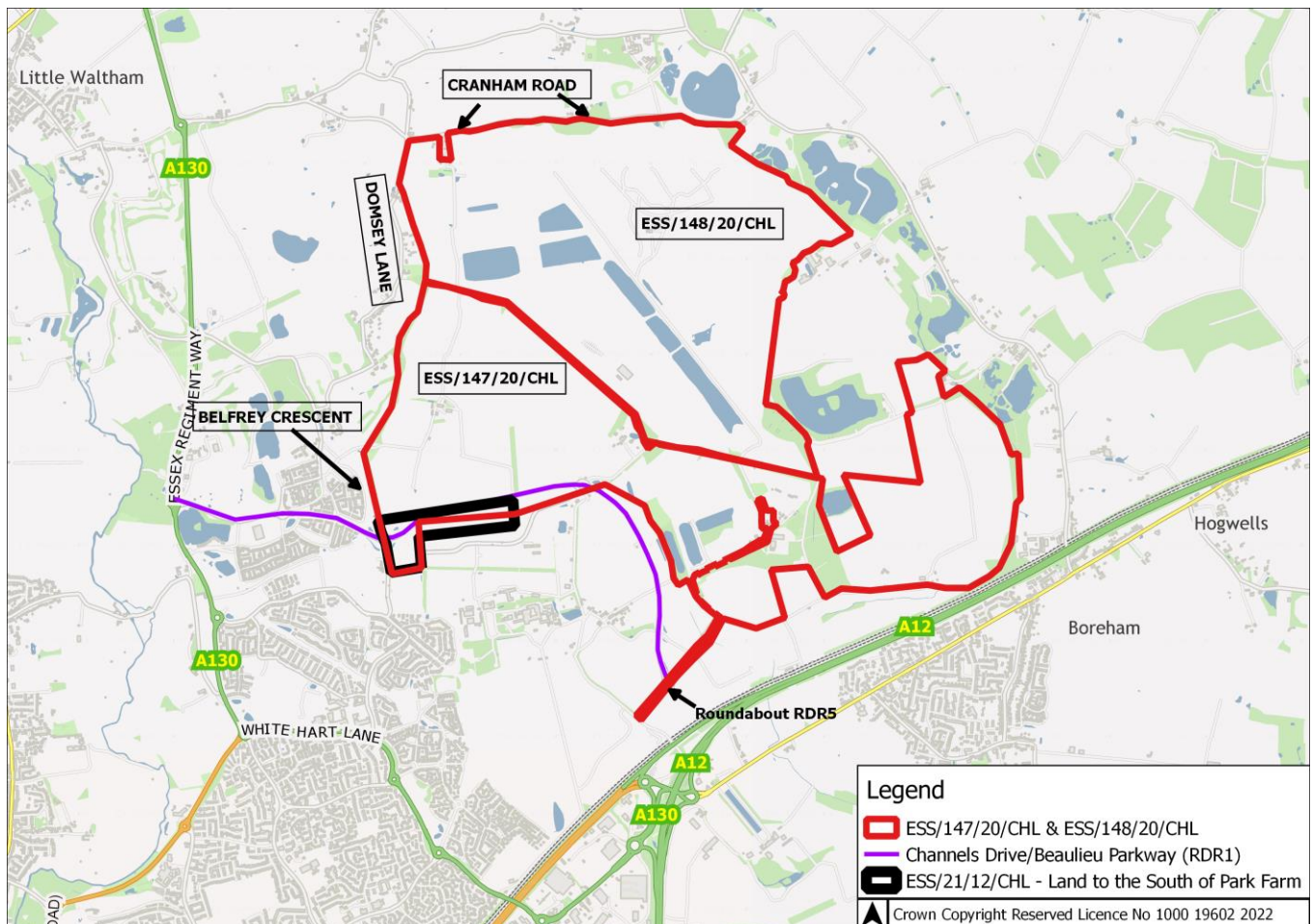
**DR/31/22****Report to:** DEVELOPMENT & REGULATION (22 August 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENTThis report considers **two** applications in combination**Application 1**

Continuation of development permitted by CHL/1019/87 without compliance with condition 1 (Application details), condition 3 (Completion of extraction and restoration) and condition 12 (Phasing) to allow for a temporary suspension of extraction within Boreham Airfield, relocation of field conveyor to Park Farm extraction area, amended phasing scheme and an extension of time to complete extraction and restoration. Planning permission CHL/1019/87 was for "Winning and working of sand and gravel"

**Ref:** ESS/148/20/CHL**Applicant:** Hanson Quarry Products Europe Limited & Threadneedle Pensions Limited**Location:** Bulls Lodge Quarry (Boreham Airfield), Generals Lane, Boreham, Chelmsford, CM3 3HR**Application 2**

Continuation of development permitted by CHL/1890/87 without compliance with condition 1 (Applications details), condition 3 (completion of extraction and restoration), condition 12 (Phasing), condition 13 (Completion of Boreham Airfield extraction before the Park Farm, Bulls Lodge and Brick Farm land extraction is commenced) and condition 16 (Approved conveyor route) to allow a rephasing of operations such that Park Farm is worked earlier within the overall working scheme for Bulls Lodge Quarry, Park Farm land is worked from north to south as opposed to the approved south to north, an amended route for the field conveyor and an extension of time to complete extraction and restoration. Planning permission CHL/1890/87 was for "Winning and working of sand and gravel, the erection of a processing plant and ready mix concrete and mortar plants, workshop and weighbridge and office."

**Ref:** ESS/147/20/CHL**Applicant:** Hanson Quarry Products Europe Limited & Threadneedle Pensions Limited**Location:** Bulls Lodge Quarry (Park Farm & Brick Farm), Generals Lane, Boreham, Chelmsford, CM3 3HR**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND

Planning permission for sand and gravel extraction and a processing plant was granted in 1990 under two planning permissions, which have and are being worked jointly together known as Bulls Lodge Quarry. Ref CHL/1019/87 gave planning permission for sand and gravel extraction within the area of the redundant Boreham Airfield/Ford Proving Ground where extraction has been taking place since 1991 (here after referred to as the Airfield Permission or Airfield). Ref CHL/1890/87 gave planning permission for sand and gravel extraction within the areas of Park Farm and Brick Farm (here after referred to as the Park Farm Permission). The Park Farm planning permission also gave permission for a mineral processing area which processes all sand and gravel for Bulls Lodge Quarry. The planning permissions were subject to a joint legal agreement.

The total permitted sand and gravel reserve was estimated at just under 34 million tonnes in total to be worked at about a million tonnes a year. Operations commenced in 1991, the processing area was established and extraction commenced in the Airfield Permission area. Approximately 75% of the Airfield Permission has already been worked and extraction is on going in the Airfield.

There have been various applications at the site since 1990 mainly relating to secondary processing plant, such that the processing area now includes, a bagging plant, a coated roadstone plant and an inert recycling facility.

In 2012 planning permission (ESS/21/12/CHL) was granted to allow the early working of the southwest area of the Park Farm permission in isolation to the main quarry. This was necessary to facilitate the construction of the Radial Distributor Road which crossed that southern part of Park Farm and avoid sterilisation of the permitted mineral. The RDR was an important infrastructure element of Channels/Greater Beaulieu Park development.

There are also two outstanding applications which seek to vary the two main permissions one for each. An application (ESS/13/36/CHL) to vary the Park Farm Permission to vary the hours of operation for the processing plant to allow evening working at the plant only until 2024. A further application (ESS/37/15/CHL) relates to the Airfield Permission and seeks to amend the restoration scheme. Both these applications are being dealt with through delegated powers, but decisions have not been issued due to the need for a deed of variation to the original legal agreement. The need for these legal agreements is discussed later in the report.

The current applications the subject of this report are two further variation applications, one for each of the two main permissions, which seek mainly to vary the phasing and timescales for the quarry.

## **2. SITE**

Bulls Lodge Quarry lies approximately 5.5km north-east of Chelmsford City Centre and 1km north of Boreham. The A12 lies 700m to the south of the site.

The landscape in and around Bulls Lodge Quarry is generally flat to gently undulating, ranging between 40m and 60m Above Ordnance Datum (AOD). The base of mineral excavation within the site fluctuates between 33m and 40m AOD.

Access to the site is via a purpose built access road approximately 1km long that joins the public highway at Radial Distributor Road roundabout 5. Historically the access road joined Generals Lane, which then provided access to the Boreham Interchange. Due to works to complete phase 3 of the Radial Distributor Road there is no direct link to the Boreham Interchange, thus currently all access to the quarry is via the RDR (now named Beaulieu Parkway and Channels Drive) to the A130/Essex Regiment Way. From the A130 vehicles can either travel north and west to the A131, A120 and M11 or go south on the A130, then via White Hart Lane and Colchester Road to the Boreham Interchange and the A12. Upon completion of the Phase 3 of the RDR in Spring 2023, vehicles from the quarry would be either able to travel north via the RDR and the A130/Essex Regiment Way to north and west or travel south on the RDR to the Boreham interchange to access the A12.

The Airfield Permission is located to the north west of the of the processing area and covers the area of the former Boreham Airfield (245ha). 75% of the Airfield has already been extracted and restored to arable agriculture.

The nearest residential properties to the area of the Airfield Permission extraction area (ESS/148/20/CHL) where restoration and/or extraction remain to be completed are as follows:

<u>Property</u>	<u>Direction from extraction/restoration works</u>	<u>Distance (m)</u>
Mount Maskall (Listed Building)/Walford House	South west	620
Properties on Domsey Lane, including Peveal's Farm house (Listed Building)	West	175
Cranham Road	south	100
Cranham Road Travellers site	North west	75
Properties on Waltham Road including Brent Hall, Wallace's Farm House and Great Holts Farmhouse (All Listed Building)	East	520

The Park Farm extraction area is made of two areas, one that encircles Park Farm lying south west of the Airfield and Brick Farm which lies to the east of the processing area, both areas are currently in arable agricultural use. The processing plant area is also within the Park Farm Permission. The total application area of Park Farm permission is 243 ha of which 89ha is extraction area.

Park Farm itself and the adjacent Park Farm cottages are in the control of the applicant and would not be occupied during extraction and restoration of Park Farm area. Residential properties lie to north west on Domsey Lane, the closest being 125m from the extraction area. Belsteads Farm and Barn (Listed Buildings) and Channels Bar and Brasserie (including Channels Farm House - Listed Building) lie 225 to the west of Park Farm extraction. New housing part of the Channels development now lies to the south west of Park Farm area and the closest residential properties being about 85m away from the extraction face on Belfry Crescent. In addition new areas of housing are permitted to be constructed to the south of the Park Farm area, they would lie to the south of the RDR at approximately 60m from the extraction face.

For the Brick Farm extraction area the closest property would be Brick House Farm, storage mounds would be within 50m of the house but extraction area would be approximately 150m away. The next closet residential area is that of Boreham village approximately 230m to the south beyond the A12 and London/Norwich mainline railway.

The processing plant area is located within the Park Farm permission area to the east of the RDR at the end of the 1km access road. Adjacent to the access road is a Listed barn (not in use)

The nearest residential properties to the processing plant area and the access road are Mount Maskall and Walford House at approximately are 575m to the north west. Brick House Farm lies 730m to the south east. The edge of Boreham village lies 650m to the south-east beyond the A12 and the main London to Norwich railway line is Boreham Village.

In addition, the expansion of North East Chelmsford allocated in the Chelmsford Local Plan (Policy SGS 6) will bring new housing within 500m of the mineral processing area and ultimately areas of the quarry upon restoration are allocated for mixed-use development, as part of the Chelmsford Garden Community. As part of the Greater Beaulieu Park development employments areas are allocated to the south of the quarry access road.

There is a PRow which runs on the north eastern boundary of the processing area. There are two PRow that cross north/south (Boreham 21) and east/west (Boreham 17) within the Brick Farm extraction area.

There are 3 LoWS near the Bulls Lodge Quarry: the Grove a woodland area to the south east of the processing area; Bulls Lodge Lagoons, located west of the processing area, which are redundant quarry silt lagoons, located to the south east of the processing area; and Boreham Road Gravel Pits, 3 areas east of the Airfield Permission adjacent to Boreham Road, previously worked for sand and gravel and restored in part to water.

The quarry and processing plant are safeguarded under policy S8 of the Minerals local Plan. The coated roadstone plant is safeguarded under policy S9 of the Minerals Local Plan (MLP).

### **3. PROPOSAL**

Two applications have been made: one to vary conditions of the Airfield Permission (ESS/148/20/CHL); and one to vary the conditions of the Park Farm permission (ESS/147/20/CHL).

The applications are supported by a joint supporting statement and Environmental Statement.

In summary the applications seek to vary conditions of the existing permissions to allow amended phasing and additional time to complete the mineral extraction and restoration.

The following matters are conditioned by the two extant planning permissions and are relevant to the two applications to be determined.

- i. The two mineral planning permissions (comprising three extraction areas) operate as independent working areas except that mineral is transported from the Airfield Permission area to the processing plant (within the Park Farm permission area) by mineral conveyor for processing, and silt washings from the processing plant are held in lagoons within the Airfield Permission area. There would be no transfer of soils or overburden between the two permission areas once development moves into Park Farm.
- ii. The approved sequence of phasing requires the Airfield Permission area to be fully worked before extraction commences in Park Farm permission area.
- iii. The end date for mineral extraction and restoration of the Airfield Permission area was 31st December 2020

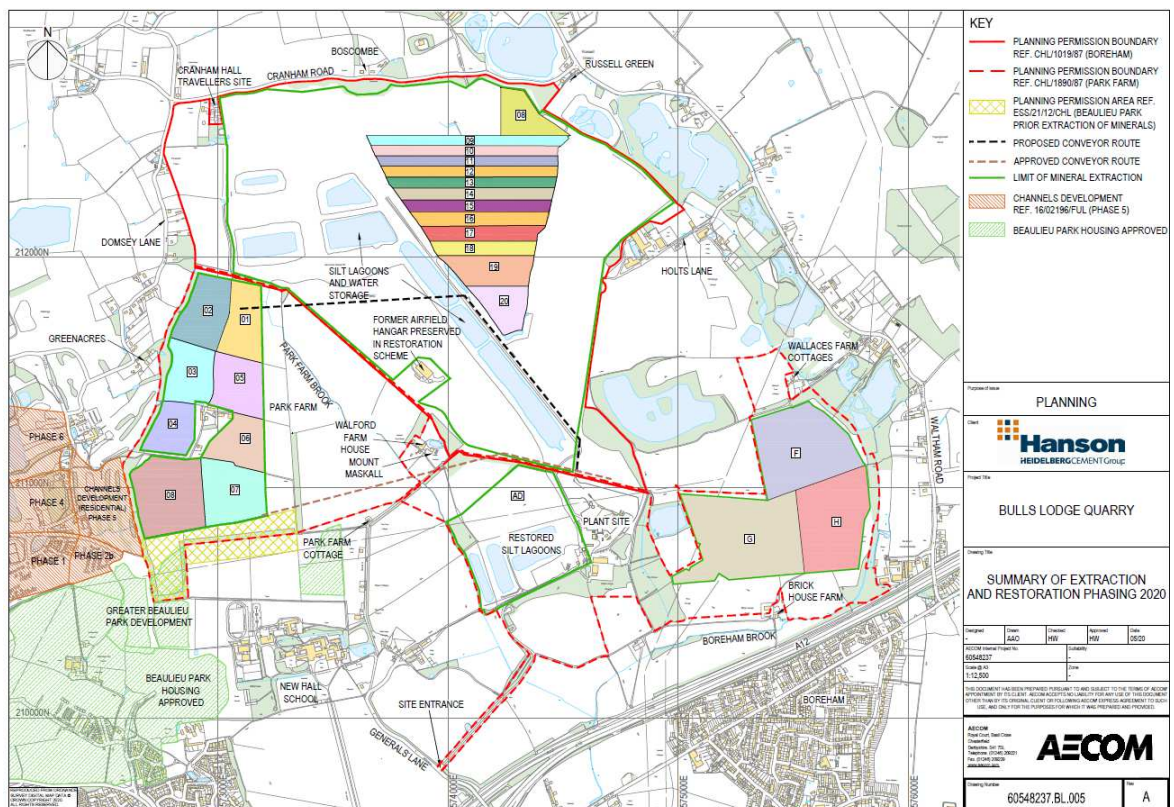


- iv. The end date for mineral extraction and restoration of Park Farm permission area is 31st December 2030.
- v. Mineral extracted in Park Farm area is permitted to be transferred to the processing plant via a mineral conveyor the location being defined on the original 1990 approved plan 8720/2c.
- vi. The approved sequence of phasing for Park Farm is shown on the original 1990 approved plan 8720/2c working the area south to north.
- vii. The approved restoration plan for Park Farm shown on the original 1990 approved plan 8720/3c is to low lying agriculture.

