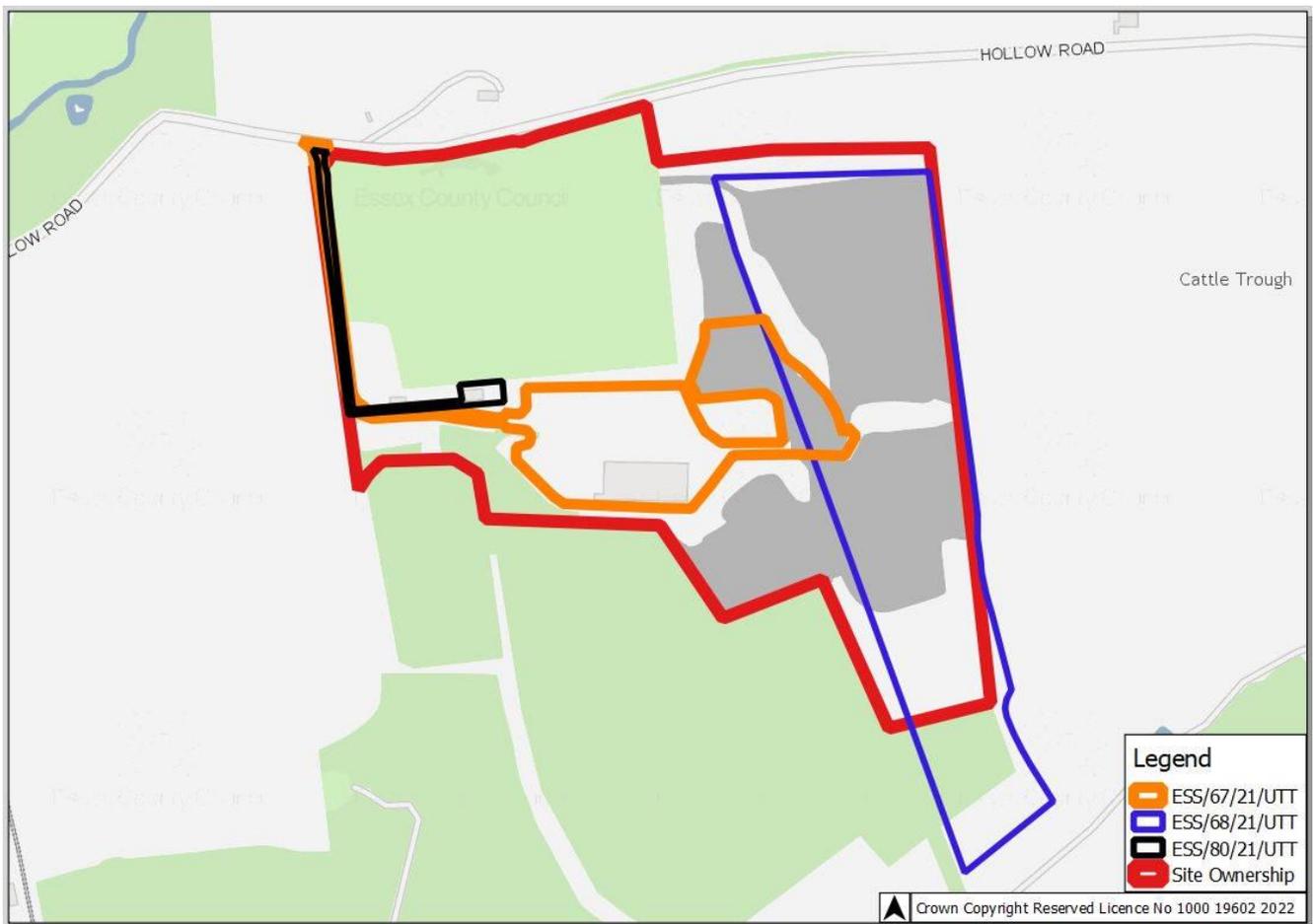


**DR/13/22****Report to:** DEVELOPMENT & REGULATION (25 March 2022)**Proposals:** MINERALS AND WASTE DEVELOPMENT

- Continuation of use of land for skip hire, waste recycling, waste transfer and green waste composting operation, without compliance with condition 2 (time limit) and condition 28 (percentage of imported material to be retained on-site) attached to planning permission ref: ESS/30/19/UTT to allow the use and associated development to continue/remain until the adjacent quarry is restored and increase the percentage of material imported permitted to be exported;
- Continuation of excavation of sand and restoration of land to agricultural use, including deposit of inert waste, without compliance with condition 4 (time frame) attached to planning permission ref: ESS/35/18/UTT to allow an additional period of time to complete the infilling and restore the site; and
- Demolition of an existing workshop and the construction of a replacement building (in a revised location)

**Refs:** ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT**Applicant:** Widdington Recycling Limited**Location:** Widdington Pit, Hollow Road, Widdington, CB11 3SL**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at <https://planning.essex.gov.uk>



## 1. SITE

Widdington Pit is situated approximately 5km south of Saffron Walden, to the south-west of Widdington village. The site is accessed via Hollow Road, a country lane, which passes under a railway bridge with a 3m height restriction. Hollow Road to the east of the site access is a Protected Lane and subject to a 7.5 tonne weight restriction.

The nearest residential properties are located to the south west (London Jock Cottage) and north east along Hollow Road (the closest being Holly Cottages) approximately 200m from the site.

In respect of the site use, Widdington Pit has quite a complex planning history. With the exception of planning permissions granted for associated/ancillary development, the main use of the site as a quarry, inert landfill and waste management/recycling facility is currently governed by:

- **ESS/35/18/UTT** – Excavation of sand and restoration to agricultural use, including deposit of inert waste. Cessation required by 30 April 2022 with restoration by 30 September 2023; and
- **ESS/30/19/UTT** – Skip hire, waste recycling, waste transfer and green waste composting operation including associated buildings and development. Cessation required by 30 April 2022 with restoration by 30 September 2023

The two permissions are intrinsically linked with ESS/30/19/UTT principally seeking to assist in the securement of material to infill and restore the quarry (as permitted as part of ESS/35/18/UTT).