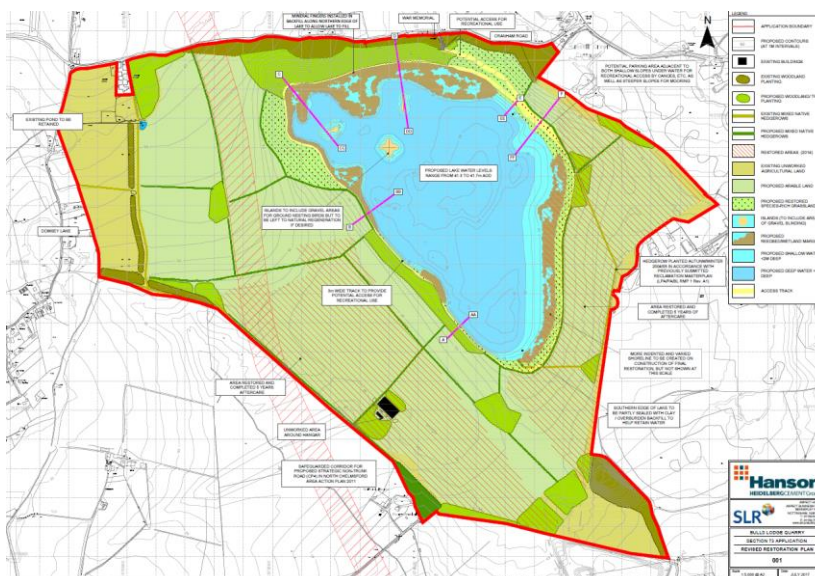
In combination the applications seek the following changes:

Rather than complete mineral extraction within the Airfield Permission before moving to the Park Farm area, it is proposed to suspend extraction in the Airfield area, likely in 2023 at phase 16 and move to work Park Farm. Within the Airfield restoration would be completed up to Phase 3 and restoration within phases 4 to 10 would be undertaken to achieve slope stability. Operations with Park Farm are estimated to take 6 years working approximately 4.5 million tonnes of sand and gravel. Once operations were completed within Park Farm, extraction would resume within the Airfield estimated to be in 2029 with completion of the Airfield in 2034, working the remaining 3.75 million tonnes of sand and gravel (estimated in Dec 2020). Once operation are complete within the Airfield extraction would commence in the Brick Farm area of the Park Farm permission, anticipated 2034 to 2039, working approximately 1.5 million tonnes of sand and gravel. There also remains a small area extraction to be worked north of the silt lagoons. It is likely this would be worked just before removal of the processing plant.

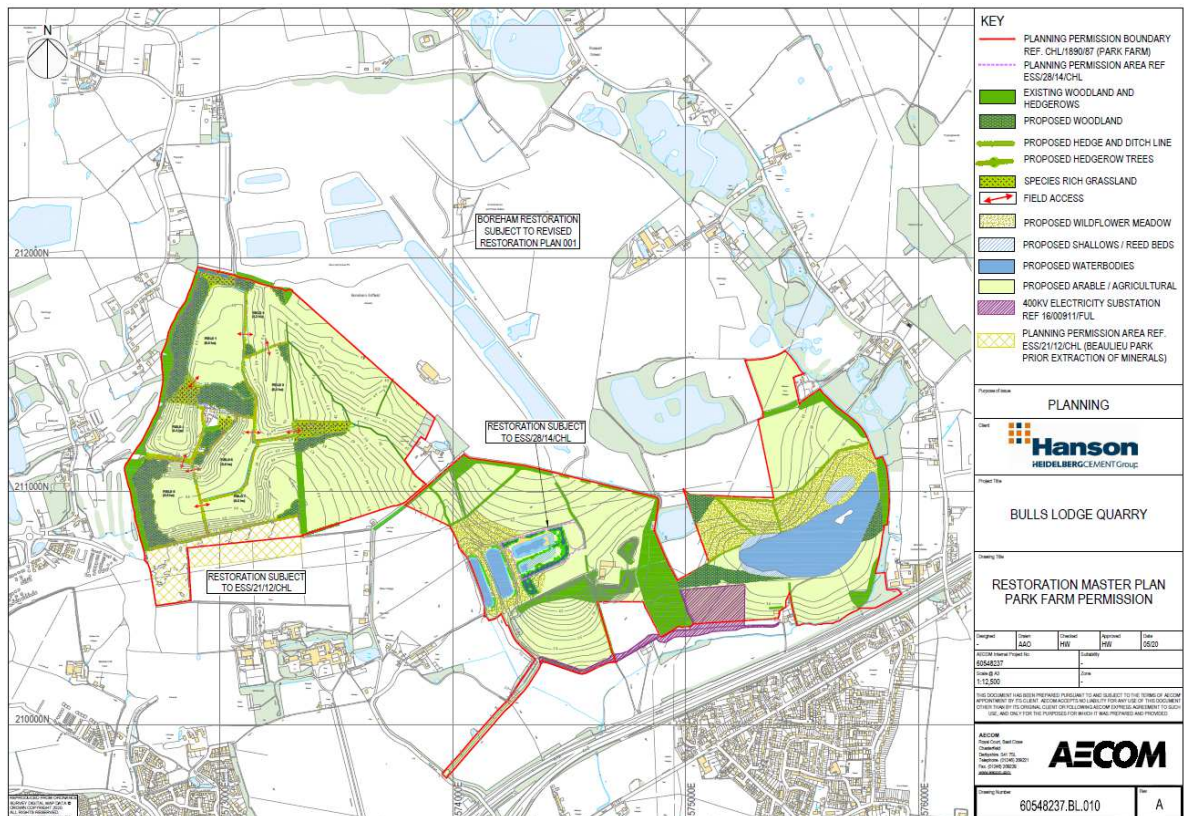
Within the Park Farm area it proposed rather than working in a south to north direction extraction that it would be phased in a north to south direction. The mineral conveyor to serve Park Farm area is proposed to be located in a more northerly location than previously permitted. The working of Park farm is estimated at 6 years 2023 to 2029. Park farm would be progressively restored to agriculture, to a restoration scheme slightly different in terms of levels and location of hedgerows and planting than that originally permitted. Although it has to be acknowledged the whole of Park Farm area has been allocated for mixed use development in the CLP as part Chelmsford Garden Community. However, until full planning permission for such developments has been granted the restoration would be to mainly agriculture, with areas of woodland and species rich grassland.



Restoration of the Airfield area would be to a combination of agricultural areas, woodland and a central lake as proposed under planning application ESS/37/15/CHL.



Restoration of the Park Farm area is proposed to be slightly changed as part of the current planning applications, but largely in conformity with the original scheme of a combination of agriculture and woodland for the Park Farm area and a lake and agriculture and wildflower meadow within the Brick Farm area.



All other aspects of the permitted development would remain unchanged. Access would remain via the RDR. A separate planning permission is being sought to allow limited access for the earthmoving contractors staff from the west to the Park Farm area, but if unsuccessful then this could be accommodated via the Airfield Permission area.

The hours of operations would remain as permitted

Mondays to Fridays 07:00 to 18:00  
Saturdays 07:00 to 13:00

With no working on Sundays or Public/Bank Holidays.

Except that HGVs loaded the night before are permitted to leave Monday to Saturdays between 06:00 and 07:00.

It should be noted that there are separate permissions for the bagging plant, inert recycling facility, and coated roadstone who's hours are similar to the above but the coated roadstone plant does have extended hours starting at 05:00 with some weeknight and weekend working. None of these permissions would be amended as a result of the current two applications.

In addition as a result of the outstanding application ESS/36/13/CHL there is a delegated resolution to allow the processing plant to operate from 06:00 to 07:00 and 18:00 to 22:00 Monday to Fridays until 2024. It should be noted within these extended hours there would be no extraction operations or HGV movements, other than those permitted between 06:00 and 07:00 loaded the night before.



#### 4. POLICIES

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

##### MINERALS LOCAL PLAN

S2 - Strategic priorities for minerals development  
S8 - Safeguarding mineral resources and mineral reserves  
S10 - Protecting and enhancing the environment and local amenity  
S11 - Access and Transportation  
S12 - Mineral Site Restoration and After-Use  
DM1 - Development Management Criteria  
DM2 - Planning Conditions and Legal Agreements

##### CHELMSFORD LOCAL PLAN

S2 Addressing Climate Change and Flood Risk  
S3 Conserving and Enhancing the Historic Environment  
S4 Conserving and Enhancing the Natural Environment  
S9 Infrastructure Requirements  
Strategic Growth Site Policy 6 – North East Chelmsford  
DM13 Designated Heritage Assets;  
DM14 Non-Designated Heritage Assets;  
DM15 Archaeology;  
DM16 Ecology and Biodiversity;  
DM17 Trees, Woodland and Landscape Features  
DM18 Flooding/SUDS;  
DM29 Protecting Living and Working Environments; and  
DM30 Contamination and Pollution.

##### NEIGHBOURHOOD PLAN

There are no adopted Neighbourhood Plans for Parishes within which the applications are located.

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).

## **CONSULTATIONS**

Both applications were subject to 2 periods of consultation, the responses are summarised below. The responses have been combined and where comments are specifically in relation to one application this is indicated.

CHELMSFORD CITY COUNCIL: No objection

CHELMSFORD CITY COUNCIL (ENVIRONMENTAL HEALTH): No comments received.

ENVIRONMENT AGENCY: No objection, request details of soil/overburden storage.

Officer Comment: *This could be required by condition.*

NATURAL ENGLAND: No objection

ESSEX WILDLIFE TRUST: No comments received

HISTORIC ENGLAND: No objection. Initially a holding objection was submitted requiring further information, this information was provided and satisfactorily addressed the concerns raised.

THE GARDENS TRUST: No comments to make.

PLANNING CASEWORK UNIT (DLUHC): No comments received.

HIGHWAY AUTHORITY: No objection. The applications would not change the agreed access arrangements to the quarry.

PLACE SERVICES (Landscape): No objection. ESS/147/20/CHL (Park Farm) clarification is required with respect to the planting south of phase 6 and 7 (north of the RDR) and protection measures for this planting and preferably this planting should be advanced planting.

Officer comment: *It is not possible to carry out the planting in advance as then a*

*stand-off would be required sterilising an area of permitted sand and gravel extraction. However, south of the extraction area the boundary is already subject to planting, a 1m high bund and a 2m high hoarding/noise fence on the north side of the RDR, required as part of the planning permission granted by CCC.*

PLACE SERVICES (Arboriculture): No objection..

PLACE SERVICES (Ecology): No objection, subject to conditions.

Satisfied that sufficient ecological information has been submitted to allow determination of the application. Mitigation measures identified in the Ecological Impact Assessment should be secured and implemented in full. A licence would be required with respect to GCN. In addition a licence would be required with respect to badgers. Common Lizards and Grass Snakes are present and a Reptile Mitigation Strategy should be secured. There are also Red Listed birds including Skylark, Yellowhammer and Turtle Doves on site such that a Farmland Bird Mitigation Strategy should be secured by condition and include compensatory breeding areas for the species mentioned (Off site if necessary).

The proposed biodiversity enhancements are supported and should be detailed and secured through a Landscape and Ecological Management Plan required by condition.

PLACE SERVICES (Historic Environment): No objection, subject to conditions, requiring a written scheme of investigation and implementation and completion of such and the writing up and reporting of finds. Previous archaeological investigations have identified high potential for multi-period archaeological deposits present.

Phase 1, 2 and 3 and areas for Storage of overburden of Park Farm (ESS/148/20/CHL) have been subject to trial trenching. Further trial trenching would be required within the other phases of Park Farm.

PLACE SERVICES (Historic Buildings): Object. Initially an objection was raised as inadequate information had been submitted with respect to the impact on built heritage assets, this was addressed through the submission of additional information.

However, the proposals (Airfield ESS/147/20/CHL) would have an impact upon several designated and non designated built heritage assets. It is noted that the planning permission for development of the quarry is extant and that typically the proposed changes to phasing and timing etc. would be unlikely to alter any impact upon the significance of the identified built heritage assets. It is acknowledged however that due to the age of the original planning application, it was not previously subject to a Heritage Assessment or an Environmental Impact Assessment.

The application (ESS/147/20/CHL) has identified that there would be permanent moderate adverse effects to two non-designated heritage assets; the Former Watch Office at RAF Boreham, which would be demolished prior to extraction work, and the Concrete Blocks at the Former RAF Boreham, which would be

removed and relocated. As such, the proposed development would cause harm to the significance of these non-designated heritage assets and therefore paragraph 203 of the National Planning Policy Framework (NPPF) is relevant.

Should the Mineral Planning Authority be minded to approve the proposals having made a balanced judgement, it is recommended that a programme of historic building recording commensurate with Historic England "Level 2 Record" as set out in *Understanding Historic Buildings, Historic England* (2016) is secured by condition.

LEAD LOCAL FLOOD AUTHORITY: No objection

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions. Some predicted noise levels are close to the maximum limits and therefore a noise management plan should be required and additional monitoring required to establish compliance. In addition concerned that the EIA has not specifically assessed the impact of noise from HGVs on the highway, particularly during the period until the RDR is complete and quarry vehicles wishing to travel south are required to use the RDR, Essex Regiment Way and White Hart Lane.

COUNTY'S AIR QUALITY CONSULTANT: No objection, subject to compliance with the Dust Management Plan.

LITTLE WALTHAM PARISH COUNCIL: No objection, but wish to raise concern regarding HGV movements as early as 5am in the morning giving rise to disturbance and hours of operation should be restricted in the morning.

*Officer comment: With respect to these applications HGVs are currently permitted and would continue to be permitted to leave the site at 06:00, but this is only for HGVs loaded the night before. Full operation of the site is not permitted to commence until 07:00. A separate planning permission controls the operation of the coated roadstone plant located at Bulls Lodge Quarry. HGVs from this facility are permitted to leave the site at 05:00 and there is also permission for a limited number of week nights and weekend working to cater for highway works undertaken at night. The coated roadstone operational hours cannot be amended as part of any planning permission for the current applications.*

BOREHAM PARISH COUNCIL: No comments received on either application.

SPRINGFIELD PARISH COUNCIL: No objection to ESS/148/20/CHL (Boreham Airfield). No comments received on ESS/147/20/CHL (Park Farm).

BROOMFIELD PARISH COUNCIL: No comments received on either application.

LOCAL MEMBER – CHELMER: Any comments received will be reported

LOCAL MEMBER - BROOMFIELD AND WRITTLE: Any comments received will be reported

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

## 5. REPRESENTATIONS ESS/148/20/CHL (Airfield Permission)

58 properties were directly notified of the application. 2 letters of representation have been received one from Countryside Properties in relation to both applications.

Countryside Properties: Support the applications, however which to seek to ensure existing and future residents are protected from any potential amenity impacts. Wish to see noise and dust assessments revised to include more assessments points for north Beaulieu.

*Officer comment: The principle of mineral extraction precedes that of the housing development, it therefore for the housing developer to ensure that appropriate mitigation is included in their development to ensure no adverse impact upon the residential properties – in accordance with NPPF paragraph 187 “Agent of change”. Reserve matter applications have been determined by CCC for properties south of the Phase 7 and 8 of Park Farm extraction area and a noise attenuation barrier is required to be put in place by the housing developer and is in already place.*

*A topsoil bund is proposed as part of the mineral development south of phase 7 and 8, during phases 3 to 6.*

*In addition the MPA has required through conditions on the planning permissions for Greater Beaulieu Park and Channels that the purchases of new properties adjacent to the Park Farm extraction area are informed of the presence of the planning permission for mineral extraction.*

*However, it is acknowledged that the current applications would change the direction of phasing in the Park Farm area i.e. north to south, thus the current applications become the agent of change. The effect of the change in phasing means that housing to be built south of Park Farm and the RDR would be in place for a long period with the extraction operations taking place nearby than if worked in the opposite direction. This is fortunately balanced by the fact that by bringing the start of extraction in Park Farm area forward by 4 years, reduces the period when extraction would be taking place and the houses constructed.*

*With respect noise and dust monitoring locations no additional monitoring points were requested by the County’s noise and dust advisors.*

CZ also requested that the 3m high screening bund be placed on the southern edge of phase 7 and north of the RDR (Beaulieu Parkway) prior to works on Phase 3.

*Officer comment: A condition to secure this could be imposed to secure such a bund, but would be required to removed when Phases 7 and 8 are being worked to prevent sterilisation of permitted mineral reserve under the bund.*

Planning issues raised by other representees, summarised as follows:

### Observation

Supportive of the proposed restoration

### Comment

Concerned to note that restoration would be completed to Phase 3 within

Overburden required to complete phases 4 to 10 is located below



the Airfield, but only interim restoration is proposed for phases 4 to 10 until works return upon completion of the Park Farm extraction. Restoration of those areas not to be disturbed within phases 4 to 10 should be completed ASAP to allow establishment of woodland in the interim.

unworked areas and therefore cannot be completed until the remainder of the Airfield Permission has been worked.

No footpaths are proposed with the Boreham Airfield.

As the area is to be included within the Chelmsford Garden Community improved access will come as part of that development.

## 6. REPRESENTATIONS ESS/147/20/CHL (Park Farm Permission)

441 properties were directly notified of the application ESS/147/20/CHL and 2 letters of representation were received. One as explained and reported above was from Countryside Properties. The following further comments were made

### Observation

What is the commencement date for extraction within Park Farm?

### Comment

The information was included in the application, currently the anticipated start date with the Park Farm site is Summer 2022 for soil stripping and overburden removal and extraction Spring 2023.

Where is the location of the plant

This information was included in the application and the Park Farm area would use the existing processing plant.

Confirmation that there would be no working with 250m of our property

Properties along Domsey Lane would be within 250m of the extraction area. There is no requirement in national legislation or policy or within the MLP that mineral extraction should be more than 250m from a residential property. The MLP does seek to ensure the extraction face is not less than 100m from façade of a residential dwelling. Property facades along Domsey Lane would not be within 100m of the extraction face. Noise and dust impacts have been considered as part of the ES and subject to conditions to minimise noise and dust no adverse impacts have been identified.

What compensation would be provided by the operator due to the proximity and

There is no requirement or provision for a developer to provide compensation.

longevity of the extraction.

## **7. APPRAISAL**

The key issues for consideration are:

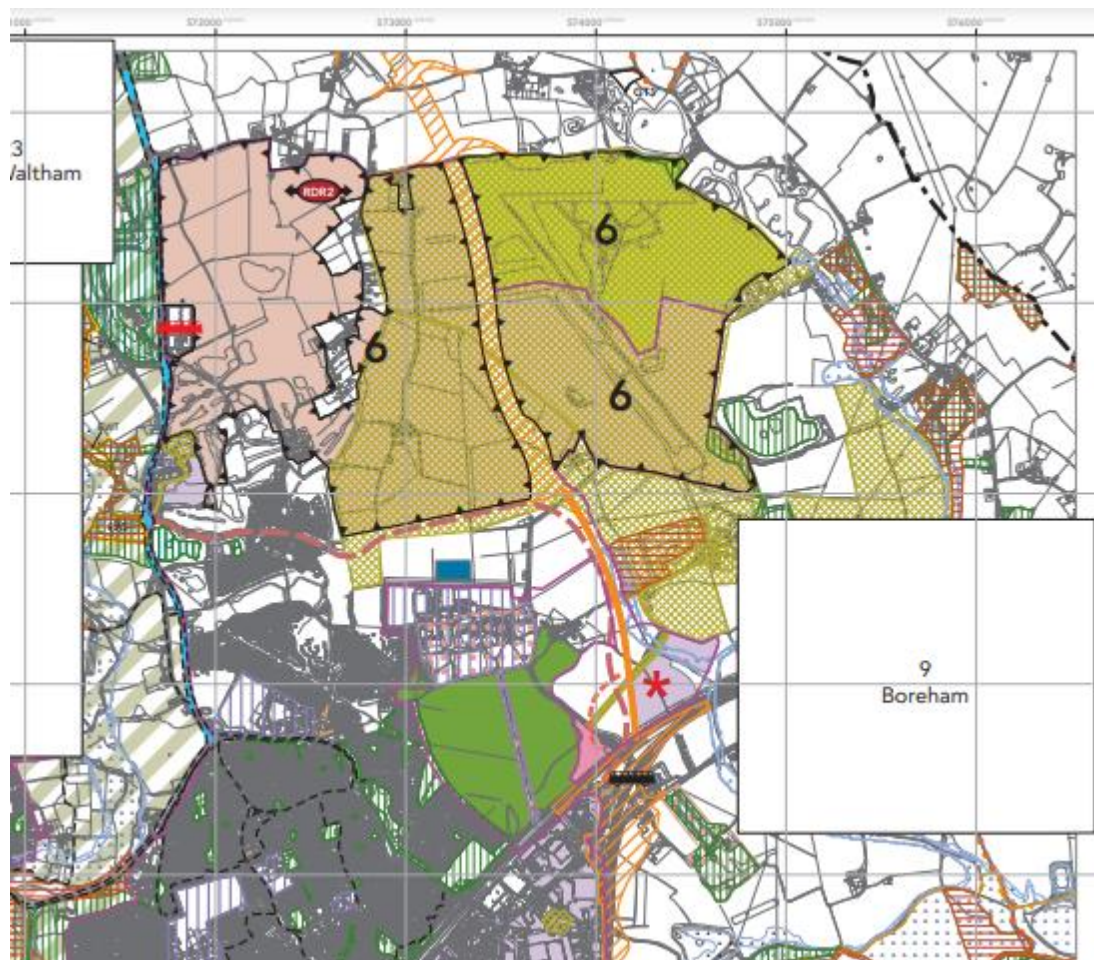
- A. Need
- B. Landscape and visual Impact
- C. Noise
- D. Air quality
- E. Archaeology and Cultural Heritage
- F. Ecology and biodiversity
- G. Highways and traffic and PRow
- H. Water Environment
- I. Socio-economic factors
- J. Cumulative Impacts

### **A NEED**

Bulls Lodge Quarry is a permitted sand and gravel quarry, the remaining mineral to be worked, estimated to be 6 million with Park Farm Permission and 3.75 million with Airfield Permission (as at December 2020) forms part of the County's landbank for sand and gravel. The permitted mineral is safeguarded under the policy 8 of the Minerals Local Plan. The principle of mineral development is already established by the previous planning permissions.

Parts of the quarry, namely the area of extraction around Park Farm overlap with areas allocated by Chelmsford City Council (CCC) for mixed use development in the North Chelmsford Area Action Plan (NCAAP) in 2011. The NCAAP has subsequently been superseded by the Chelmsford Local 2020 Plan that allocates land for the Chelmsford Garden Community further extending the overlap with land forming part of Bulls Lodge Quarry. The allocation of land within the NCAAP and CLP has always been on the basis that no permitted mineral would be sterilised as a result of the built development i.e. that mineral extraction would be completed prior to the built development. The need for rephasing of the Bulls Lodge Quarry was recognised within the NCCAP and now in the CLP Strategic Growth Site Policy 6 – North East Chelmsford. Overleaf is an extract from the CLP Chelmsford Urban Area. It can be seen the whole of the Airfield and Park Farm areas are allocated for future development only leaving only the Brick Farm area and processing plant area where there is no overlap.

-  Boundary of Strategic Growth Site Allocations 2, 3a, 6 and 7a
-  Minerals and Waste Site\*



The Radial Distributor Road that serves both the Greater Beaulieu Park Development and Channels Development (both part of the original allocation in the NCAAP) crosses the southern area of the Park Farm extraction of Bulls Lodge Quarry. Separate planning was gained in 2012 (ESS/21/12/CHL) to work this southern area of Park Farm in isolation of the Bulls Lodge Quarry, to enable its release early for the RDR. The area has been worked and restored and the RDR built over the restored ground.

The remainder of the Park Farm extraction is yet to be worked and needs to be worked prior to any built development. Under the original planning permissions the Airfield area of Bulls Lodge Quarry is required to be worked first and the Park Farm

area not started until the Airfield extraction is complete. The current applications seek to amend the phasing such the Airfield extraction and restoration would be suspended and extraction works would move into Park Farm. The sooner extraction is completed in Park Farm the sooner the area would be available for built development.

The remaining area of the Airfield to be extracted is likely to take a further 4 years to work, such that if rephasing were not permitted the development of the Park Farm area for built development would be delayed by 4 years. Hence the applications seek to suspend working in the Airfield and move into Park Farm as soon as possible. At the time of submission of the applications in late 2020 it was anticipated that extraction would be likely to commence in 2022, but due to the need to receive additional information to determine the applications it is likely that extraction in Park Farm, subject to approval of the current applications, would not commence until 2023.

Upon completion of extraction in Park Farm anticipated 2028/2029, operations would move back into the Airfield. The Airfield it is anticipated would then take about another 4 years to complete. Parts of the Airfield are already now restored to agricultural land and out of aftercare, but allocated in the CLP for built development. The final restoration of the Airfield includes a lake, this lake and the land to its north are planned as part of the CGC to be a Country Park.

Upon completion of extraction within the Airfield extraction would move to the Brick Farm area, which lies to the north of the A12 which would be worked over 4 years. The area of Brick Farm is not allocated for built development in the CLP.

In addition to changing the order of extraction the location of the conveyor to serve Park Farm is proposed to be located further north. The currently permitted location is further south, but this was on the basis the conveyor serving the Airfield would no longer be required, but as it would be needed at the end of Park Farm it is more practical cost/effective to extend the conveyor into Park Farm in the north. As a consequence rather than working Park Farm in a generally north to south direction, Park Farm would be worked in the north to south direction. The conveyor location has been taken account of in the development of the Chelmsford North East Bypass, with a bridge to carry the conveyor planned as part of the CNEB. The design of the bridge is such that it will provide a road bridge in the future as part of the CGC.

In addition to the above proposed changes, the applications also seek extension of time to complete the mineral extraction. The Airfield planning permission required extraction and restoration to be completed by December 2020 and the extraction and restoration of the Park Farm Area and the Brick Farm Area by December 2030. At the time the planning permissions were granted in 1990, the timescales were anticipated on extraction occurring at a rate of 1million tonnes per annum, however, on average extraction has tended to take place on average at 750,000tpa, hence extraction has been slower than originally envisaged. That said the applicant has stated that the quarry infrastructure is capable of achieving 1 million tonnes per annum, subject to market demand.

The applications therefore seek to extend the timescales for the two permission,

the Park Farm permission to allow extraction until 2039, to allow completion of the Park Farm and Brick Farm areas, which also includes the processing plant and an extension of time for the Airfield to allow its extraction after Park Farm to December 2034. While restoration would be progressive a further 2 years following completion of extraction in the Brick Farm area would be required such that restoration would be completed by 2041 and 2036 for the Airfield Permission.

It is considered that the changes in phasing, location of conveyor and the additional time to complete the mineral extraction are necessary to facilitate the allocated expansion of the North East Chelmsford and to allow additional time to complete the extraction of the permitted mineral which forms part of the County's sand and gravel landbank. It is considered the changes are in accordance with MLP policy 8 and CLP SGP 6 and are justified, subject to their being no unacceptable Environmental Impacts.

## **B LANDSCAPE AND VISUAL IMPACT**

Minerals Local Plan policy DM1 and CLP policies S4 and DM29 seeks to minimise the impact of development upon landscape and visual amenity. The landscape and visual impact of the mineral development would have been considered at the time of the original application, but at that time the development was not subject to an Environmental Impact Assessment. The EIA for the applications has concluded there would be no significant temporary or long term landscape or visual effects.

The original planning applications for Bulls Lodge included screen planting some which was undertaken in the early 1990s with respect to the plant site and the Airfield, which is now mature and that with respect to Park Area was undertaken in mid 2000s which is all well established and largely screens views of the quarry from outside the site.

It is acknowledged that built development namely Greater Beaulieu Park and Channels developments have brought residential development in closer proximity to the extraction areas than when the quarry was originally permitted in 1990. However, in considering these applications CCC has consulted the MPA and the non-mineral developers have been required to provide any necessary mitigation to ensure the effective working of the quarry is not adversely affected by the closer proximity of the residential development. Thus the west side of Park Farm area in addition to a belt of planting already in place undertaken by the quarry operator, the Channels development includes a 3m high bunding and an acoustic fence to screen and attenuate noise from the quarry. On the south edge of Park Farm the extraction is adjacent to the RDR, but there will in the future be residential development south of the RDR. The Greater Beaulieu Park development, have provided an acoustic fence along this boundary. In addition the MPA has required that sales literature with respect to these new properties within Cannels and Greater Beaulieu Park are made aware the existence of the extant minerals permissions.

Any further permissions with respect to the CGC would also be subject to consultation with the MPA and the non-mineral developers would be expected to provide any additional mitigation to prevent any adverse impacts upon the effective working of the mineral development i.e. ensuring that acceptable levels of noise,

dust and visual impacts are not exceeded, that would give rise to complaints from new residents.

A 3m high topsoil bund would be formed on the southern edge of the Park Farm area, when works commence within Phase 3, but would need to be removed before work commences in Phases 7 And 8 adjacent to the southern boundary to avoid the sterilisation of mineral below the bund.

The restoration of Park Farm and Brick Farm is to agriculture with field hedges and additional areas of woodland and species rich grassland. The restoration of the Airfield is to combination of mainly agriculture, with a lake and areas of woodland and grassland. It is acknowledged that the majority of the Bulls Lodge Quarry area is allocated for mixed use development/CGC in the CLP such that the restoration afteruse may be superseded by planning permissions granted CCC. However, the quarry restoration would be required to be delivered until such time as the mixed used developments are granted planning permission and there is a known implementation date.

The County's Landscape advisor has raised no objection to the application and the conclusions of the EIA are accepted.

Conditions could be imposed to ensure: the retention of the existing screen planting; the proposed bunding as detailed in the application; secure the proposed restoration and aftercare: and an interim restoration scheme for the Airfield, while works are suspended within this area.

Subject to conditions, it is considered that the proposals would not give rise to unacceptable landscape and visual impacts and are in accordance with MLP policy DM1 and CLP policies S4 and DM29

## C NOISE

MLP policy DM1 along with CLP policy DM29 seeks to minimise disturbance from noise on local residents and the local environment. The application was accompanied with a noise assessment as part of the ES. The ES concluded with respect to noise there would be no significant effects.

Further clarification was required by the County's Noise consultant, which has been provided. The County's Noise consultant has noted that some predicted noise levels are close to the proposed maximum noise limits and therefore it has been suggested that a noise management plan is required by condition to ensure best practice is being maintained. The original noise conditions within the historical permissions only set a 1 noise limit above background. As there is now more detailed knowledge of background limits and in accordance with national guidance and best practice it is considered appropriate to impose noise conditions with specific limits for noise sensitive properties. Subject to the imposition of the conditions suggested the County's Noise Consultant is now satisfied that the proposals would not give rise to unacceptable noise.

Park Farm house and cottages are in the control of the developer and would be unoccupied through the mineral extraction and restoration of Park Farm and this

could be secured through the legal agreement.

The County's noise consultant did raise concern that the impact of HGV traffic on residential properties adjacent to the RDR particularly, during the period of temporary diversion of quarry traffic wishing to go south having to use the RDR. However, the use of the RDR both in the short-term during the diversion and in the long term was considered as part of the applications for the RDR. The RDR was always planned to take HGV traffic both from the quarry and all users as a bypass to avoid White Hart Lane, until such time as the CNEB is delivered. CCC concluded that standard mitigation such as noise insulation within properties was appropriate and has been required as part of the planning permissions for the non-mineral development. Complaints were initially received when the diversion was put in place, but this was more in relation to early morning coated roadstone traffic. The RDR is planned to be completed in Spring 2023, at that time south bound quarry traffic will have a more direct route to the A12. Quarry traffic heading north will become less obvious as other traffic including HGVs will use the RDR. It is therefore considered that a noise assessment for quarry HGV traffic on the RDR was not necessary.

The conclusions of the EIA are accepted and it is considered that subject to the condition and legal obligation described the proposed changes would not have an unacceptable impact as a result of noise and the proposals would be in accordance with MLP policy DM1 and CLP policy DM29.

## D AIR QUALITY

MLP policy DM1 seeks to minimise impacts upon air quality, including dust and CLP policy DM29 seeks to minimise impacts on living and working environments.

The ES included an air quality assessment, taking into account dust arising from the mineral operation and included consideration of local sources windblown dust from agricultural land, local commercial/ industrial sources, exhaust emissions from road vehicles, break and tyre wear from road vehicles and the long range transport of material from outside the study area.

The proposed site design and management measures have been incorporated into the scheme to reduce the potential for fugitive dust to arise. The ES concluded subject to best practice continuing to be employed at the quarry, there would be no significant impact upon air quality. The County's Air Quality consultant have raised no objection subject to compliance with the Dust Management Plan submitted with the ES, which could be required by condition.

The conclusions of the ES are accepted and the proposals, considered acceptable subject to conditions and therefore in accordance with MLP policy DM1 and CLP policy DM29.

## E ARCHAEOLOGY AND CULTURAL HERITAGE

The ES included an assessment of the impact upon archaeology and cultural Heritage. There are no designated heritage assets within either of the applications sites except there is grade II Listed Barn adjacent to the access road. The

proposals would not impact the barn any more than currently.

Initially both the County's Listed Buildings officer and Historic England raised objection to the applications as the impact upon certain Heritage Assets outside the application site namely Mount Maskalls and New Hall were not considered to have been adequately assessed. Further assessment was submitted to address these concerns. However the proposals would still result in the loss of non designated heritage assets namely the former Watch Office of RAF Boreham, which would be required to be demolished and Concrete Blocks of the former RAF Boreham would be required to be relocated. Due to these heritage asset losses the ES concluded that with respect to heritage there would be medium adverse impact upon. The conclusion of the ES are accepted.

MLP policy BM1 and CLP policies S3 (Conserving and Enhancing the Historic Environment), DM13 (Designated Heritage Assets), DM14 (Non-Designated Heritage Assets) and DM15 Archaeology seek to preserve and enhance the heritage environment.

Due to the loss of the non-designated heritage assets the County's Historic Buildings cannot not support the application and it is necessary to consider the proposals against paragraph 203 of the NPPF and DM14. If the MPA were minded to approve the application then the County's advisor has requested conditions to record these heritage assets prior to their removal, such a condition could be imposed.