## 2. PROPOSAL

This report covers three planning applications (refs: ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT) which have been considered jointly.

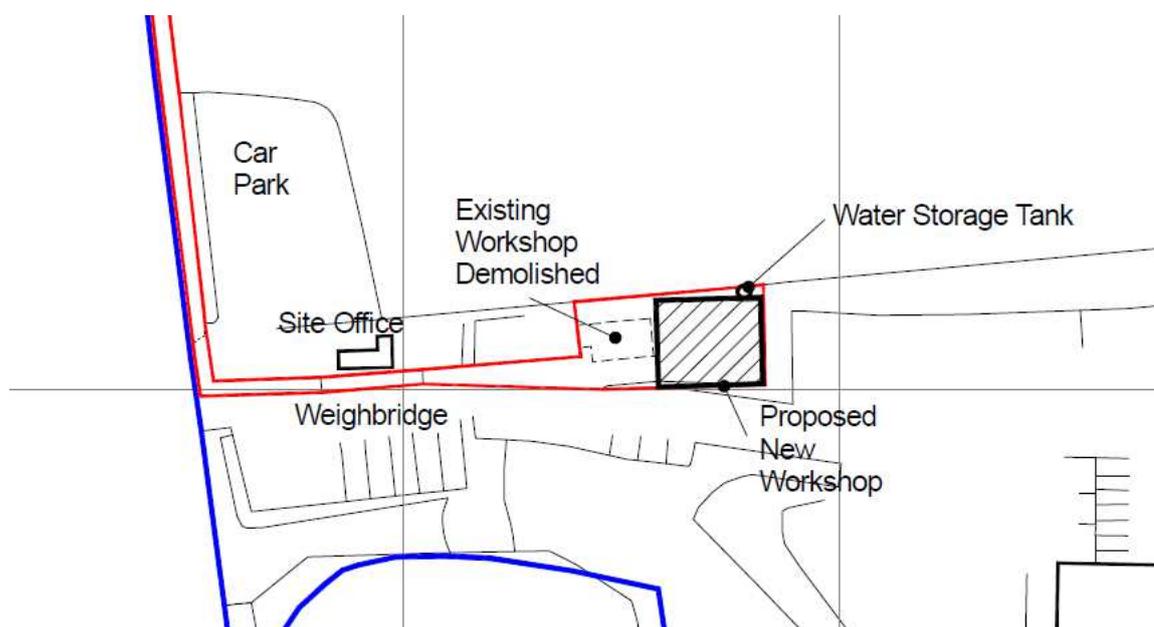
Planning application refs: ESS/67/21/UTT and ESS/68/21/UTT seek an extension to the life of operations permitted on site. It is requested that the excavation and landfilling, currently approved by ESS/35/18/UTT, be allowed until 31 August 2031 with the area covered by this permission, which has still yet to be restored, then restored by 31 August 2032. In addition, a request is made that the skip hire, waste recycling, waste transfer and green waste composting, together with the associated buildings and development, currently approved by ESS/30/19/UTT, to be allowed until 31 August 2031 with all associated buildings and development removed from the site by 31 August 2032. The land then covered by this permission would be restored by 31 October 2035.

Furthermore, application ref: ESS/67/21/UTT seeks to amend the wording of condition 28 attached to ESS/30/19/UTT. This currently requires not less than 70% by weight of the material imported to the site via the skip hire to be retained within the Widdington site for use in infilling and restoration of the adjacent landfill. The amendment proposed by the applicant is not less than 50% instead of 70%.

No changes are proposed by the applicant in respect of the principal operations currently permitted and undertaken across the site.

Planning application ref: ESS/80/21/UTT seeks planning permission to demolish an existing workshop, adjacent to the site office, and construct a replacement larger building opposite where the workshop is at the moment, as shown below.

Extract from drawing titled 'Workshop – Proposed Site Layout'



The existing workshop is a block-built building, facing east with a single access on the frontage. The building is 8.7m by 16.8m and is 8m high at its tallest point (lean-to style sloping roof). The proposed replacement workshop would be re-orientated, so that the opening is facing west. The building would be 20m by 24m, with a pitched roof 7m to eaves and 8.5m to ridge. The building would be steel portal framed of block construction to a height of 2.7m and then clad with profiled sheeting to match the waste transfer station building within the yard.

### **3. POLICIES**

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

#### ESSEX MINERALS LOCAL PLAN

S1 - Presumption in favour of sustainable development  
S6 - Provision for sand and gravel extraction  
S10 - Protecting and enhancing the environment and local amenity  
S11 - Access and Transportation  
S12 - Mineral Site Restoration and After-Use  
DM1 - Development Management Criteria

#### ESSEX AND SOUTHEND WASTE LOCAL PLAN

Policy 1 - Need for Waste Management Facilities  
Policy 2 - Safeguarding Waste Management Sites & Infrastructure  
Policy 4 - Areas of Search  
Policy 5 - Enclosed Waste Facilities  
Policy 6 - Open Waste Facilities  
Policy 9 - Waste Disposal Facilities  
Policy 10 - Development Management Criteria  
Policy 11 - Mitigating and Adapting to Climate Change  
Policy 12 - Transport and Access  
Policy 13 – Landraising

#### UTTLESFORD DISTRICT COUNCIL LOCAL PLAN

Policy S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN7 – Nature Conservation  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV11 – Noise Generators

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning

system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Planning policy with respect to minerals is detailed within the NPPF and supplemented National Minerals Policy Guidance. With regard to waste, waste policy is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England (2018) has been produced.

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

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

Uttlesford District Council undertook a compatibility assessment with the NPPF in July 2012. The conclusions of this will therefore be taken on board as part of the policy appraisal of this application.

#### 4. CONSULTATIONS

Summarised as follows:

ESS/67/21/UTT and ESS/68/21/UTT

UTTLESFORD DISTRICT COUNCIL – No objection.

UTTLESFORD DISTRICT COUNCIL (ENVIRONMENTAL HEALTH) – This service has not received any complaints relating to activities on site and therefore have no objections to its continued usage.