NPPF Para 203 states

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset..*

CLP POLICY DM14 – NON-DESIGNATED HERITAGE ASSETS states

*Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that: i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and ii. harm is minimised through retention*

Due to the location of the Watch Tower and Concrete Blocks which are in the centre of extraction areas it is not possible to retain these features. While the loss of these non-designated assets is regrettable, the principle of the extraction of mineral is already established and the majority of the runways already removed such that the Watch Tower and concrete blocks are isolated and not seen in the context of the original airfield setting. The permitted mineral forms part of the County's sand and gravel landbank and its sterilisation is protected by MLP policy S8. The full extraction of the mineral is considered a material consideration. To retain the features would require the sterilisation of the permitted mineral and make



the restoration of the site impractical, creating an isolated high feature in the area which is proposed to be restored to a lake. It is therefore considered that in the planning balance there would be more harm arising from the loss of permitted mineral reserve and adverse impact upon the restoration of the site, than the loss of these non-designated assets. In line with the County's Historic advisor a condition could be imposed to require recording of these heritage assets prior to their loss.

In working the Airfield so far archaeological interest has been identified and trial trenching of the first 3 phases of Park Farm has also identified areas of archaeological interests. The County's Historic Environment Advisor has recommended conditions to ensure archaeological interest is fully investigated and recorded prior to mineral extraction. Subject to the conditions suggested in terms of archaeological interests the proposals would be in accordance with MLP policy DM1 and CLP policy S3 and DM15.

## F ECOLOGY AND BIODIVERSITY

MLP policy DM1 and CLP policy S4, DM16 and DM17 seek to protect existing ecology and enhance the biodiversity of the area.

The EIA of ecology identified there were a range of habitats on site, most abundant was arable and bare ground as a result of the active quarry. The most valuable habitats were hedgerows, broadleaved/seminatural woodland, standing water and semi-improved grassland and were of local importance. The Biodiversity metric calculation, taking into account the proposed revised restoration of the Airfield (under application ESS/37/15/CHL) showed there would be a net gain 17.61% upon restoration. It was identified there would need to be measures with respect to certain species, Pyramidal orchid, Great Crested Newts, reptiles, bats and badgers. The measures suggested could be required through conditions. The assessment concluded there would be no significant adverse effects on any statutory or non-statutory designated ecological site. Also that there was potential for long term significant beneficial effects from habitats to be created upon restoration.

English Nature have raised no objection and the County's ecologist has raised no objection subject to conditions to secure the proposed mitigation.

The proposals (in conjunction with ESS/37/15/CHL revised restoration) are considered to be in accordance with MLP policy S12 and DM1 and CLP policies S4 (Conserving and Enhancing the Natural Environment), DM16 (Ecology and Biodiversity ) and DM17 (Trees, Woodland and Landscape Features)

## G HIGHWAYS AND TRAFFIC and PRow

There would be no change in traffic movements arising from the proposed changes. Access arrangements have changed recently in that the RDR has been built such that the private road to the quarry now connects to the RDR via a roundabout rather than to Generals Lane, but this has not arisen as a result of the current planning applications.

As the RDR is not currently complete quarry vehicles wishing to travel onto the A12 are required to use the RDR, Essex Regiment Way, White Hart Lane and Colchester Road to access the Boreham Interchange. This diversion will end upon completion of phase 3 of the RDR, the link to Boreham Interchange, planned Spring 2023. Quarry vehicles wishing to travel north would continue to use the RDR to Essex Regiment Way, until such time as the CNEB is open.

Historical data indicates that the average number of HGV movements to the quarry is 320 movements per day (160 and 160 out) and average of 28 movements per hour. The current applications were supported by a Transport Statement which concluded the level of traffic associated with Bulls Lodge Quarry was small in comparison to the level of traffic required to justify the RDR associated with Greater Beaulieu Park development and there would be no environmental impact arising from the proposed quarry changes. These conclusions are accepted.

Conditions are currently in place to limit the number HGV movements out of the quarry to minimise congestion on the Boreham Interchange at peak periods and these conditions would be reimposed. In addition vehicular access is only permitted via the access onto the RDR and from no other point within the two application areas.

The Highway Authority has raised no objection to the proposals as there would be no change to the access arrangements arising from the applications. It is therefore considered the applications are in accordance with MLP policy DM1, S11 and CLP policy DM29.

There are no PRoW within the Park Farm and Airfield Areas, PRoW would require temporary diversion within the Brick Farm Area. The impact on PRoW is not considered significant.

Subject to reimposition of existing conditions (updated as appropriate) with respect to control traffic and access, it is considered the proposals are in accordance with MLP policy S11 and DM1.

## H WATER ENVIRONMENT

The application was supported by a Flood Risk assessment (FRA), which considered both the operational and restoration phases. The FRA sets out mitigation measures to address potential impacts and the application describes the existing water management measures for the quarry which would continue. Post restoration the water bodies within the Airfield and Brick Farm area would provide additional storage capacity for run-off and result in a betterment to the pre-development conditions. The vulnerability of the proposals to climate change as a result of flooding has been considered as part of the FRA. The assessment concluded there would be no predicted significant flood risk impacts and these conclusions are accepted.

The ES included an assessment of the potential hydrological and hydrogeological effects of the proposals.

Dewatering is necessary to work the sand and gravel. Water is currently managed

by a surface water management scheme operated by the quarry which includes a series of temporary surface water storage and settlement lagoons within the Airfield area. Groundwater monitoring has been undertaken since 1994. The hydrological and hydrogeological assessment concluded that with the current in-built mitigation in place there would be negligible effect from the proposals on groundwater flow, groundwater quality, groundwater levels, groundwater abstractions, statutory sites, surface water quality, surface water flows and surface water abstractions. The overall conclusion was the impact was negligible to minor and not significant.

The LLFA and EA have raised no objection. The conclusion within the EIA with respect to FRA and potential hydrological and hydrogeological effects are accepted. The EA requested details to be required by condition with respect to soil and overburden storage and these would be imposed if permission were granted.

It is therefore considered the proposals are in accordance with MLP policy DM1 and CLP policy DM18 (Flooding/SUDS).

## I SOCIO-ECONOMIC AND HUMAN HEALTH

The ES considered the main community and socio-economic effects of the proposals. Effects on local amenity are dealt with through consideration of noise, dust etc. The main socio-economic impacts were considered to be beneficial effects of moderate to major, including:

- Early release of land for further development
- Security of existing employment
- Maintenance of important supply of sand and gravel to South East
- Positive contribution to local economy.

Impact upon Human Health has also been considered through the consideration of other environmental impacts and overall it is concluded there would be no significant effect upon human health.

The conclusions within the ES with respect to socio-economic and human health are accepted.

## J CUMULATIVE IMPACTS

Cumulative effects are those which could arise from both the proposed development and any other relevant future development which is reasonably foreseeable and likely to proceed. The ES consider the developments of the RDR, Channels and Greater Beaulieu Park. The only significant adverse impact identified was on cultural heritage and archaeology receptors, but no greater than the scheme assessed in isolation. For all other other topics it was considered that there was no potential for significant cumulative effects to arise from the proposals and this conclusion is accepted.

Since the preparation of the EIA the CNEB has been granted planning permission. The EIA for the CNEB took account of Bulls Lodge Quarry as part of its consideration of cumulative impacts. The Chelmsford North East Bypass has been granted planning permission and passes through the Airfield permission on areas

already worked for mineral extraction. A safeguarded route was a legal obligation as part of the original S52 for Bulls Lodge Quarry, with requirements for the mineral operator to amend phasing and restoration to facilitate the CNEB, the principle of such obligations would be carried through to the new legal agreement but amended to reflect the passage of time i.e. the mineral is worked out and the CNEB permission granted. However, this legal obligation may need to be modified if legal agreements between ECC and parties involved in the CNEB have been completed prior to the legal agreement associated with these applications being completed.

The restoration scheme for the Airfield will some adjustment adjacent to the CNEB, once the more detail design for the CNEB is known.

## **8. DRAFT CONDITIONS**

The planning permissions being varied (CHL/1019/87 and CHL/1890/87) were issued in 1990 and have not been subsequently updated. The original applications in 1987 were not subject to EIA.

The operation of Bulls Lodge Quarry over the years has been subject to few complaints, however, the wording of the conditions is that which was best practice in 1990, it is therefore appropriate to update the conditions. While the principle of the existing conditions would largely remain unchanged, both sets of conditions have been revised, to use best practice conditions and additional conditions added as identified through the EIA process and requested by consultees. The full wording of draft conditions are set out within Appendix A and B.

The conditions are currently with the applicant and landowner for comment. It is unlikely that full comments will be received before consideration of the planning applications by the Committee on the 26 August 2022. Ultimately it is for the MPA to decide what conditions are imposed upon a planning permission, agreement from the applicant only being required for pre-commencement condition. However it is good practice to seek comments from applicants/landowners to avoid any lack of clarity/confusion in the wording of conditions. While the principles of the conditions would not change from those set out in the appendices it might be that some small amendments are requested by the applicant and land owner as well as officer imposed updates.

## **9. LEGAL AGREEMENT**

There is an existing legal agreement associated with the planning permissions being sought to be varied. The legal agreement was made under Section 52 of the Town and Country Planning Act 1970, now superseded by the provisions of Section 106 of the TCPA 1990.

In order to ensure the obligations of the original S106 where they remain relevant are carried forward, a new S106 Legal agreement would be required. However the obligations would not relate to the area of ESS/21/12/CHL and some adjacent land now subject of a planning permission issued by CCC, as this land through a previous legal agreement has been released from the obligations of the original S52 agreement.

This legal agreement, would also address the need for a legal agreement with respect to two previous variation applications which remain outstanding, delayed due to the need for a legal agreement to ensure the planning permission remain associated with the original legal obligations where still relevant. These two earlier applications are ESS/36/13/BTE in relation to hours of operation for the processing plant and ESS/37/15/CHL for revised restoration details for the Airfield area. Both which are being dealt with under delegated powers.

It is intended that the new S106 legal agreement would address the need for a legal agreement with respect to all four planning applications.

Those elements of the previous legal agreement to be retained but modified as necessary are summarised below

- Transfer of land for CNEB Phase 1 and 2 at no cost to ECC (only to be included if legal agreements between Hanson & Landowners with respect to the CNEB are not completed by the time the S106 is completed)
- Mineral operator to accommodate changes in phasing and operations to facilitate CNEB
- Requirement for a liaison group
- No occupation of Park Farm house and Park Farm Cottages throughout operations within Park Farm extraction area.

A new obligation would be included which arises from variation application ESS/37/15/BTE which proposes areas of biodiversity as part of the Airfield restoration. Areas of biodiversity take a longer period of management to establish and thus in accordance with the MLP Supplementary Planning Guidance – Mineral Site Restoration for Biodiversity, an aftercare period of 25 years for the areas to be restored to biodiversity is required to be secured by a legal obligation.

Those elements of the original S52 legal agreement not to be taken forward relate to:

- Inclusion of the conditions for both permissions within the S106 – this is now not best practice
- No landfilling – this can be addressed by condition
- Right of access for CCC staff – A right of entry is given to all Planning Officers in order to perform their duties, therefore this is not needed
- Submission of all application documents to CCC & ECC – all applications details submitted to ECC are shared with the relevant Local Planning Authority in this case CCC – therefore this is not needed
- Approval of restoration details – Details have been approved or are to be approved and can be secured by condition.
- Access via Boreham Interchange – the road infrastructure has changed since the original agreement such that this is longer appropriate.
- Obligations relating to a potential polytechnic being considered in 1990. The polytechnic was not progressed the obligations are no longer relevant.

## **10. COMMENCEMENT OF DEVELOPMENT PRIOR TO ISSUE OF PLANNING PERMISSIONS – CONSIDERATION OF ENFORCEMENT**

Hanson Aggregates has advised that in order to ensure the timely extraction of

Park Farm to allow its release for development as part of the NE expansion of Chelmsford it is necessary to start soil stripping in 2022, preferably late summer/early autumn when the soils are dry. This would enable mineral extraction to start in Park Farm in 2023. While drafting of the necessary legal agreement has already commenced, on a without prejudice basis, to the outcome of the current applications, it is unlikely that the legal agreement would be completed and the decision notices issued prior to soil stripping requiring to commence in the Park Area. Hanson has requested that it be allowed to start prior to the issuing of the decision notices and have committed to comply with the requirements of the planning conditions set out in Appendices A and B, even though the decision will likely not have been issued.

It is acknowledged that Hanson have been continuing to extract within the Airfield Area, despite the fact that the planning permission required the extraction and restoration to be completed by December 2020. However, in all other respects the operator has continued to operate in accordance with the existing conditions and monitoring by the MPA has not identified any issues and there have been no complaints with respect to the extraction operations.

In view of the need to ensure the timely extraction of the Park Farm area to facilitate future built development identified in the LP, it is considered it would not be expedient to take enforcement action if mineral extraction were to continue in the Airfield and soil stripping and overburden removal were to commence in the Park Farm area prior to the issuing of the planning permissions. However, this would be subject to the operator complying with the conditions set out in Appendix A and B. Upon commencement of the works without planning permission a harm assessment would be carried out if at that time it was indicated that there was significant harm then consideration would be given to enforcement action and matter reported to the Development and Regulation Committee.

## **11. CONCLUSION**

The need for the proposed changes to the phasing of operations has arisen from the need to extract areas of the Bulls Lodge Quarry earlier than originally intended to facilitate the future built development identified in the CLP. This is considered justified in order to ensure permitted mineral is not sterilised by built development. The need for additional time to complete the mineral extraction has arisen due to the output rates estimated in 1990 being higher than the actually achieved over the last 30 years. The additional time 10 years of extraction with additional 2 years for restoration is considered necessary to ensure the full extraction of this permitted mineral resource and deliver beneficial restoration. The proposals are considered to be justified and in accordance with MLP policy 8 and SGS6 of the CLP, subject to there being no adverse environmental impact.

Assessment of the various environmental factors has shown that for the majority of factors there would be no significant adverse impacts subject to the implementation of the proposed mitigation measures and imposition of the suggested conditions. However it is acknowledged that there would be permanent loss of non-designated heritage namely the Airfield Watch Tower and airfield concrete blocks. It is not practical to retain these features as they would require sterilisation of permitted mineral contrary to MLP Policy 8 and prevent beneficial restoration of the Airfield

site contrary to MLP policy S12, such that harm arising from their retention is greater than that from loss of these assets.

Except for the loss of the non designated assets which is considered justified, the proposals are in accordance with the Development as whole and there are no reasons to withhold permission.

## **12. RECOMMENDED**

A - That planning permission be granted subject to:

- I. the prior completion, within 6 months (i.e. 28 February 2023 unless otherwise agreed with the Chairman of the Development and Regulation Committee) Legal Agreements under the Planning and Highways Acts to secure obligations as summarised below:
  - Transfer of land required for CNEB Phase 1 and 2 at no cost to ECC (only to be included if legal agreements between Hanson & Landowners with respect to the CNEB are not completed by the time the S106 is completed)
  - To seek to obtain any necessary changes in phasing of working and restoration required to facilitate the CNEB
  - To seek to obtain any necessary changes in the Airfield restoration scheme to facilitate the CNEB
  - Requirement for a liaison group
  - No occupation of Park Farm house and Park Farm Cottages throughout operations within Park Farm extraction area.
- II. and conditions for ESS/147/20/CHL as set out in Appendix A, subject to any changes agreed by the Chairman of the Development and Regulation Committee.
- III. and conditions for ESS/148/CHL as set out in Appendix B subject to any changes agreed by the Chairman of the Development and Regulation Committee.

B – That, subject to a harm assessment being carried out, it is at this stage not considered expedient to take enforcement action should development in accordance with planning applications ESS/148/20/CHL and ESS/147/20/CHL, commence prior to the issuing of the decision notices, subject to the applicant operating in accordance with conditions set out in Appendices A and B.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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The proposed development would not be located adjacent to a European protected site.

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

CHELMFORD - Chelmer  
CHELMSFORD - Broomfield and Writtle  
CHELMSFORD - Springfield



## APPENDIX A

### Conditions for ESS/147/20/CHL Park Farm Permission

Condition number	Condition & reason
1	<p>The development hereby permitted shall be considered to have commenced from the date of this decision notice.</p> <p><i><u>Reason:</u> Because the application is part retrospective as soil stripping in Park Farm has already commenced and to comply with section 91 of the Town and Country Planning Act 1990 (as amended).</i></p>
2	<p>The development hereby permitted shall be carried out in accordance with the details of the application Ref CHL/1890/87 dated 23 October 1987, Supporting Statement (ref 8720) by D K Symes, as amended by Revised Statement dated December 1988 by Pioneer Group of Companies and letter dated 21<sup>st</sup> November 1989, together with the following drawing numbers:</p> <ul style="list-style-type: none"> <li>• 8720/1 - Application Plan dated Oct 1987</li> <li>• 8720/1a – Application plan showing existing landscape, boreholes &amp; contours dated Jan 1988</li> <li>• 8720/2c Working Plan dated November 1989</li> <li>• 8720/3b – Restoration plan showing contours and landscaping</li> <li>• 8720/3c – Restoration plan dated November 1989</li> <li>• JAB 1 Proposed Afteruses dated 21 Nov 1989</li> </ul> <p>And the following supporting documents</p> <ul style="list-style-type: none"> <li>• Drilling Survey for Sand And Gravel for Sand &amp; Gravel by DK Symes Associates (Ref 8669) dated 27 November 1987</li> </ul>

	<ul style="list-style-type: none"> <li>Noise from proposed sand and gravel extraction by Moir, Hands &amp; Associates dated 29 September 1989.</li> </ul> <p>AS AMENDED BY</p> <p>Planning application reference ESS/36/13/CHL dated 6 June 2013, together with the following documents and drawings:</p> <ul style="list-style-type: none"> <li>Email from Hanson dated 2 July 2014 (14:24)</li> <li>Email from Hanson dated 9 September 2019 with "Planning Supporting Statement"</li> <li>Walker Beak Mason – Technical Note dated 23 October 2013</li> <li>Walker Beak Mason – Technical Note dated 2 April 2014.</li> <li>Drawing No. B215/352 Planning Application – variation of processing plant working hours.</li> </ul> <p>AS AMENDED BY</p> <p>Planning application reference ESS/147/20/CHL dated 21 December 2020, together with the following drawings:</p> <ul style="list-style-type: none"> <li>60548237.BL.001 Site Location</li> <li>60548237.BL.002 Planning Permission Boundaries</li> <li>60548237.BL.003 Designations and Surrounding Developments</li> <li>60548237.BL.004 Existing Site Topography</li> <li>60548237.BL.005 Rev A Summary of Extraction and Restoration Phasing 2020</li> <li>60548237.BL.006 Boreham Airfield</li> <li>60548237.BL.007 Park Farm Proposed Mineral Extraction Phasing</li> <li>60548237.BL.008 Brick Farm Proposed Mineral Extraction Phasing</li> <li>60548237.BL.009 Cross Section of Proposed Conveyor</li> <li>60548237.BL.010 Rev A Restoration Master Plan Park Farm Permission</li> <li>60548237.BL.011 Rev A Park Farm Restoration Detail</li> </ul>
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	<ul style="list-style-type: none"> <li>• 60548237.BL.012 Park Farm Cross Sections AA-FF</li> <li>• 60548237.BL.013 Park Farm Southern Boundary Treatment</li> </ul> <p>and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority, except as varied by the following conditions:</p> <p><i><u>Reason:</u> For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan adopted 2014 (MLP) policies S1, S2, S8, S11, S10, S12, DM1 and Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S9, Strategic Growth Policy 6, DM13, DM14, DM15, DM16, DM17, DM18, DM29, and DM30.</i></p>
3	<p>All buildings/structures/roads/plant and machinery within the Plant Site and as shown on drawing 60548237.BL.005 Rev A and the access road to the public highway used in connection with the development hereby permitted shall be removed and the site restored by 31 December 2041.</p> <p><i><u>Reason:</u> To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S3, S4, DM13, DM14, DM16, , DM17, DM29 and DM30.</i></p>
4	<p>Prior to commencement of soil stripping in each phase a scheme of soil stripping and placement shall be submitted to and approved by the Mineral Planning Authority. Each soil stripping scheme shall be in accordance with the phasing drawings no. 60548237.BL.007 and no. 60548237.BL.008 and details for the area north of the Restored Silt Lagoons as approved under condition 74. The soil stripping and placement scheme shall identify where soils will be stripped and placed into storage and/or where direct placement is expected. The soil stripping and placement shall be in accordance with approved details.</p>

	<p><i><u>Reason:</u> 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 and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM18, DM29 and DM30.</i></p>
5	<p>The development hereby permitted shall be implemented in accordance with the Water Monitoring Scheme approved on 22 March 1994 approved under condition 5 of planning permission CHL/1890/87. The approved Water Monitoring Scheme (CHL/1890/87/05/01) is set out in letter dated 7 December 1992 and the report “Water Management Scheme – Phase 1 Monitoring” Report Ref: PA/BO/JA/903/01a dated November 1992. In addition the development hereby permitted shall also be implemented in accordance with the Water Management Scheme approved on 16 May 1995 under condition 5 of planning permission CHL/1890/87. The approved Water Management Scheme (Ref CHL/1890/87/05/02) is set out in letter dated 14 September 1994 from Pioneer, letter dated 1 May 1995 from Pioneer and the technical report “A Water Management Scheme for Bulls Lodge Quarry” Report reference: PA/BO/PS/535/01 dated August 1994.</p> <p><i><u>Reason:</u> To minimise the risk of pollution to water courses and aquifers to monitor effectiveness of groundwater safeguarding measures and to comply with MLP policies S10 and DM1 and CLP policies DM18 and DM30.</i></p>
6	<p>The development hereby permitted shall be implemented in accordance with the landscape planting scheme for the boundaries of the site approved on 5 March 1993 under condition 7 of planning permission CHL/1890/87, as amended by planning permission reference ESS/21/12/CHL. The approved details are set out on drawing LPA/PA/BL/LMP 1B superimposed on Drawing 8720/2c dated Dec 1990 entitled “Landscape Master Plan Perimeter Planting” and the subsequently approved detailed planting schemes approved under condition 8 of planning permission CHL/1890/87.</p> <p><i><u>Reason:</u> 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 MLP policies S2, S10, S12 and DM1 and CLP policies S4 and DM29.</i></p>

7	<p>Hedgerow, hedgerow tree and woodland planting shall be carried out in accordance with drawings nos.60548237.BL.010 Rev A and 60548237.BL.011 Rev A . Planting details shall be submitted in advance to allow prior approval by the Mineral Planning Authority before planting commences. The details shall include species, sizes, spacing, protection and programme of implementation. The planting details shall be implemented in accordance with the approved details.</p> <p><i><u>Reason:</u> 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 MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM17 and DM29.</i></p>
8	<p>Any building, plant, machinery, foundation, hard standing, 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 in any case not later than 31 December 2041. By the 31 December 2041 the site shall be restored in accordance with drawings no. 60548237.BL.010 Rev A and no. 60548237.BL.011 Rev A</p> <p><i><u>Reason:</u> 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 and to comply with MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.</i></p>
9	<p>Notwithstanding the provisions 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 building, structure, fixed plant or machinery other than hydraulic excavator, dragline or plant for movement of materials shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.</p> <p><i><u>Reason:</u> 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 policies S2, S10, S12, DM1, DM3 and DM4 and CLP policies S3, S4 and DM29.</i></p>

10	<p>The phasing of winning or working of minerals of the site and the phasing of restoration shall be carried out in accordance with the phasing drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 and details for the area north of the Restored Silt Lagoons approved under condition 74.</p> <p><i><u>Reason:</u> To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.</i></p>
11	<p>Mineral extraction shall not take place within more than one phase of Phases 1 to 8 shown on drawing no. 60548237.BL.007 at any one time. No more than 3 phases of Phases 1 to 8 shall be open at any one time. Within 12 months of the respreading of topsoils the restored area shall be brought into beneficial afteruse for either agriculture, woodland or biodiversity.</p> <p><i><u>Reason:</u> To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.</i></p>
12	<p>The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping topsoils from any part of the site or new phase of working.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to comply with MLP policies S10, S12 and DM1.</i></p>
13	<p>No minerals extracted under this permission shall be transported to the plant site other than by ground conveyor shown on drawing no. 60548237.BL.006 and labelled "Proposed Conveyor Route".</p> <p><i><u>Reason:</u> To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policy DM29.</i></p>

14	<p>Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), other than water pumping and environmental monitoring, no operations including temporary operations shall be carried out outside of the following times:</p> <p>07:00 to 18:00 Monday to Friday; and; 07:00 to 13:00 Saturdays.</p> <p>and at no other times, including on Sundays, Bank or Public Holidays</p> <p>except that HGVs loaded the night before may leave the site between the 06:00 and 07:00 Mondays to Saturdays.</p> <p>In addition until the 31 October 2024 the sand and gravel processing plant only may operate between 18:00 and 22:00 Monday to Friday. For the avoidance of doubt there shall be no operation of the concrete batching plant and no extraction operations within the extraction site areas during these additional hours.</p> <p><i><u>Reason:</u> In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
15	<p>No mineral shall be imported to the site for processing.</p> <p><i><u>Reason:</u> To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
16	<p>The site shall be worked in accordance with the applicant's submitted schemes of soil handling as revised by Messrs D K Symes Associates' letter dated the 9 January 1990 and enclosures, except as amended by the conditions of this permission.</p> <p><i><u>Reason:</u> To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S2, S10 and DM1.</i></p>

17	<p>No extraction or temporary storage of materials shall take place within 10 metres of any watercourse. No material or mineral waste shall be tipped or deposited within any watercourse or culvert.</p> <p><i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM18 and DM30.</i></p>
18	<p>Prior to placement of soils for restoration, drawings shall be provided identifying those areas for restoration. Following placement of soils a levels survey shall be provided to confirm restoration contours are in accordance with drawing no. 60548237.BL.010 . The placement of soils and overburden shall be in accordance with the method detailed in figure 1 of the “Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988 by Reading Agricultural Consultants”.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.</i></p>
19	<p>No topsoil, shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:</p> <ul style="list-style-type: none"> <li>(a) During the months November to March (inclusive) unless otherwise approved in writing by the Mineral Planning Authority.</li> <li>(b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the ‘Worm Test’ as set out in BS 1377:1977 – ‘British Standards Methods Test for Soils for Civil Engineering Purposes’; or</li> <li>(c) When there are pools of water on the soil surface.</li> </ul> <p>Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment 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</p>



	<p>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.</p> <p><i><u>Reason:</u> To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with MLP Policies S10, S12, DM1.</i></p>
20	<p>Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated substitute subsoil/overburden. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.</p> <p><i><u>Reason:</u> To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with MLP Policies, S10, S12, and DM1.</i></p>
21	<p>Weathered Calcareous Overburden identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately respread over the replaced overburden. If this resspreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement. Use and placement of Calcareous Overburden shall be in accordance with the method detailed at figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988" (Reading Agricultural Consultants).</p> <p><i><u>Reason:</u> 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 S10, S12 and DM1.</i></p>
22	<p>Topsoil, subsoil and subsoil substitute shall be stored in separate mounds which shall:</p> <p>a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil's;</p>

	<p>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;</p> <p>c) Not be subsequently moved or added to until required for restoration;</p> <p>d) Have a minimum 1 metre standoff, undisturbed around each storage mound;</p> <p>e) Comprise topsoils on like-texture topsoils and like-texture subsoil's;</p> <p>f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material.</p> <p><i><u>Reason:</u> 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 S10, S12 and DM1.</i></p>
23	<p>All storage mounds intended to remain in situ for more than 6 months shall be grassed seeded and complete grass sward maintained. The seed mixture and application rates shall be submitted to and approved by the Mineral Planning Authority in writing no less than 1 month before the expected completion of the formation of the storage mounds/bunds.</p> <p><i><u>Reason:</u> 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 S10, S12 and DM1.</i></p>
24	<p>Upon reclamation the minimum settled depth of subsoil substitute and topsoil shall be 1m.</p> <p><i><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.</i></p>
25	<p>The subsoil substitute is to be spread to an even depth over the restored overburden so as to follow the final contours in accordance with drawing no. 60548237.BL.010.</p> <p><i><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.</i></p>
26	<p>The topsoil is to be spread to a minimum depth of 30cm in areas to be restored to agriculture.</p>

	<p><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10 and S12.</p>
27	<p>An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural , woodland, wildflower meadow, grassland, species rich grassland, water shallows and reedbeds use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of topsoil placement of topsoil in phase 1 as shown on drawing 60548237.BL.010 . The submitted scheme shall:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Provide for a detailed annual programme, in accordance with Paragraph 58 of the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.</li> <li>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.</li> </ul> <p>The development shall be implemented in accordance with the approved aftercare scheme.</p> <p><u>Reason:</u> To ensure the beneficial restoration of the site to agriculture, woodland, wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policies S3 and DM29.</p>
28	<p>All vehicular access and egress to and from the plant site shall be through the site area of planning permission CHL/1019/87 (or any superseding or amending permission) and to the public highway via the private access road and Roundabout 5 of the Radial Distributor Road. The private access road being that shown on drawing ref. no. 8720/2C dated November 1989 and via the access road as permitted by the Park</p>

	<p>Farm &amp; Brick Farm permission Ref. CHL/1890/87 as amended by CHL/1855/90 (as amended by any subsequent planning permission).</p> <p><i><u>Reason:</u> In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and CLP policy DM29.</i></p>
29	<p>No stockpiles of as raised sand and gravel shall be stored such that they would exceed the height of the adjacent natural surrounding ground level. No processed material shall be stored within the site.</p> <p><i><u>Reason:</u> To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.</i></p>
30	<p>No material shall be imported to the site for the purpose of deposit or disposal that has not arisen from indigenous materials from within the planning permission areas of this planning permission and/or planning permission reference CHL/1019/87 (or any subsequent or superseding planning permission).</p> <p><i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
31	<p>No soil stripping or preliminary groundworks of any kind shall take place within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 or within the area north of the Restored Silt Lagoons until a programme of archaeological investigation and recording has been secured in accordance with a written scheme of investigation for each phase that has been submitted to and approved in writing by the Mineral Planning Authority for that phase. The scheme and programme of archaeological investigation and recording shall be implemented in accordance with the approved details.</p> <p><i><u>Reason:</u> To ensure that a programme of archaeological evaluation by trial trenching is approved for each phase of the proposed development. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10, DM1 and CLP policy S3 and DM15.</i></p>

32	<p>No soil stripping or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme Investigation required under condition 31 and confirmation provided by the Mineral Planning Authority that the evaluation has been completed and a mitigation strategy written defining what further work is required.</p> <p><i><u>Reason:</u> To ensure that the archaeological programme of trial trenching is undertaken to the required standard of the Mineral Planning Authority and that an agreed programme of further work has been put in place. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1 and CLP policy DM15.</i></p>
33	<p>No soil stripping or preliminary groundworks can commence on those areas identified in the mitigation strategy as containing archaeological deposits, until the satisfactory completion of fieldwork and which has been approved in writing by the Mineral Planning Authority.</p> <p><i><u>Reason:</u> To ensure that the excavation or proposed preservation is undertaken on the site. 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 CLP policy DM15.</i></p>
34	<p>Within 6 months of the completion of the fieldwork in each phase the applicant shall submit a post excavation assessment for approval in writing by the Mineral Planning Authority. 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.</p>
	<p><i><u>Reason:</u> To disseminate the information from the archaeological investigation and to comply with MLP policy S10 and DM1 and DM1 and CLP policy DM15.</i></p>
35	<p>Mitigation measures shall be undertaken such that any field drainage within the site that is disturbed, that impacts upon drainage outside does not cause impacts outside the site.</p>

	<i><u>Reason:</u> To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.</i>
36	<p>No working shall take place within 100 metres of the residential properties as shown on drawing 8720/2c dated Dec 1989, and the measures recommended in the report ref 76/89 by Moir Hands and Associates dated 29th September 1989 shall be incorporated in the submitted schemes of working and soil placement required under condition 4 and Noise Management Plan required under condition 54.</p> <p><i><u>Reason:</u> In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
37	<p>Any tree or shrub forming part of a landscaping scheme or restoration 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 approved in advance in writing by the Mineral Planning Authority.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with MLP policies S2, S10 and DM1 and CLP policy s4 and DM29.</i></p>
38	<p>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 where directed by an archaeologist or for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil has been stripped from that part and stored in accordance with the details agreed under condition 4 of this planning permission.</p> <p><i><u>Reason:</u> To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S10 and DM1.</i></p>
39	All topsoil, and soil making material shall be retained on the site.