ENVIRONMENT AGENCY – No objection. The site is subject to an Environmental Permit but this is not time limited. The current operator of the site has significantly improved the infrastructure of the site to minimise potential impact to the environment. The current operator has followed advice and guidance put forward during Environmental Permit inspections and implements a satisfactory level of environmental management procedures.

HIGHWAY AUTHORITY – No objection subject to the securing of a scheme of works, identifying that necessary to bring North Hall Road and Hollow Road (including passing places) between the junction with the B1383 and the site access to an acceptable standard in terms of surfacing, kerbing, lining and drainage; within three months of the aforementioned works being completed a comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site access; following restoration of the site a further comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site with the results of the survey identifying any damage/repair work required; and a driver instruction sheet to be given to all employees and contractors showing local road restrictions and recommended routes.

STANSTED AIRPORT – No objection.

THE COUNCIL'S NOISE CONSULTANT – In the absence of any information to characterise the noise impacts of the proposals, or to justify that the existing noise limits would meet current guidance, we are unable to support this application as it stands. We recommend that a full noise impact assessment is undertaken or secured by way of condition, and this includes consideration of the cumulative effects from both applications.

THE COUNCIL'S LANDSCAPE CONSULTANT – No objection subject to a review of the approved landscaping scheme and associated conditions in context of the additional length of time proposed for in particular the waste recycling operations and screening of the MRF building.

WIDDINGTON PARISH COUNCIL – Object. The objective of the Parish Council is to achieve completion of the operations, removal of all buildings and structures, and cessation of all movements of associated goods vehicle at the earliest date. As per the NPPF minerals sites should be restored at the earliest opportunity and it

is not considered that this is being delivered with this site. The Parish Council consider the site is out of control and the recent erection of the WTS building, without planning permission, has completely lost the trust of the community. The information outlined in this planning application form, and then expanded on in the supporting statement, contains discrepancies. This is not an application for a 10 year extension but an application for an additional 14 years (or until 2035). Concerns furthermore exist as to how the WTS and yard area would be restored within 3 years, post completion of the quarry restoration, with no facilities to process/treat material being imported.

No revised application form was submitted to include consideration of the proposed change to condition 28 and the justification provided for this is not considered adequate. No new proposals are put forward to manage the import/export percentage restriction going forward, even though the information provided has evidenced this has rarely, to date, been complied with. Consideration should be given to a financial guarantee/bond or some form of annual reporting and progression plan with penalties or requirements to make changes to the site working if not achieved.

The proposals are not in accordance with the development plan. The site has no status in the WLP. This is a site-specific plan which does not include Widdington Pit. The proposals further fail to comply with the countryside policy of the Uttlesford Local Plan. The prolongment of the site and operations would cause significant and demonstrable harm to the character and setting of Widdington.

HGV movements through the village remain a major concern for the Parish Council as is the cumulative impact of operations soon to commence at Newport Quarry.

The proposed change in import, export percentage for the recycling operation shifts the balance of the site from restoration as the priority to one where waste management is equally as important. Concern is furthermore raised as to whether on this ratio the proposed timeframes are achievable, in context of the existing vehicle movement restrictions. Permission for this amendment should be refused.

Request is made to consolidate all permissions across the Widdington Pit site should, without prejudice, planning permission be granted to have one clear, concise permission for all operations and one end date.

ECC, again without prejudice, in the event that planning permission is granted must give clear written notice that further time extensions beyond that now approved will definitely not be permitted.

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

ESS/80/21/UTT

UTTLESFORD DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No comments received.

STANSTED AIRPORT – No objection.

THE COUNCIL'S LANDSCAPE CONSULTANT – Support the principle of a replacement workshop building to permit the maintenance of plant and machinery associated with the landfilling and waste recycling operations.

The proposed building would in appearance be similar to the MRF building with its olive-green steel profiled sheeting. However, the proposed size (24m x 22m and 8.5m to the ridge) would result in it being prominent in the wider views of the site from the London Road, B1383 and from Hollow Road than the existing workshop building.

The lack of details submitted with the application makes it difficult to ascertain if the building benefits from any screening (as existing). It would be useful to have confirmation by way of a plan, that the bank and natural hedging which exists on the northern side of the concrete platform (on which the building will be placed) would remain in situ and be unaffected by the construction work.

If planning permission is granted, it is recommended that some active management of the planting and additional native trees/shrubs, in order to ensure that the partial screening afforded is maintained and improved, be secured by way of planning condition.

WIDDINGTON PARISH COUNCIL – This application should be held in abeyance or refused until the time extension applications are determined. Any permission granted for this should be subject to the same temporary timetable as main site operations.

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

## 5. REPRESENTATIONS

Five properties were directly notified of these applications. The applications were also advertised by way of site notice and press advert. Five letters of representation have been received pursuant to ESS/67/21/UTT; 12 letters of representation pursuant to ESS/68/21/UTT and three letters of representation pursuant to ESS/80/21/UTT. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
The pit has been operational for over 50 years, during which its planning permissions have been extended time and time again. It is now time it is given a really finite life and permanently closed.	See appraisal.
The recycling operation should be required to terminate immediately or after a limited fixed further term.	See appraisal.

<p>Recycling was only ever allowed on a temporarily basis to assist in the restoration of the quarry void. By virtue of the size of the void still existing it doesn't appear to be helping.</p>	<p>See appraisal.</p>
<p>The site has been poorly managed by operators but also by ECC as the MWPA in terms of the continued approval of extensions and reactive rather than proactive site monitoring and enforcement.</p>	<p>Noted.</p>
<p>Long term concerns exist that the current occupier wishes to retain the recycling operation permanently and accordingly will prolong restoration of the quarry void.</p>	<p>Noted. Such an application is currently not before the MWPA. If such an application is received this would be considered on its individual merits at the time or receipt. For the avoidance of doubt, the Waste Local Plan does not however identify or designate this site as a waste recycling site in perpetuity.</p>
<p>The extension proposed is excessive and if approved would represent a move in favour in terms of the acceptability of a permanent waste facility on site.</p>	<p>See appraisal.</p>
<p>The void space seems to have increased since the figures detailed in the appeal decision from 2009.</p>	<p>The void space detailed as part of the 2009 appeal was 326,500m<sup>3</sup>. The void space as detailed as part of this application is 228,133m<sup>3</sup> not including the WTS area and 323,143m<sup>3</sup> including the WTS area.</p>
<p>Widdington Recycling would have been aware of the end dates detailed within the extant permission when they purchased the site. A new operator should not by default afford a time extension.</p>	<p>See appraisal.</p>
<p>In the event that planning permission is granted, ECC need to adopt a different approach to secure restoration whether that be a review of the wording of conditions attached to the planning permission or some form of legal agreement.</p>	<p>See appraisal.</p>

<p>These applications should be refused unless ECC are confident the operator will comply the terms of the permission and finally restore this site.</p>	<p>Noted.</p>
<p>The proposed import estimates are unambitious and represent a lower of historically targets. If more material was imported per annum the site would be restored quicker.</p>	<p>See appraisal.</p>
<p>Widdington Recycling appear to be running a much better operational than its predecessors and should be given a further limited period in which to attempt to make a major improvement to the scared landscape. However, 10 or 11 years, as proposed, is unacceptable.</p>	<p>See appraisal.</p>
<p>If an extension of time is granted, a period of no more than five years seems more appropriate and realistic.</p>	<p>See appraisal.</p>
<p>It is regretful that Widdington Recycling are not always respectful of law, conditions attached to their permissions and/or the impact their operations have on their neighbours. Widdington Recycling have now submitted retrospective planning applications; they frequently operate outside permitted hours; and continue to send HGVs through the village contrary to the Weight Restriction Order on Hollow Road.</p>	<p>Noted.</p>
<p>Hollow Road is not an appropriate road for such a site/use to be located on.</p>	<p>See appraisal.</p>
<p>Hollow Road is in a poor condition and needs improving/repairing if use by HGVs is to continue.</p>	<p>See appraisal.</p>
<p>Why has low level restoration not been considered?</p>	<p>See appraisal.</p>
<p>A permission was granted to restore the site to woodland rather than back to agricultural use. Are alternative after uses being considered as part of this to improve biodiversity gains as part of the</p>	<p>This referred application (ref: ESS/30/14/UTT) was approved by the MWPA in September 2014 but was never implemented. There is no requirement on an applicant/landowner</p>

restoration?	to implement a planning permission, with the details of a variation of condition permission as was the case here only superseding that approved prior upon commencement/implementation. This permission, to confirm, has now lapsed and accordingly the permitted after use of the site remains to agriculture.
Although this is a historical site, it is in an inappropriate location in terms of landscape and visual impact and access.	See appraisal.
A site of this magnitude so close to a village is both damaging and unsustainable and any further extension of permission to operate should be rejected.	See appraisal.
Cells/Areas 1 and 2 which have been restored by Widdington Recycling do not comply with the approved restoration contours.	Noted.
Noise impacts.	See appraisal.
Light pollution.	See appraisal.
Concerns about site management and a number of fires which have happened on site over the last 8 years.	Noted.
When permission was granted on appeal for the waste recycling activities the Inspector acknowledged that this was an intrinsically unacceptable location for such a use, in an otherwise unspoilt area of countryside. Surely there comes a point when the prolongment of a temporary operations have to be fundamentally unacceptable.	See appraisal.
The Inspector as part of the appeal decision sought to suggest the waste use was only justified on the basis of the contribution being made to the quarry restoration (availability of inert fill). The waste recycling operation is not however making a substantial contribution to the restoration rates and	See appraisal.

it is considered extremely unlikely that the recycling operation will provide more than a token contribution to the amounts of material needed going forward.

The 70% limit of material imported which is required to be used as part of the restoration has been breached numerous times, as evidenced by the data submitted in support of this application. Why has it never been enforced by the MWPA?

The wording of the 70/30 restriction condition does allow the MWPA to request details from the operator as to the amount of material imported and exported from the site. No formal request has ever been made by the MWPA for such details to evidence compliance with the condition. See appraisal for further discussion in terms of this condition.

No explanation is given to why so much material appears to have been exported since 2018, when Widdington Recycling took over the site.

See appraisal.

The justification for the reduction from 70% to 50% in terms of import/export is unacceptable. Widdington Recycling knew the site constraints when they took the site and loss on ignition tests were also introduced a few years ago, this is not a new issue/requirement.

Noted. See appraisal.

The availability of material is surely a market issue. Why should the local community be punished with a long running site when material is out there, the operating company just can't seem to secure it.

Noted. See appraisal.

The site seems to be capable of handling and processing more material than proposed, which if done would reduce the overall life of the site.

See appraisal.

The site needs to be and should just be restored in the quickest possible timeframe.

Noted.

The proposed replacement workshop is very much larger and taller than the existing workshop building.

See appraisal.

No justification has been provided why such a larger workshop building is

Noted.

needed.

The replacement workshop would be clearly viable along the valley of the Cam, including from the B1383 and M11 and incongruous in this rural, countryside setting. See appraisal.

The impact of the MRF building, recently constructed, has demonstrated the visual impact new buildings on this site have, given its elevated nature. The existing site vegetation is not sufficient to completely screen the site. Noted. See appraisal.

The workshop application should not be considered in isolation but with the two time extension applications. Noted.

In the event planning permission is granted for the workshop, this should only be temporary for the life of operations permitted. See appraisal.

The workshop building foundations should be required to be lowered, so the building is no higher than the existing workshop building (8m). See appraisal.

## 6. APPRAISAL

### ESS/67/21/UTT and ESS/68/21/UTT

#### Background

Widdington Pit benefits from time limited planning permissions for mineral extraction, waste management/recycling and landfilling. Mineral extraction at Widdington has been occurring since the 1950s. However, it was not until 2002 when planning permission for a recycling centre, skip hire and aggregate sales was first granted planning permission (application ref: ESS/63/01/UTT). This was initially a two-year temporary permission to allow the operator at the time to find a new location for their recycling business (as their lease had expired at their previous location). Between 2002 and 2005 various applications for development associated with the recycling business/use were granted and in 2006 planning permission was granted (application ref: ESS/43/05/UTT) to allow the recycling centre, skip hire and aggregate sales use to remain, in association with the quarry and the restoration (landfilling) of this until July 2007.