	<p><u>Reason:</u> To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.</p>
40	<p>For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as identified in condition 49 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.</p> <p>Temporary operations giving rise to noise up to 70 dB LAeq 1hr shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.</p> <p><u>Reason:</u> In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.</p>
41	<p>The development shall be carried out in accordance with the approved Flood Risk Assessment referenced Environmental Statement Annex F – Flood Risk Assessment by Wood Environment and Infrastructure Solutions UK Limited dated May 2020.</p> <p><u>Reason:</u> To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.</p>
42	<p>During the aftercare period for land restored to arable agricultural use (not including hay making), no cultivation shall take place within 2m of any hedgerow planted as part of the restoration scheme.</p> <p><u>Reason:</u> 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</p>

43	<p>All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Applied Ecology, May 2020) submitted with the planning application. 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 operation. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.</p> <p><i><u>Reason:</u> To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
44	<p>Soil stripping shall not commence within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 ad within the area north of Restored Silt Lagoons unless the Mineral Planning Authority has been provided with either:</p> <p>a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or 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.</p> <p><i><u>Reason:</u> To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime &amp; Disorder Act 1998 and in accordance. 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
45	<p>No development within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 and the area north of the Restored Silt Lagoon until a Reptile Mitigation Strategy</p>



	<p>addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Mineral Planning Authority. The Reptile Mitigation Strategy shall include the following.</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed works.</li> <li>b) Review of site potential and constraints.</li> <li>c) Detailed design(s) and/or working method(s) to achieve stated objectives.</li> <li>d) Extent and location/area of proposed works on appropriate scale maps and plans.</li> <li>e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.</li> <li>f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</li> <li>g) Persons responsible for implementing the works.</li> <li>h) Details of initial aftercare and long-term maintenance of the Receptor area(s).</li> <li>i) Details for monitoring and remedial measures.</li> <li>j) Details for disposal of any wastes arising from works.</li> </ul> <p>The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p><i><u>Reason:</u> To allow the LPA to discharge its duties under the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
46	<p>Prior to soil stripping within Phases 1 to 8 within each phase as shown on drawing 60548237.BL.007 and within Phases F to H as shown on drawing 60548237.BL.008 and within the area north of the Restored Silt Lagoons a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing in by the Mineral Planning Authority. The CEMP (Biodiversity) shall include the following.</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities:</li> <li>b) Identification of “biodiversity protection zones”.</li> <li>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).</li> </ul>

	<p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the development period strictly in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.</p> <p><i><u>Reason:</u> To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
47	<p>Prior to soil stripping within Phases 1 to 8 within each phase as shown on drawing 60548237.BL.007 and within Phases F to H as shown on drawing 60548237.BL.008 and within the area north of Restored Silt Lagoons a Farmland Bird Mitigation Strategy, with an update for each period of soil stripping, shall be submitted to and approved by the Mineral Planning Authority to compensate for the loss of any farmland bird territories particularly Skylark and Yellowhammer. This shall include provision of the evidenced number of Skylark nest plots or other measures, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.</p> <p>The content of the Farmland Bird Mitigation Strategy shall include the following:</p> <p>a) Purpose and conservation objectives for the proposed measures e.g. nest plots;</p> <p>b) detailed methodology for the measures e.g. nest plots</p> <p>c) locations of the plots by appropriate maps and/or plans;</p>

	<p>d) persons responsible for implementing the compensation measure.</p> <p>The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.”</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
48	<p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority within 3 months of the date of this planning permission. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed enhancement measures;</li> <li>b) detailed designs to achieve stated objectives;</li> <li>c) locations of proposed enhancement measures by appropriate maps and plans;</li> <li>d) persons responsible for implementing the enhancement measures;</li> <li>e) Description and evaluation of the features to be managed.</li> <li>f) Ecological trends and constraints on site that might influence management.</li> <li>g) Aims and objectives of management.</li> <li>h) Appropriate management options for achieving aims and objectives.</li> <li>i) Prescriptions for management actions.</li> <li>j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</li> <li>k) Details of the body or organisation responsible for implementation of the plan.</li> <li>l) Ongoing monitoring and remedial measures.</li> </ul>

	<p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p><i><u>Reason:</u> To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>																				
49	<p>Except for temporary operations, the free field Equivalent Continuous Noise Level (<math>L_{Aeq}</math>, 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 19:00** Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the <math>L_{Aeq}</math> 1hr levels as set out below:</p> <table> <tr> <th><u>Location*</u></th><th><u>Criterion</u> <u>dBL<sub>Aeq</sub> 1hr</u></th></tr> <tr> <td>Holts Lane (R01)</td><td>49</td></tr> <tr> <td>Wallaces Farm Cottages (R02)</td><td>53</td></tr> <tr> <td>Brick House Farm (R03)</td><td>55</td></tr> <tr> <td>Fishing Lakes (R04)</td><td>55</td></tr> <tr> <td>Walford Farm House and Mount Maskall (R05)</td><td>47</td></tr> <tr> <td>Park Farm Cottage - when occupied (R06)</td><td>48</td></tr> <tr> <td>New Hall School (R07)</td><td>51</td></tr> <tr> <td>Generals Lane (Bulls Lodge Cottages)</td><td>51</td></tr> <tr> <td>Beaulieu Park (R08)</td><td>51</td></tr> </table>	<u>Location*</u>	<u>Criterion</u> <u>dBL<sub>Aeq</sub> 1hr</u>	Holts Lane (R01)	49	Wallaces Farm Cottages (R02)	53	Brick House Farm (R03)	55	Fishing Lakes (R04)	55	Walford Farm House and Mount Maskall (R05)	47	Park Farm Cottage - when occupied (R06)	48	New Hall School (R07)	51	Generals Lane (Bulls Lodge Cottages)	51	Beaulieu Park (R08)	51
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	<p>Park Farm - when occupied (R09) 46</p> <p>Greenacres, Domsey Lane (R10) 51</p> <p>Cranham Road, travellers site (R11) 55</p> <p>Boscombe (R12) 55</p> <p>Russel Green (R13) 55</p> <p>The Channels (R14) 53</p> <p>*References in brackets refer to drawing “Figure 1 – Baseline noise monitoring positions and sensitive receptor locations” from Annex D of Environmental Statement dated November 2020.</p> <p>** Operations between 18:00 and 19:00 Monday to Friday is only permitted until 31 October 2024 see condition 14.</p> <p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.</i></p>
50	<p>The free field Equivalent Continuous Noise Level (<math>L_{Aeq}</math>, 1 hr) at noise sensitive locations listed in condition 49, due to operations at the site between 06:00 and 07:00 Monday to Saturdays and 19:00 to 22:00 Monday to Friday* shall not exceed 42 <math>L_{Aeq}</math> 1hr.</p> <p>*Operation of the processing plant during 19:00 to 22:00 only permitted until 31 October 2024.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.</i></p>
51	<p>Noise levels shall be monitored at three monthly intervals from the date of this planning permission at noise sensitive properties to be agreed in advance in writing by the Mineral Planning Authority. The results of the</p>

	<p>monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and shall at the request of the Mineral Planning Authority include an additional monitoring period between 0600 and 0700. The results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.</p> <p><u>Reason:</u> <i>In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.</i></p>
52	<p>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.</p> <p><u>Reason:</u> <i>In the interests of local amenity and to comply with MLP policy DM1and CLP policy DM29.</i></p>
53	<p>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, equipment and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.</p> <p><u>Reason:</u> <i>In the interests of local amenity and to comply with MLP policy DM1and CLP policy DM29.</i></p>
54	<p>Within 3 months of the date of this planning permission a noise management plan shall be submitted to and approved in writing by the Mineral Planning Authority. The noise management plan shall contain the following:</p> <ul style="list-style-type: none"> <li>• Survey locations</li> </ul>

	<ul style="list-style-type: none"> <li>Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded</li> <li>Complaint response protocols</li> <li>Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 49, 50 and 51.</li> <li>Procedures for characterising extraneous versus site attributable noise.</li> </ul> <p>The noise management plan shall be implemented in accordance with approved details.</p> <p><i><u>Reason:</u> In the interests of amenity and to comply with MLP policy DM1 and CLP policy DM29.</i></p>										
55	<p>The Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021 shall be implemented throughout the life of the development.</p> <p><i><u>Reason:</u> To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and CLP policy DM29.</i></p>										
56	<p>Embedded mitigation for environmental issues shall be in accordance with the details set out in the Environmental Statement, in particular the development shall be in accordance with the following:</p> <table> <thead> <tr> <th><b>Environmental Issue</b></th><th><b>Section of Environmental Statement</b></th></tr> </thead> <tbody> <tr> <td>Landscape and Visual</td><td>Annex A Section 5 by Aecom dated November 2020</td></tr> <tr> <td>Ecology and biodiversity</td><td>Annex B Section 6 by Applied Ecology Ltd dated 19 May 2020.</td></tr> <tr> <td>Noise</td><td>Annex D Section 6 by Aecom dated November 2020</td></tr> <tr> <td>Hydrology and Hydrogeology</td><td>Annex E Section 7 by Wood Environment &amp; Infrastructure Solutions UK Ltd May 2020.</td></tr> </tbody> </table>	<b>Environmental Issue</b>	<b>Section of Environmental Statement</b>	Landscape and Visual	Annex A Section 5 by Aecom dated November 2020	Ecology and biodiversity	Annex B Section 6 by Applied Ecology Ltd dated 19 May 2020.	Noise	Annex D Section 6 by Aecom dated November 2020	Hydrology and Hydrogeology	Annex E Section 7 by Wood Environment & Infrastructure Solutions UK Ltd May 2020.
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	<i><u>Reason:</u> To minimise the risk of to the water environment, in the interests of local amenity, in the interest of biodiversity and to comply with MLP policies S10 and DM1 and CLP policies S4, DM16, DM18 and DM30.</i>
57	<p>From the date of this permission the operators shall maintain records of their quarterly output and shall make them available to the Mineral Planning Authority within 14 days of a written request.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policy S1, S6, S12 and DM1.</i></p>
58	<p>The surfaced section of the access road between the processing plant area and the public highway shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.</p> <p><i><u>Reason:</u> In the interest of highway safety, to prevent material being taken onto the public highway and to comply with MLP policies S11 and DM1.</i></p>
59	<p>No loaded Heavy Goods Vehicle shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 500mm in diameter.</p> <p><i><u>Reason:</u> In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1.</i></p>
60	<p>Within 3 months of the date of this planning permission signs have been erected on both sides of the haul route at the point where Footpath Boreham 16 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.</p> <p><i><u>Reason:</u> In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S11 and DM1.</i></p>



61	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 6 metres from the nearside edge of the carriageway.</p> <p><i><u>Reason:</u> In the interests of highway safety and to comply with MLP policies S11 and DM1</i></p>
62	<p>No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><i><u>Reason:</u> To minimise the nuisance and disturbances to neighbours and to comply with MLP policy DM1 and CLP policy DM29.</i></p>
63	<p>All topsoil, subsoil and soil making material shall be retained on the site and used in restoration of the site.</p> <p><i><u>Reason:</u> To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S12 and DM1</i></p>
64	<p>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.</p>

	<i><u>Reason:</u> To minimise the risk of pollution to water courses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.</i>
65	<p>Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.</p> <p><i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.</i></p>
66	<p>All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.</p> <p><i><u>Reason:</u> To ensure the restored land is for agricultural use is not impeded and to comply with MLP policies S12 and DM1.</i></p>
67	<p>The development hereby permitted shall be carried out in accordance with processing plant details as approved on 25 November 1993 under condition 9 of CHL/1890/87 (application reference CHL/1890/87/09/01). The processing plant details are set out in the application letter dated 19 March 1993 and subsequent letters dated 27 September 1993, Visual Appraisal Report by Landscape Planning Associates and the following drawings:</p> <ul style="list-style-type: none"> <li>• 658/PL001/Rev0 dated 4/01/1993 - Flow diagram of the proposed processing plant</li> <li>• 658/PL002/Rev1 dated 8/01/1993 – Site Plan and insets showing lines of elevations and approach line of field conveyor and bridge conveyor</li> <li>• 658/PL003/Rev1 dated 13/01/1993 – Sectional Elevations through plant</li> <li>• LPA/PA/BL/vis A-A</li> <li>• LPA/PA/BL/vis B-B</li> <li>•</li> </ul>

	<i><u>Reason:</u> To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1, and CLP policies DM29 and DM30.</i>
68	<p>The number of Heavy Good Vehicles (Heavy Goods Vehicles shall have a gross vehicle weight of 7.5 tonnes or more) movements in and out of the site during the hours of 0730 to 0900 and 1630 to 1800 shall not exceed 60 movements per hour on Mondays to Fridays.</p> <p><i><u>Reason:</u> To minimise the traffic impact on the Boreham interchange and Radial Distributor Road in the interests of highway safety and to comply with MLP policies S11 and DM1.</i></p>
69	<p>When subsoil is to be retained for restoration purposes it shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse.</p> <p><i><u>Reason:</u> To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.</i></p>
70	<p>The access road between the public highway and the plant area, as shown on the working plan drawing. no. 8720/2C as amended by planning application ref. CHL/1855/90 shall be hard surfaced in concrete, asphalt or bituminous macadam for its total length and maintained free from potholes.</p> <p><i><u>Reason:</u> In the interest of highway safety, to prevent deleterious material being taken onto the public highway and to comply with MLP policies S1, S11 and DM1, and CLP policy DM29.</i></p>
71	<p>Within 1 year of the date of this planning permission restoration details shall be submitted to the Mineral Planning Authority for approval in writing for those areas identified on drawing no. 60548237.BL.010 Rev A to be restored to species rich grassland, wildflower meadow, grassland, water shallows, reedbeds, water bodies and islands. The restoration details shall include details of ground preparation, seeding/planting mixes and timetable for implementation. The restoration details shall be implemented in accordance with the approved details.</p>

	<p><i><u>Reason:</u> To ensure the beneficial restoration of the site to biodiversity including wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policy S4, DM16 and DM29.</i></p>
72	<p>Extraction of minerals within phases 1 to 8 as shown on drawing no. 60548237.BL.007 shall cease by 31 December 2029 and phases 1 to 8 restored by 31 December 2030. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within of phases 1 to 8 shall be removed by 31 December 2039. Extraction of minerals with Phases F, G and H as shown on drawing no. 60548237.BL.005 Rev A shall cease by the 31 December 2039. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within of phases F, G and H shall be removed by 31 December 2041. Extraction of minerals shown on drawing no. 60548237.BL005 Rev A shall cease by the 31 December 2039. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within the area north of the Restored Silt Lagoons shall be removed by 31 December 2041.</p> <p><i><u>Reason:</u> To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies s12 and DM1 and CLP policy DM29.</i></p>
73	<p>Prior to mineral extraction within phases F, G and H as shown on drawing no. 60548237.BL.005 Rev A and within the area north of the Restored Silt Lagoons details shall be submitted to and approved in writing by the Mineral Planning Authority of the method of transportation of as raised material from the extraction areas to the processing plant area. The transport of material shall be in accordance with approved details</p> <p><i><u>Reason:</u> In the interests of local amenity, to ensure control of the development by the mineral Planning Authority and to comply with MLP policy DM1 and CLP policy DM29.</i></p>
74	<p>Within 3 years of the date of this planning permission the timing and details of working of the mineral within the area north of the Restored Silt Lagoons labelled Phases Ad, Ab and Ac on drawing 8720/2C dated Nov</p>

	<p>1989 shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include measures to address the electricity infrastructure including pylons that lies within the extraction area. The mineral shall be extracted in accordance with the approved details.</p> <p><u>Reason:</u> <i>To ensure the all the permitted reserve forming part of the County's sand and gravel landbank at Bulls Lodge Quarry is extracted and in accordance with MLP policy S8.</i></p>
75	<p>The top soil storage bund located on the southern edge of Phases 7 and 8 as shown on drawing no. 60548237.BL.007 shall be put in place prior to mineral extraction within phase 3 and shall be retained for as long as practical, without resulting in the sterilisation of mineral located below the topsoil storage bund.</p> <p><u>Reason:</u> <i>In the interests of local amenity and in accordance with MLP policy DM1 and CLP policy DM29.</i></p>

## Conditions for ESS/148/20/CHL Airfield

Condition number	Condition & reason
1	<p>The development hereby permitted shall be considered to have commenced from the date of this decision notice.</p> <p><i>Reason: Because the application is part retrospective and to comply with section 91 of the Town and Country Planning Act 1990 (as amended).</i></p>
2	<p>The development hereby permitted shall be carried out in accordance with the details of the application dated 12 June 1987 (Planning Application Ref. CHL/1019/87), Supporting Statement dated 1988 and letter dated 21<sup>st</sup> November 1989, together with the following drawing numbers:</p> <ul style="list-style-type: none"> <li>• Drawing No. AD 3874 – Application Site (GE ‘1’) dated July 1987</li> <li>• 8669/2a Restoration Plan dated December 1988</li> <li>• 8720/2c Working Plan dated November 1989</li> <li>• JAB 1 Proposed Afteruses dated 21 Nov 1989</li> </ul> <p>As amended by</p> <p>Non-material amendment application ref. CHL/1019/97/NMA1 dated 21 June 2016 and drawing B215r/376 dated December 2015 entitled “Phasing Plan”</p> <p>As amended by</p> <p>Planning application reference ESS/148/20/CHL dated 21 December 2020, together with the following drawings:</p>

	<ul style="list-style-type: none"> <li>• 60548237.BL.001 Site Location</li> <li>• 60548237.BL.002 Planning Permission Boundaries</li> <li>• 60548237.BL.003 Designations and Surrounding Developments</li> <li>• 60548237.BL.004 Existing Site Topography</li> <li>• 60548237.BL.005 Rev A Summary of Extraction and Restoration Phasing 2020</li> <li>• 60548237.BL.006 Boreham Airfield</li> <li>• 60548237.BL.007 Park Farm Proposed Mineral Extraction Phasing</li> <li>• 60548237.BL.008 Brick Farm Proposed Mineral Extraction Phasing</li> <li>• 60548237.BL.009 Cross Section of Proposed Conveyor</li> <li>• 60548237.BL.010 Rev A Restoration Master Plan Park Farm Permission</li> <li>• 60548237.BL.011 Rev A Park Farm Restoration Detail</li> <li>• 60548237.BL.012 Park Farm Cross Sections AA-FF</li> <li>• 60548237.BL.013 Park Farm Southern Boundary Treatment</li> </ul> <p>and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority, except as varied by the following conditions:</p> <p><i><u>Reason:</u> For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan adopted 2014 (MLP) policies S1, S2, S8, S11, S10, S12, DM1 and Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S9, S10, Strategic Growth Policy 6, DM13, DM14, DM15, DM16, DM17, DM18, DM29, and DM30.</i></p>
3	Extraction of minerals shall cease by 31 December 2034. All buildings/structures/roads/plant and machinery used in connection with the development hereby permitted shall be removed and the site restored by 31 December 2035.