In 2007 a planning application was then submitted to retain the recycling operation until completion of the landfilling of the adjacent quarry (31 December 2013 as it was at the time) – application ref: ESS/49/07/UTT. This application was refused by

the MWPA for four reasons: harm to visual amenity and detrimental impact to the surrounding countryside and designated areas; the use would give rise to industrial activity inappropriate to and unnecessarily detrimental to the surrounding countryside; unnecessary detrimental impact on the rural road network; and the need for the waste recycling site was not considered to be justified in connection with the restoration of the adjacent quarry.

This refusal was appealed, and planning permission subsequently granted by the Secretary of State in November 2009. The Inspector's overall conclusion being *'the restoration benefits gained from allowing the recycling facility to continue until void infilling is completed outweighs those and other land use objections. I do not consider it necessary to examine the temporary retention of the waste processing facility at Widdington Pit against the long list of planning policy set out by the County Council. That is because, as I have said earlier, this is an intrinsically unacceptable development in this location, justified because of, and for only as long as, the sand put void infilling is carried out.'*

In 2014 planning permission was then granted to allow additional time to excavate the mineral on-site, infill the void and restore the site and, in conjunction, retain the waste recycling facility to facilitate in this regard until 30 April 2022 with the site restored by 30 September 2023 (application refs: ESS/03/16/UTT and ESS/04/16/UTT).

In 2019 planning permission was granted for the installation of an engineered clay cap and changes to the approved pre and post settlement restoration contours of cells 1, 2 and 3 of the landfill (application ref: ESS/35/18/UTT) and in 2021 permission was granted for a waste transfer building to house recycling operations currently permitted as part of planning application ref: ESS/04/16/UTT together with associated concrete hardstanding and other changes to the approved site layout (application ref: ESS/30/19/UTT). The officer report for the waste transfer building nevertheless confirmed that *'the granting of a temporary permission for a building or improvements works to the area associated with the waste use should not in any way be viewed or taken as a steer that such a use would be considered acceptable permanently'*. Continuing, the officer's report stated that *'On a permanent basis, it is not considered that the building is acceptable or compliant with relevant policy, irrespective of its use (waste or otherwise). The building is situated in a prominent location and is not of a design or quality which within this countryside setting would be considered to have a positive impact on local character in accordance with in-particular policy 10 of the Waste Local Plan and policy GEN2 of the Uttlesford Local Plan.'*

This site is not specifically referenced by name in the Minerals Local Plan or Waste Local Plan. However, the mineral remaining on-site is reported within the Council's Local Aggregate Assessment and accordingly is part of the permitted landbank. With regard to the waste use, sites which existed at the time of adoption of the Waste Local Plan are safeguarded. The WLP was adopted on the principle of net self-sufficiency. This means having sufficient waste transfer, recycling, recovery, and disposal capacity within the Plan area to manage the amount of waste generated, with only limited cross border movements with other authorities. Policy 2 of the WLP relates to the safeguarding of existing waste management sites and infrastructure. Whilst this is only a temporary or time limited operation/facility, the

capacity throughput of the facility as part of its permitted life would have been considered and taken on board in terms of the need assessment for the WLP.

It is noted that Widdington Parish Council has sought to suggest that this site has no status in the WLP as this is a site-specific plan which does not include Widdington Pit. This is considered an incorrect, given the aforementioned safeguarding position outlined. As confirmed within paragraph 6.7 of the WLP safeguarding will be implemented through Waste Consultation Areas which are defined around all permitted waste developments (as indicated in the Annual Monitoring Report) and sites allocated in this Plan. That said, it is accepted that this safeguarded status is only for the life of the permission and contribution of the site use based solely on that achievable within the parameters of the approval (i.e. an ancillary use to a quarry restoration with a restriction on the percentage of material permitted to be exported).

### Proposed Extension of Time

Since 2014 when the latest extension to the site life was approved, and the current end dates set, limited progress in terms of site restoration has been made. With regard to this a limited reserve of sand still remains within cell/area 5 (circa 7,000m<sup>3</sup>) and although cell 1 and cell 2 have now been infilled, capped and topsoiled, part of cell 3 and cells 4 and 5 in their entirety still remain unrestored. The below table submitted in support these applications, seeks to outline the quantities of material needed to restore the remaining parts of the site to the approved restoration contours and how many years this is predicted to take.

'Table 4 – Void Space' as submitted within the Supporting Statement

	area m2	void m3	Cut	m3 Total	Tonnes	Years	Projected Completion
<b>Landfill</b>							
Cell 1	0	0	0				
Cell 2	0	0	0				
Cell 3	6,684	15,207	454	14,753	26,555	0.66	Feb-2022
Cell 4	8,572	86,184	339	85,845	154,521	3.86	Jan-2026
Cell 5	15,577	126,742	2,061	124,681	224,426	5.60	Aug-2031
<i>Landfill Total</i>		228,133	2,854	225,279	405,502		
<b>WTS</b>							
	26,114	95,010	24,860	70,150	126,270	3.15	Oct-2035
<b>Total</b>		<b>323,143</b>	<b>27,714</b>	<b>295,429</b>	<b>531,772</b>	<b>10.1</b>	

In terms of progress made since 2014, the applicant has sought to provide a snapshot of data from the Environment Agency's waste data interrogator to show the levels of import, export and material deposited in the landfill over this period.

Extract from 'EA Waste Data Interrogator Information' as submitted within the Supplemental Statement

Year	Landfill	WTS Tonnage in	WTS Waste Tonnage Out
2020	504	11311	7856
2019	333	10640	2315
2018	260	5813	25579
2017	10992	17467	9748
2016	9644	20510	5444
2015	7355	19024	5947
2014	37837	30905	4760

As can be seen from the above, the quantity of material being landfilling has declined over this period, with in 2018 a significant quantity of material leaving the site/waste transfer station and between 2018 and 2020 a relatively low level of throughput through the WTS.