	<i><u>Reason:</u> To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S3, S4, DM13, DM14, DM16, , DM17, DM29 and DM30.</i>
4	<p>Prior to commencement of soil stripping in each phase a scheme of soil stripping and placement shall be submitted to and approved by the Mineral Planning Authority. Each soil stripping scheme shall be in accordance with the phasing drawing 60548237.BL.006 dated May 2020 . The soil stripping and placement scheme shall identify where soils will be stripped and placed into storage and/or where direct placement is expected. The soil stripping and placement shall be in accordance with approved details.</p> <p><i><u>Reason:</u> 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 and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM18, DM29 and DM30.</i></p>
5	<p>The development hereby permitted shall be implemented in accordance with the Water Monitoring Scheme approved on 22 March 1994 approved under condition 5 of planning permission CHL/1019/87. The approved Water Monitoring Scheme (CHL/1019/87/05/01) is set out in letter dated 7 December 1992 and the report “Water Management Scheme – Phase 1 Monitoring” Report Ref: PA/BO/JA/903/01a dated November 1992. In addition the development hereby permitted shall also be implemented in accordance with the Water Management Scheme approved on 16 May 1995 under condition 5 of planning permission CHL/1019/87. The approved Water Management Scheme (Ref CHL/1019/87/05/02) is set out in letter dated 14 September 1994 from Pioneer, letter dated 1 May 1995 from Pioneer and the technical report “A Water Management Scheme for Bulls Lodge Quarry” Report reference: PA/BO/PS/535/01 dated August 1994.</p> <p><i><u>Reason:</u> To minimise the risk of pollution to water courses and aquifers to monitor effectiveness of groundwater safeguarding measures and to comply with MLP policies S10 and DM1 and CLP policies DM18 and DM30.</i></p>
6	The development hereby permitted shall be implemented in accordance with the landscape planting scheme for the boundaries of the site approved on 5 March 1993 under condition 7 of planning permission



	<p>CHL/1019/87. The approved details are set out on drawing LPA/PA/BL/LMP 1B superimposed on Drawing 8720/2c dated Dec 1990 entitled “Landscape Master Plan Perimeter Planting” and the subsequently approved detail planting schemes approved under condition 8 of planning permission CHL/1019/87.</p> <p><i><u>Reason:</u> 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 MLP policies S2, S10, S12 and DM1 and CLP policy DM29.</i></p>
7	<p>Any building, plant, machinery, foundation, hard standing, 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 in any case not later than 31 December 2035. By the 31 December 2035 the site shall be restored in accordance with the Reclamation Master Plan approved on 31 March 1995 under condition 6 of planning permission CHL/1890/87. The approved Reclamation Master Plan details are set out in the application letter dated 21 October 1994 (application reference CHL/1890/87/6), including document “Bulls Lodge Quarry, Boreham – Reclamation Master Plan” dated October 1994 and drawings Plan 1 – Rev A. 1 Reclamation Master Plan (drawing no. LPA/PA/8L REV A.1) dated 5 September 1994.</p> <p><i><u>Reason:</u> 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 and to comply with MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.</i></p>
8	<p>Notwithstanding the provisions 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 building, structure, fixed plant or machinery other than hydraulic excavator, dragline or plant for movement of materials shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.</p>

	<i><u>Reason:</u> 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 policies S2, S10, S12, DM1, DM3 and DM4 and CLP policy DM29.</i>
9	<p>The phasing of winning or working of minerals of the site shall be carried out in accordance with the phasing drawing 60548237.BL.006 dated May 2020.</p> <p><i><u>Reason:</u> To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.</i></p>
10	<p>Mineral extraction shall not take place within more than one phase at any one time or the equivalent area of one phase at any one time. Within 12 months of the respreading of topsoils the restored area shall be brought into beneficial afteruse for either agriculture, woodland or biodiversity.</p> <p><i><u>Reason:</u> To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.</i></p>
11	<p>The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping topsoils from any part of the site or new phase of working.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to comply with MLP policies S10, S12 and DM1.</i></p>
12	No minerals extracted under this permission shall be transported to the plant site other than by ground conveyor shown on drawing no. 60548237.BL.006 dated May 2020.

	<p><i><u>Reason:</u> To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policy DM29.</i></p>
13	<p>Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), other than water pumping and environmental monitoring, no operations including temporary shall be carried out outside of the following times:</p> <p>0700 hours to 1800 hours Monday to Friday; and; 0700 hours to 1300 hours Saturdays.</p> <p>and at no other times, including on Sundays, Bank or Public Holidays.</p> <p><i><u>Reason:</u> In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
14	<p>The site shall be worked in accordance with the applicant's submitted schemes of soil handling as revised by Messrs D K Symes Associates' letter dated the 9 January 1990 and enclosures, except as amended by the conditions of this permission.</p> <p><i><u>Reason:</u> To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S2, S10 and DM1.</i></p>
15	<p>No extraction or temporary storage of materials shall take place within 10 metres of any watercourse. No material or mineral waste shall be tipped or deposited within any watercourse or culvert.</p> <p><i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM18 and DM30.</i></p>

16	<p>Prior to placement of soils for restoration, drawings shall be provided identifying those areas for restoration. Following placement of soils a levels survey shall be provided to confirm restoration contours are in accordance with drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan (dated 5 September 1994.. The placement of soils and overburden shall be in accordance with the method detailed in figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988 by Reading Agricultural Consultants".</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.</i></p>
17	<p>No topsoil, shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:</p> <ul style="list-style-type: none"> <li>(a) During the months November to March (inclusive) unless otherwise approved in writing by the Mineral Planning Authority.</li> <li>(b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or</li> <li>(c) When there are pools of water on the soil surface.</li> </ul> <p>Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment 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.</p> <p><i><u>Reason:</u> To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with MLP Policies S10, S12, DM1.</i></p>

18	<p>Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated substitute subsoil/overburden. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.</p> <p><i><u>Reason:</u> To minimise structural damage and compaction of the soil, to aid the final restoration of the site and to comply with MLP Policies, S10, S12, and DM1.</i></p>
19	<p>Weathered Calcareous Overburden identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately respread over the replaced overburden. If this respreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement. Use and placement of Calcareous Overburden shall be in accordance with the method detailed at figure 1 of the “Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988” (Reading Agricultural Consultants).</p> <p><i><u>Reason:</u> 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 S10, S12 and DM1.</i></p>
20	<p>Topsoil and subsoil substitute shall be stored in separate mounds which shall:</p> <ul style="list-style-type: none"> <li>a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil's;</li> <li>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;</li> <li>c) Not be subsequently moved or added to until required for restoration;</li> <li>d) Have a minimum 1 metre standoff, undisturbed around each storage mound;</li> <li>e) Comprise topsoils on like-texture topsoils and like-texture subsoil's;</li> <li>f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material.</li> </ul>

	<i><u>Reason:</u> 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 S10, S12 and DM1.</i>
21	<p>All storage mounds intended to remain in situ for more than 6 months shall be grassed seeded and complete grass sward maintained. The seed mixture and application rates shall be submitted to and approved by the Mineral Planning Authority in writing no less than 1 month before the expected completion of the formation of the storage mounds/bunds.</p> <p><i><u>Reason:</u> 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 S10, S12 and DM1.</i></p>
22	<p>Upon reclamation the minimum settled depth of subsoil substitute and topsoil shall be 1m.</p> <p><i><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.</i></p>
23	<p>The subsoil substitute is to be spread to an even depth over the restored overburden so as to follow the final contours in accordance with drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan" dated 5 September 1994.</p> <p><i><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.</i></p>
24	<p>The topsoil is to be spread to a minimum depth of 30cm in areas to be restored to agriculture.</p> <p><i><u>Reason:</u> To aid the final restoration of the site and to comply MLP policies S10 and S12.</i></p>
25	An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural , woodland and amenity use shall be submitted to and approved in writing by the Mineral Planning

	<p>Authority prior to commencement of topsoil placement of topsoil in phase 1 as shown on drawing B215r/376 (approved under ref CHL/1019/87/NMA). The submitted scheme shall:</p> <p>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.</p> <p>b. Provide for a detailed annual programme, in accordance with Paragraph 58 of the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.</p> <p>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.</p> <p>The development shall be implemented in accordance with the approved aftercare scheme.</p> <p><i><u>Reason:</u> To ensure the beneficial restoration of the site to agriculture, woodland and amenity and in accordance with MLP policies S1, S10, S12 and DM1 and CCP policies and CLP policy DM29.</i></p>
26	<p>All vehicular access and egress to and from the site shall be via Roundabout 5 of the Radial Distributor Road and the private access road indicated on drawing ref. no. 8720/2C dated November 1989 and via the access road as permitted by the Park Farm &amp; Brick Farm permission Ref. CHL/1890/87 and CHL/1855/90 (and any subsequent superseding variations).</p> <p><i><u>Reason:</u> In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and CLP policy DM29.</i></p>
27	<p>No stockpiles of as raised sand and gravel shall be stored such that they would exceed the height of the adjacent natural surrounding ground level. No processed material shall be stored within the site.</p>

	<i><u>Reason:</u> To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.</i>
28	<p>No material shall be imported to the site for the purpose of deposit or disposal that has not arisen from indigenous materials from within the planning permission areas of this planning permission and/or planning permission reference CHL/1890/87 (or any subsequent superseding planning permission).</p> <p><i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i></p>
29	<p>No soil stripping or preliminary groundworks or of any kind shall take place within the western halves of Phases 14, 15 and 16 (as shown on drawing B215r/463 dated June 2022) or within phases 17 to 20 (as shown on drawing no. 60548237.BL.006 dated May 2020) until a programme of archaeological investigation and recording has been secured in accordance with a written scheme of investigation for each phase that has been submitted to and approved in writing by the Mineral Planning Authority for that phase. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development in each phase hereby permitted hereby permitted or any preliminary groundworks.</p> <p><i><u>Reason:</u> To ensure that a programme of archaeological evaluation by trial trenching is approved for each phase of the proposed development. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10, DM1 and CLP policy S3 and DM15.</i></p>
30	<p>No soil stripping or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme Investigation required under condition 29 and confirmation provided by the Mineral Planning Authority that the evaluation has been completed and a mitigation strategy written defining what further work is required.</p>



	<i><u>Reason:</u> To ensure that the archaeological programme of trial trenching is undertaken to the required standard of the Mineral Planning Authority and that an agreed programme of further work has been put in place. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1 and CLP policy DM15.</i>
31	<p>No soil stripping or preliminary groundworks can commence on those areas identified in the mitigation strategy as containing archaeological deposits, until the satisfactory completion of fieldwork and which has been approved in writing by the Mineral Planning Authority.</p> <p><i><u>Reason:</u> To ensure that the excavation or proposed preservation is undertaken on the site. 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 CLP policy DM15.</i></p>
32	<p>Within 6 months of the completion of the fieldwork in each phase the applicant shall submit a post excavation assessment for approval in writing by the Mineral Planning Authority.</p> <p>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.</p>
	<i><u>Reason:</u> To disseminate the information from the archaeological investigation and to comply with MLP policy S10 and DM1 and DM1 and CLP policy DM15.</i>
33	Mitigation measures shall be undertaken such that any field drainage within the site that is disturbed, that impacts upon drainage outside does not cause impacts outside the site.
	<i><u>Reason:</u> To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18..</i>
34	No working shall take place within 100 metres of the residential properties as shown on drawing 8720/2b dated Dec 1988, and the measures recommended in the report ref 76/89 by Moir Hands and Associates dated

	29th September 1989 shall be incorporated in the submitted schemes of working and restoration required under condition 4.
	<i><u>Reason:</u> In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i>
35	Any tree or shrub forming part of a landscaping scheme or restoration 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 approved in advance in writing by the Mineral Planning Authority
	<i><u>Reason:</u> In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with MLP policies S2, S10 and DM1 and CLP policy s4 and DM29..</i>
36	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 where directed by an archaeologist or for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil has been stripped from that part and stored in accordance with the details agreed under condition 4 of this planning permission.
	<i><u>Reason:</u> To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S10 and DM1.</i>
37	All topsoil, and soil making material shall be retained on the site.
	<i><u>Reason:</u> To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.</i>
38	Noise levels shall be monitored at 6 monthly intervals from the date of this planning permission at Noise Monitoring Locations defined in condition 35. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at

	least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.
	<i><u>Reason:</u> In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29..</i>
39	<p>For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise locations as identified in condition 50 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.</p> <p>Temporary operations giving rise to noise up to 70 dB LAeq 1hr shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.</p>
	<i><u>Reason:</u> In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.</i>
40	The development shall be carried out in accordance with the approved Flood Risk Assessment referenced Environmental Statement Annex F – Flood Risk Assessment by Wood Environment and Infrastructure Solutions UK Limited dated May 2020
	<i><u>Reason:</u> To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.</i>
41	No soil stripping shall take place in within the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 and each subsequent Phases 17 to 20 ) unless an ecological assessment has been undertaken within the previous 24 months. The ecological assessment shall confirm whether or not protected species would be adversely affected by the soil stripping and associated removal of trees or

	hedgerows and shall provide for appropriate mitigation and shall be submitted to and approved in writing by the Mineral Planning Authority. The appropriate mitigation shall be implemented in accordance with the approved details.
	<i><b>Reason:</b> 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 policies S10 and DM1 and CLP policy S4 and DM16.</i>
42	During the aftercare period for land restored to arable agricultural use (not including hay making), no cultivation shall take place within 2m of any hedgerow planted as part of the restoration scheme.
	<i><b>Reason:</b> 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i>
43	<p>All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Applied Ecology, May 2020) submitted with the planning application. 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 operation. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.</p> <p><i><b>Reason:</b> To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>

44	<p>Soil stripping shall not commence in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 unless the Mineral Planning Authority has been provided with either:</p> <ul style="list-style-type: none"> <li>a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or</li> <li>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.</li> </ul> <p><b>Reason:</b> <i>To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime &amp; Disorder Act 1998 and in accordance. 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
45	<p>No development within the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Mineral Planning Authority.</p> <p>The Reptile Mitigation Strategy shall include the following.</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed works.</li> <li>b) Review of site potential and constraints.</li> <li>c) Detailed design(s) and/or working method(s) to achieve stated objectives.</li> <li>d) Extent and location/area of proposed works on appropriate scale maps and plans.</li> <li>e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.</li> <li>f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</li> <li>g) Persons responsible for implementing the works.</li> <li>h) Details of initial aftercare and long-term maintenance of the Receptor area(s).</li> <li>i) Details for monitoring and remedial measures.</li> <li>j) Details for disposal of any wastes arising from works.</li> </ul>

	<p>The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p><i>Reason: To allow the LPA to discharge its duties under the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
46	<p>Prior to soil stripping in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing in by the Mineral Planning Authority.</p> <p>The CEMP (Biodiversity) shall include the following.</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities.</li> <li>b) Identification of “biodiversity protection zones”.</li> <li>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).</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.</p>

	<p><i><u>Reason:</u> To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
47	<p>Prior to soil stripping in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 a Farmland Bird Mitigation Strategy, with an update for each period of soil stripping, shall be submitted to and approved by the Mineral Planning Authority to compensate for the loss of any farmland bird territories particularly Skylark and Yellowhammer. This shall include provision of the evidenced number of Skylark nest plots or other measures, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed measures e.g. nest plots;</li> <li>b) detailed methodology for the measures e.g. nest plots</li> <li>c) locations of the plots by appropriate maps and/or plans;</li> <li>d) persons responsible for implementing the compensation measure.</li> </ul> <p>The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
48	<p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority within 3 months of the date of this planning permission.</p>