Widdington Recycling, the current site operator, purchased the site in February 2018 following the previous operator (Carr & Bircher Skips Ltd) going into administration in May 2017. The site was purchased with significant stockpiles of waste materials across the site, in contravention of both planning conditions and the Environmental Permit issued by the Environment Agency. Upon purchase of the site, the applicant has suggested that the site was not operational or able to be operated as per the approved permission and/or permit. Accordingly, the applicant has only been able to complete limited landfilling as the issues inherited from the past operator have needed to be resolved first. In this regard, the applicant has removed circa 32,000 tonnes of non-conforming waste from the site; installed a clay cap to the historic landfill cells (cells 1 and 2); re-engineered the side and base impermeable lining for cell 3; installed drainage for the waste transfer operations; constructed a new building to house the majority of waste recycling operations; and renewed the hardstanding areas across the site.

In March 2020 COVID restrictions came into force and although operations have continued in some capacity over the pandemic, the site has really only been able to operate a full capacity under Widdington Recycling's ownership since Summer 2021.

It is accepted that poor site management and/or the condition of the site when it was purchased by Widdington Recycling is not in itself a reason, which in planning terms, a further extension of time to the life of operations should be afforded. This is because this would effectively be rewarding poor performance or management. However, it is considered that the background, in this instance, does provide some context and it would be unreasonable to completely discount it in terms of the justification put forward in support of the application/extension of time.

Focussing initially on the restoration of the quarry area, the applicant is seeking an extension to infill this by 31 August 2031 and then full restore it by 31 August 2032 – a nine year extension to the existing end dates. Factoring the period of inactivity between Carr & Bircher going into administration and Widdington Recycling purchasing the site and the time taken for Widdington Recycling to resolve the

inherited issues on-site and COVID restrictions – for circa three and half years no to limited progress was made on site in terms of the restoration. Deducting this for the extension proposed brings this to five and half years, which although it is accepted is a theoretically timeframe, does provide some additional perspective to length of timeframe being proposed.

In 2014 when the existing end/restoration dates were set, calculations were based on, what was considered an achievable, average input figure of 30,500m<sup>3</sup> or 54,900tpa, by the MWPA. This input rate has not however been achieved at the site since 2008, with the most import of inert material in recent years being recorded in 2011 at 49,500t. In consideration of this, rather than seeking to suggest an extension timeframe based on the previous average figure, the applicant has sought to use 22,250m<sup>3</sup> or 40,000 tonnes which is considered by them to be more realistic based on current recycling trends and market competition.

With regard to the WTS area, this area is proposed to be re-engineered after restoration of the quarry is complete. A period of three years and two months is estimated to be needed to restore this part of the site (October 2035). In respect of this, the recently constructed WTS building would have been removed from the site by August 2032 and accordingly the recycling and skip part of the business would cease. Material being imported to restore the site, at this point, would therefore solely be inert with likely mobile plant utilised to handle this. Concerns have been raised by the Parish Council in terms of the viability of restoration of this part of the site, without the recycling operation, given arguments previously posed in this respect. However, the material required to restore this area represents just 30% of that required overall, so it is considered the viability argument is more limited.

#### Proposed Change to Condition 28

The applicant has sought to suggest that it is estimated that throughput through the WTS would likely be circa 15,000tpa. The majority of waste brought into the WTS is via the applicant's skip hire business. The type of material received within skips is variable and it is considered unlikely that if the site was to operate as per the waste hierarchy and seek to recycle as much material as possible, that the current requirement to retain 70% of material could be achieved. Request has therefore been made to reduce this to 50%. It is accepted that this would reduce the link between the recycling operation and the landfill. However, at 50% or 13,500m<sup>3</sup> / 7,500tpa it is considered by the applicant that the contribution is still substantial, especially in context of the site constraints (e.g. the low level railway bridge and the weight restriction on Hollow Road) which render the ability to secure large earthwork contracts difficult. The contribution of the WTS in terms of the suggested overall annual infill tonnage target, at a 50% rate, would be 18.75%.

#### Assessment of Proposed Timeframe and Percentage Change

Policy S12 of the Minerals Local Plan states that proposals for mineral development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities. A position which, in terms of

delivering restoration and aftercare at the earliest opportunity, replicates that detailed in the NPPF at paragraph 211.

The delays experienced in restoring this site, well beyond the timeframe originally envisaged, represent a failing in terms of the position portrayed in the NPPF and MLP policy S12. With regard to the waste use, MWPA maintain that this, as suggested by the Inspector of the appeal decision, is an intrinsically unacceptable development in this location and would not be supported on a permanent basis in policy terms. Accordingly, the delays to the restoration have prolonged the existence of this use and the resulting harms/impacts.

The planning history and the reasons why the waste use and recycling facility has previously been deemed acceptable, nevertheless puts the MWPA in a difficult position. The benefits gained from allowing the recycling facility to continue until void infilling has historically been considered to outweigh the harms/impacts and other land use objections. Whilst this application does seek to reduce the percentage of material to be utilised in the restoration of the site, which passes through the WTS, from 70% to 50% and the acceptability of this is discussed below, as an entity and ancillary operation the principle has been established whilst landfilling is on-going.

This site is not restored and cannot be left as is without posing an environmental and health and safety risk and representing a significant degrading of the local landscape value and character. It is acknowledged that potentially a lower level restoration scheme could be encouraged. However, given the highest point of the restoration (cell 1) has been restored to level and also the land levels of the central island/finger between the quarry and the adjacent field it is considered that a completely low level restoration would be undeliverable. This is due to the fact that, the aforementioned high points contain waste it is unlikely that this material could be re-engineered or re-handled easily.

It is considered that potentially the approved restoration landform could be slightly amended to reduce the quantity of material needed. However, officers would not like to estimate the minimum quantity of material needed to facilitate a satisfactory restoration. That said, it is considered that such a restoration scheme would still likely require quite a substantial quantity of material.

A request was not made to the applicant to review the approved restoration contours on the basis that these have previously been deemed acceptable and policy compliant. And, although this was a restoration scheme approved under the policies of the previous Waste Local Plan (2001), policies within this still included the principle of not allowing any more landfill as part of a restoration than was considered essential.