	<p>The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed enhancement measures;</li> <li>b) detailed designs to achieve stated objectives;</li> <li>c) locations of proposed enhancement measures by appropriate maps and plans;</li> <li>d) persons responsible for implementing the enhancement measures;</li> <li>e) Description and evaluation of the features to be managed.</li> <li>f) Ecological trends and constraints on site that might influence management.</li> <li>g) Aims and objectives of management.</li> <li>h) Appropriate management options for achieving aims and objectives.</li> <li>i) Prescriptions for management actions.</li> <li>j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</li> <li>k) Details of the body or organisation responsible for implementation of the plan.</li> <li>l) Ongoing monitoring and remedial measures.</li> </ul> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”</p> <p><i><u>Reason:</u> To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats &amp; species). 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 policies S10, S12 and DM1 and CLP policy S4 and DM16.</i></p>
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49	<p>Within 3 months of the date of this permission a programme of historic building recording commensurate with Historic England “Level 2 Record” as set out in <i>Understanding Historic Buildings, Historic England</i> (2016) for the Former Watch Office at RAF Boreham and Concrete Blocks at the Former RAF Boreham, has been submitted to and approved in writing by the Mineral Planning Authority. A bound hard copy and digital copy of the recording report will be deposited with the County Historic Environment Record prior to the completion of the works, or within three months of the recording survey being completed, whichever is the sooner.</p> <p><i><u>Reason:</u> To ensure that the heritage of the Airfield is recorded and in accordance with MLP policy DM1 and CLP policy DM14.</i></p>																												
50	<p>Except for temporary operations, the free field Equivalent Continuous Noise Level (<math>L_{Aeq}</math>, 1 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 <math>L_{Aeq}</math> 1hr levels as set out below:</p> <table> <tr> <th><u>Location*</u></th><th><u>Criterion</u> <u>dBL<sub>Aeq</sub> 1hr</u></th></tr> <tr> <td>Holts Lane (R01)</td><td>49</td></tr> <tr> <td>Wallaces Farm Cottages (R02)</td><td>53</td></tr> <tr> <td>Brick House Farm (R03)</td><td>55</td></tr> <tr> <td>Fishing Lakes (R04)</td><td>55</td></tr> <tr> <td>Walford Farm House and Mount Maskall (R05)</td><td>47</td></tr> <tr> <td>Park Farm Cottage - when occupied (R06)</td><td>48</td></tr> <tr> <td>New Hall School (R07)</td><td>51</td></tr> <tr> <td>Generals Lane (Bulls Lodge Cottages)</td><td>51</td></tr> <tr> <td>Beaulieu Park (R08)</td><td>51</td></tr> <tr> <td>Park Farm - when occupied (R09)</td><td>46</td></tr> <tr> <td>Greenacres, Domsey Lane (R10)</td><td>51</td></tr> <tr> <td>Cranham Road, travellers site (R11)</td><td>55</td></tr> <tr> <td>Boscombe (R12)</td><td>55</td></tr> </table>	<u>Location*</u>	<u>Criterion</u> <u>dBL<sub>Aeq</sub> 1hr</u>	Holts Lane (R01)	49	Wallaces Farm Cottages (R02)	53	Brick House Farm (R03)	55	Fishing Lakes (R04)	55	Walford Farm House and Mount Maskall (R05)	47	Park Farm Cottage - when occupied (R06)	48	New Hall School (R07)	51	Generals Lane (Bulls Lodge Cottages)	51	Beaulieu Park (R08)	51	Park Farm - when occupied (R09)	46	Greenacres, Domsey Lane (R10)	51	Cranham Road, travellers site (R11)	55	Boscombe (R12)	55
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	<p>Russel Green (R13) 55 The Channels (R14) 53</p> <p>*References in brackets refer to drawing “Figure 1 – Baseline noise monitoring positions and sensitive receptor locations” from Annex D of Environmental Statement dated November 2020</p> <p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.</i></p>
51	<p>For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties listed in condition 50 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.</p> <p>Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, soil stripping and replacement 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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.</i></p>
52	<p>The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed in condition 50, due to operations at the site between 06:00 and 0700 Monday to Saturdays shall not exceed 42 LAeq 1hr.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.</i></p>

53	<p>Noise levels shall be monitored at three monthly intervals from the date of this planning permission at noise sensitive properties to be agreed in advance in writing by the Mineral Planning Authority. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and shall at the request of the Mineral Planning Authority include an additional monitoring period between 0600 and 0700. The results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.</p> <p><u>Reason:</u> <i>In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.</i></p>
54	<p>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.</p> <p><u>Reason:</u> <i>In the interests of local amenity and to comply with MLP policy DM1and CLP policy DM29.</i></p>
55	<p>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, equipment and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.</p> <p><u>Reason:</u> <i>In the interests of local amenity and to comply with MLP policy DM1and CLP policy DM29.</i></p>

56	<p>Within 3 months of the date of this planning permission a noise management plan shall be submitted to and approved in writing by the Mineral Planning Authority. The noise management plan shall contain the following:</p> <ul style="list-style-type: none"> <li>• Survey locations</li> <li>• Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded</li> <li>• Complaint response protocols</li> <li>• Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 50, 51 and 52.</li> <li>• Procedures for characterising extraneous versus site attributable noise.</li> </ul> <p>The noise management plan shall be implemented in accordance with approved details.</p> <p><u><i>Reason:</i></u> <i>In the interests of amenity and to comply with MLP policy DM1and CLP policy DM29.</i></p>
57	<p>The Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021 shall be implemented throughout the life of the development.</p> <p><u><i>Reason:</i></u> <i>To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1and CLP policy DM29.</i></p>
58	<p>The development shall be implemented in accordance with the Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021.</p> <p><u><i>Reason:</i></u> <i>In the interests of amenity_and to comply with MLP policy DM1and CLP policy DM29.</i></p>
59	<p>Within 6 months of the date of this permission an interim restoration and management scheme shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall include:</p>

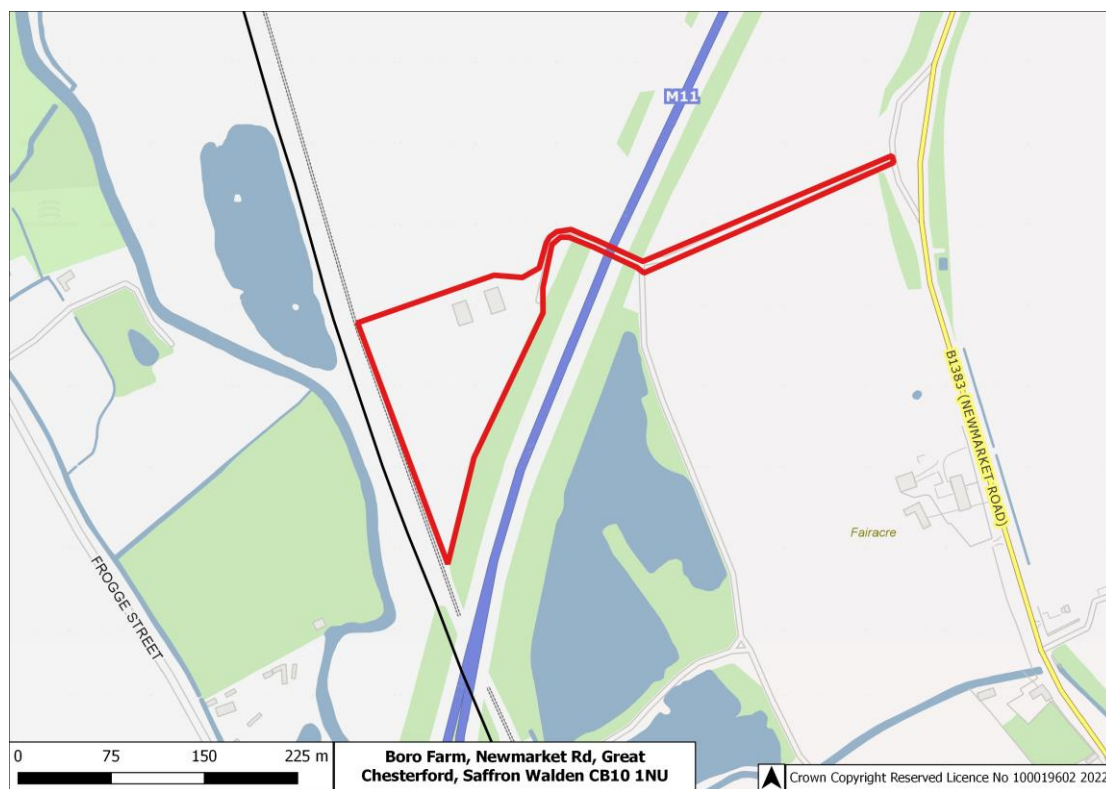
	<ul style="list-style-type: none"> <li>• interim restoration details for phases 1 to 13 and the eastern half of phases 14,15 and 16</li> <li>• details of works to stabilise the northern edge of the quarry,</li> <li>• interim restoration levels</li> <li>• interim treatment of the surface, including any seeding and management of the surface</li> <li>• timescales for implementation</li> </ul> <p>The development shall be implemented in accordance with the approved details.</p> <p><i><u>Reason:</u> To enable the Mineral Planning Authority to adequately control the development, to ensure that unfinished phases of the site are maintained in a beneficial use or do not give rise to adverse impact upon local amenity and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.</i></p>		
60	<p>6 months prior to extraction recommencing in the site following the completion of mineral of extraction with the Park Farm area of CHL/1890/87 (or any superseding or amended permission) details of the phasing of working for phases 14, 15 and 16 western areas and phases 17 to 20 and phasing of restoration for phases 3 to 20 in accordance with the restoration scheme as required by condition 7 shall be submitted to and approved in writing by the Mineral Planning Authority. The phasing of working and phasing of restoration shall be in accordance with the approved details.</p> <p><i><u>Reason:</u> 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 and to comply with MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.</i></p>		
61	<p>Embedded mitigation for environmental issues shall be in accordance with the details set out in the Environmental Statement, in particular the development shall be in accordance with the following:</p> <table> <tr> <td><b>Environmental Issue</b></td><td><b>Section of Environmental Statement</b></td></tr> </table>	<b>Environmental Issue</b>	<b>Section of Environmental Statement</b>
<b>Environmental Issue</b>	<b>Section of Environmental Statement</b>		

	<p>Landscape and Visual Ecology and biodiversity Noise Hydrology and Hydrogeology</p> <p>Annex A Section 5 by Aecom dated November 2020 Annex B Section 6 by Applied Ecology Ltd dated 19 May 2020. Annex D Section 6 by Aecom dated November 2020 Annex E Section 7 by Wood Environment &amp; Infrastructure Solutions UK Ltd May 2020.</p> <p><i><u>Reason:</u> To minimise the risk of to the water environment, in the interests of local amenity, in the interest of biodiversity and to comply with MLP policies S10 and DM1 and CLP policies S4, DM16, DM18 and DM30.</i></p>
62	<p>From the date of this permission the operators shall maintain records of their quarterly output and shall make them available to the Mineral Planning Authority within 14 days of a written request.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policy S1, S6, S12 and DM1.</i></p>
63	<p>Within 3 months of the date of this planning permission signs have been erected on both sides of the haul route at the point where Footpath Boreham 16 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.</p> <p><i><u>Reason:</u> In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S11 and DM1.</i></p>
64	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of (6.0) metres from the nearside edge of the carriageway.</p> <p><i><u>Reason:</u> In the interests of highway safety and to comply with MLP policies S11 and DM1</i></p>

65	<p>No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><i><u>Reason:</u> To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with MLP policy DM1</i></p>
66	<p>All topsoil, subsoil and soil making material shall be retained on the site and used in restoration of the site.</p> <p><i><u>Reason:</u> To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S12 and DM1</i></p>
67	<p>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.</p> <p><i><u>Reason:</u> To minimise the risk of pollution to water courses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.</i></p>
68	<p>Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.</p>

	<i><u>Reason:</u> To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.</i>
69	<p>All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.</p> <p><i><u>Reason:</u> To ensure the restored land is for agricultural use is not impeded and to comply with MLP policies S12 and DM1</i></p>
70	<p>From the date of this permission the operators shall maintain records of their <i>annual</i> output of aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.</p> <p><i><u>Reason:</u> To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policy S1, S6, S12 and DM1</i></p>
71	<p>Within 3 years of the date of this planning permission restoration details shall be submitted for approval in writing by the Mineral Planning Authority to achieve the restoration scheme shown on drawing f drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan (dated 5 September 1994. The restoration details shall include details of ground preparation, seeding/planting mixes and timetable for implementation. The restoration details shall be implemented in accordance with the approved details.</p> <p><i><u>Reason:</u> To ensure the beneficial restoration of the site to biodiversity including wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policy S4, DM16 and DM29.</i></p>



**DR/32/22****Report to:** DEVELOPMENT & REGULATION (26 August 2022)**Information Item:** MINERALS AND WASTE DEVELOPMENT – Enforcement of Planning Control**Ref:** ENF/1159**Location:** Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** George Stockdale Tel: 03330 137555

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## **1. BACKGROUND AND SITE**

Boro Farm is accessible from the east by the B1383 (Newmarket Road). The site is bound by the M11 to the south and east, with a trainline to the west and agricultural land to the north. Ickleton and Hinxton are to the north and Great Chesterford to the south. The land at Boro Farm consists of a site office, a welfare unit and two re-purposed farm barns. The land comprises of roughly 1.5 hectares.

Following a site inspection in February 2022, it was found that a waste recycling site was operating and waste was being imported to the site for processing without the benefit of planning permission. The operator subsequently submitted a planning application to ECC.

A planning application, validated in April 2022, was refused by the County Council as Waste Planning Authority under officer delegated powers on 22 July 2022. The application had been submitted retrospectively and sought to regularise the operation of a recycled aggregate production facility involving the receipt of up to 75,000 tonnes of inert waste per annum and the processing, storage and onward transportation of recycled aggregate materials. The application was refused primarily as the development causes harm to its countryside/agricultural setting. Further, there was a lack of information to demonstrate that it would not cause harm to the highway and rail networks, amenity, landscape and biodiversity. The officer report recommended enforcement action was taken to remedy the harm caused by the authorised development.

On 12 August 2022, Essex County Council as the Waste Planning Authority served an Enforcement notice on the landowner and the operator on the land.

## **2. CURRENT POSITION**

The Enforcement Notice takes effect on the 16 September 2022 unless an appeal is made against it beforehand. The Enforcement Notice requires that:

- Cease, and do not resume, the importation, deposition, storing and treatment of waste materials on the Land.
- Remove from the Land all the waste materials, including imported soils, construction and demolition wastes and other waste materials, including that which has been used to form the perimeter bund.
- Remove from the Land the two buildings and hardstanding constructed, and all plant and machinery associated with the unauthorised development.
- Restore the Land to its condition prior to the commencement of the unauthorised development.

Officers will continue to monitor the site as well as defend the authority's position should an appeal be lodged.

## **LOCAL MEMBER NOTIFICATION**

Saffron Walden - UTTLESFORD

**DR/33/22**

<b>Report to:</b> DEVELOPMENT & REGULATION (26 August 2022)
<b>Information Item:</b> MINERALS AND WASTE DEVELOPMENT – Enforcement of Planning Control
<b>Ref:</b> ENF/1138
<b>Location:</b> Land adjacent to Harvey Automobile Engineering of Paynes Lane Nazeing EN9 2EX
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)
<b>Enquiries to:</b> George Stockdale Tel: 03330 137555



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## **1. BACKGROUND AND SITE**

The Harvey Automobile Engineering site is accessible from the eastern side of Paynes Lane, Nazeing. The site is bound by commercial businesses to the east and recreational land to the north, south and west. The land at Harvey Automobile Engineering consists of a skip business, scaffolding storage and a waste treatment site. The land comprises of under 1 hectare.

The Land is situated within the Metropolitan Green Belt, as detailed within the Proposals Map of the Epping Forest District Local Plan (1998) and Alterations (2006).

The site benefits from a 'Certificate of Lawful Use' (CLUED) that regularises a soil recycling use. Over the last few years waste has been stored and processed outside of the CLUED area without the benefit of planning permission. Following a number of officer visits and formal deadlines to remove the waste and bring the activity back into line with CLUED area, it was considered expedient to serve an Enforcement Notice (EN) on 4 July 2022.

The EN cites a change of use on the land outside the CLUED and the unauthorised development is considered to represent inappropriate development which does not preserve the openness of the Green Belt.

Furthermore, the change of use has a harmful impact on the local rural landscape character and appearance and is detrimental to nearby local amenity.

## **2. CURRENT POSITION**

The Enforcement Notice requires that:

- Cease, and do not resume, the importation, storing, and processing/treating of waste materials on the Land.
- Remove from the Land all waste materials including soils, treated fines, construction and demolition waste, concrete, hardcore and other mixed waste materials; and
- Restore the Land to its condition prior to the commencement of the unauthorised development.

The Enforcement Notice was due to take effect on the 8 August 2022, however an appeal has now been lodged with the Planning Inspectorate. The Waste Planning Authority will defend the serving of the notice at the appeal in due course.

## **LOCAL MEMBER NOTIFICATION**

North Weald and Nazeing – EPPING

**DR/34/22****Report to:** DEVELOPMENT & REGULATION (26 August 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of June	40
Nº. Decisions issued in July	3
Nº. Decisions issued this financial year	12
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in July	2
Nº. applications where Section 106 Agreements pending at the end of July	11

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of June	10
Nº. Decisions issued in July	2
Nº. Decisions issued this financial year	8
% 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 July	1

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in July	3
Nº. Committee determined applications issued in July	2
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	74
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of July	50
Nº. of referrals to Secretary of State under delegated powers in July	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of July	4
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of June	31
Nº. of cases cleared this financial year	7
Nº. of enforcement notices issued in July	1
Nº. of breach of condition notices issued in July	0
Nº. of planning contravention notices issued in July	0
Nº. of Temporary Stop Notices issued in July	0
Nº. of Stop Notices issued in Julye	0