Turning therefore to the timeframe proposed to deliver restoration, the extension proposed is substantial (at 13 years overall). The MWPA however acknowledge the calculations behind this prediction and that maybe targets used to predict timeframes previously have been optimistic. The figures behind this proposed extension duration (22,250m<sup>3</sup> or 40,000tpa) are considered modest, especially given the improvements which have been made to the site and in-particular the waste recycling yard with the construction of the WTS building which should

improve the ability to process material and handle higher quantities of material efficiently. The limitations of the site and in-particular its accessibility given the low railway bridge and the weight restriction on Hollow Road are however impacting factors to the securing of large earthwork contracts.

It is considered that officers could seek to push for a more concise timeframe, by suggesting a higher throughput or level of import should be able to be achieved. However, the availability of material is market driven and this could just lead to the need for a further extension down the line. By therefore accepting these conservative figures, in comparison to levels suggested previously, it is considered that the MWPA can with a greater confidence promote this as the final extension to the site life.

With regard to the proposed reduction in material retained for use as part of the restoration, from that processed through the WTS, from 70% to 50%, the MWPA are conscious that this use is principally inappropriate and unacceptable in this location. As outlined by the Inspector in the 2009 appeal: *'The waste recycling facility use in this pleasant countryside location, with its proximity to the village of Widdington and its poor vehicular access...can only be justified by a substantial contribution of suitable infill for the adjacent sand pit. That possible justification can only exist until infilling at the sand pit is complete.'*

The appeal decision originally set this restriction at 50% and the percentage was increased as part of the time extension approved by the MWPA in 2014 (ref: ESS/35/13/UTT). Noting the suggested throughput of the WTS has been detailed at 15,000tpa – the 20% difference amounts to 3,000tpa or a reduction of 7.5% in contribution to the 22,250m<sup>3</sup> or 40,000t yearly infill figure. At 50%, the annual contribution of material from the waste recycling operation is only 18.75% and accordingly it could be questioned whether this is indeed substantial. However, the contribution is mainly small given the limited overall throughput of the WTS. It is accepted that this does again question the principle need for the WTS as a supporting ancillary operation. That said, officers are also mindful of the Inspector's conclusions with regard to viability and the that infilling and proper restoration could be difficult to achieve if the recycling facility was closed.

Moving forward, it is considered that, without prejudice, should this time extension be approved and the WTS percentage be reduced, the MWPA should review the existing planning conditions and/or introduce new conditions or legal obligations to be able to better monitor operations and progress. In this regard it is noted that when the time extensions were granted in 2014 it was suggested that if restoration had not been achieved by 2023 and a further extension sought, that consideration should be given to securing a financial guarantee or further assurances that restoration is actually likely.

There is concern from the MWPA that the waste recycling use has only a limited relationship with restoration of the void and that the restoration of the quarry may have historically been delayed to prolong the acceptability of a waste facility on-site and this will therefore be the case moving forward.

To counter this, there is the potential for the MWPA to explore financial guarantees as suggested back in 2014. However, concern does exist about such a guarantee

being purely financial, in this instance, given that as a planning obligation the requirement must be necessary to make the development acceptable in planning terms. In this regard, noting that viability has previously been raised as an issue in terms of the restoration delivery, it is considered the value of the financial guarantee which could likely be secured would not likely be more than a token contribution and not fund any works not completed.

Rather than being financially led it is considered that a restoration guarantee based on the submission of site surveys and waste import/export records on an annual basis; with the requirement for a formal review report on a biennial basis which would seek to identify any issues in terms of the site restoration timetable and in such event measures to resolve through for example an upward lift to the 50% WTS limit or a revised restoration scheme would ensure satisfactory restoration of the site by the end date. In the event that through submission of annual waste returns (material imported, landfilled etc...) it is shown that for two consecutive years the operator does not meet the 50% import/export restriction, it would also be requirement that the operator ceases the skip element of the business/use.

The MWPA consider this obligation essential to provide an appropriate form of guarantee that restoration will be delivered and accordingly deem this extension of time acceptable and policy compliant. Through this obligation going forward, the MWPA would have appropriate provisions, within the parameters of the permission, to ensure that at the end of the extension sought the site will be restored to the point that, without prejudice, any further extension could be refused without outstanding environmental concerns. The suggested obligation is considered to meet the three tests as set out in the Community Infrastructure Levy Regulations 2010, as it is necessary to ensure the development is completed within the timeframes proposed, it is by default directly related to the development and is principally based on that proposed by the applicant so is lastly considered fair and reasonable.

With this guarantee secured, it is considered that the extension proposed to the site life is acceptable in principle. This is not an appropriate site for a permanent waste site, with such a use and operation in this location contrary to policy within the WLP and Uttlesford Local Plan. However, the site needs to be restored and whilst a more expedient restoration would be preferable the MWPA are conscious about being realistic in context of previous levels of import achieved, the site constraints and that the availability of material is market driven.

## Other Issues and Considerations

### *Phasing and Landscaping*

Policy 10 of the WLP covers a range of development management criteria to which a development should not have an unacceptable impact on, including 'the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness' and 'the character and quality of the area, in which the development is situated through poor design'. Policy S7 of the Uttlesford Local Plan relates specifically to the countryside and policy GEN2 covers design. With policy GEN2 detailing a range of criteria to which development will not permitted unless its design meets.

The WTS building permitted in 2021 occupies a prominent location. The building is relatively utilitarian in design, not too dissimilar from an agricultural building or the scale and form of such a building. That said, the building is clearly visible within the wider landscape and further draws attention to the site, especially the adjacent stockpiles, plant/machinery and concrete block walls around various parts of the site. As part of the planning permission granted for the building is the requirement for a scheme of additional landscape mitigation. A scheme has been submitted to the MWPA for review and is currently being considered.

With regard to this, the MWPA acknowledged that the ability to plant additional landscaping was limited, given the areas where ideally this would be positioned are not currently restored. A solution to this, and to potentially deliver more active screening, would be to require a revised phasing plan for operations, as part of these time extensions. Currently restoration is progressing in numerical order through cells 1 to 5 before moving to the WTS area. Officers have however discussed the possibility of diverting operations to the middle island/finger between the quarry/landfill void and the adjacent field. If this area, inclusive of the embankment to the adjacent field was profiled as per the approved restoration plan now it would allow this area to be planted which would provide a significant screening belt to the yard from the north and east. This then together with more targeted additional landscaping to the south of the building and west of the yard in areas where the landscaping can be retained in the long term would help facilitate genuine progressive restoration and visual mitigation as operations continue.

The continuation of operations on site will prolong previously identified landscape and visual harm. That said, through the securement of a revised phasing plan together with an updated landscape scheme it is considered that this impact could be offset to a greater degree than existing. There is landscape harm resulting from the current state of the site, and whilst it is accepted that visually the majority of harm results from the WTS, it is considered that potential does exist to reduce the severity of this impact through the securement of appropriate planning conditions.

### Amenity

It is noted that many of the letters of third party representation have raised concerns about loss of amenity as a result of operations and in-particular noise nuisance.

Policy GEN4 of the ULP relates to good neighbourliness with development and uses not permitted where inter-alia noise or vibration; or smell, dust, light or other pollutant would cause material disturbance or nuisance to occupiers of surrounding properties. Specifically with regard to lighting, policy GEN5 states that the level of lighting and its period of use is to be the minimum necessary for its purpose and glare and light spillage should be minimised. With regard to noise, policy ENV11 states noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby.

As previously detailed this application seeks the continued operation of the site as per the existing restrictions/controls of the extant permission. As existing, the

planning permission contains a number of conditions with the aim of limiting amenity impact including set hours of operations, noise limits, a maximum number of HGV movements, a condition covering external lighting and a condition governing stockpile heights.

The MWPA have received some complaints over the last 24 months about the site and in-particular light pollution and noise. In addition, complaints have been received about hours of operation which following investigation resulted in the Council, in February 2022, serving a Breach of Planning Condition Notice on the operator in respect of operations commencing before the permitted 07:00am opening.

It is acknowledged that this site has historically and continues to cause some nuisance locally. That said, the safeguarding conditions attached to the extant planning permissions do seek to protect local amenity and allow the MWPA to appropriately follow up complaints with the operator when these are received. Subject to these safeguarding conditions being re-imposed as part of this application, it is not considered a refusal in respect of amenity impact and policy 10 of the WLP or policies GEN4, GEN5 and ENV11 could be substantiated.

The Council's noise consultant has however, in consideration of the existing noise levels, sought to suggest that the noise limits imposed across the operations permitted should be reviewed, noting that these were set a number of years ago and guidance has been updated. A re-written condition is therefore suggested in terms of noise levels and monitoring which in respect of mineral operations would seek to confirm noise levels would not exceed background noise levels (LA90, 1h) by more than 10dB(A) during normal working hours, and in any event, the total noise from the operations would not exceed 55dB(A) LAeq, 1h (free field). In terms of the waste activities, the noise from these operations would be required not to exceed a rating level equivalent to the background noise level, subject to context, when assessed in accordance with BS4142:2014 +A1:2019 and cumulatively total noise emissions from the site should not exceed 55dB(A) LAeq, 1hr (free field) at any noise sensitive receptor during the daytime operations.

### Highways

The Highway Authority has raised no objection in principle to the time extension proposed by way of these applications. However, whilst this would represent the continuation of a previously permitted activity, it is considered that the number and type of vehicles that use the site have caused a level of damage that is not expected on a road of this nature and therefore beyond the scope of normal planned maintenance regimes for declassified, rural roads. The increased traffic from HGVs would continue for longer than anticipated in previous applications and therefore it is considered reasonable and proportionate to require the applicant to address the damage caused and bring the highway between the site and the B1383 up to an expected standard as well as mitigate future impact in the location.

In respect of this, recommendation has been made that should planning permission be approved, a scheme of works, identifying that necessary to bring North Hall Road and Hollow Road (including passing places) between the junction with the B1383 and the site access to an acceptable standard in terms of surfacing,

kerbing, lining and drainage be secured. Within three months of the aforementioned works being completed a comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site access shall then be undertaken. Following restoration of the site a further comprehensive condition survey of North Hall Road and Hollow Road from the junction with the B1383 to the 30mph speed limit situated to the east of the site shall then be undertaken with the results of the survey compared to the former survey to identify any damage/repair work required.

With regard to vehicles travelling through Widdington village, a Weight Restrict Order under the Road Traffic Regulation Act prevents use of Hollow Road from the western boundary of Holly Cottages westward, for a distance of approximately 600m, to the eastern side of the Pit access for any goods vehicle which exceeds 7.5 tonnes, subject to some exemptions. In respect of this, in very general terms, planning conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions might sometimes be capable of being validly imposed on planning permissions, such conditions seeking to control or dictate routeing are very difficult to enforce effectively. Where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under the Road Traffic Regulation Act and such a control already exists in this case. It is noted that request has been made by the Parish Council, for the operator to notify the Parish Council 24 hours before any movements associated with the site use is going to go through the village. Whilst it is understood that the operator may be amenable to this as a concept, it is not considered that this could legally be imposed as a planning requirement. The MWPA acknowledge the importance of good local relations. However, such an imposition is considered unduly excessive and accordingly unjustifiable in planning terms – especially in context of the weight limit on Hollow Road which would effectively prevent the majority of HGV movements associated with the site use going through the village.

In context of the local concern, it is considered that a driver instruction sheet and enforcement protocol could nevertheless also be secured by way of condition, as suggested by the Highway Authority. This would effectively allow the MWPA to proactively engage with the operator in terms of the management of the suggested routeing and use of nearby local roads if issues do evolve.

In addition it is considered that, should planning permission be granted, through legal obligation, the operator could be required to support the creation of a local liaison group/meeting which would be the best arena to discuss these local issues.

### Cumulative Impacts

Concerns have been raised about the impact of two sites operating at either end of Widdington, in view that planning permission has now been granted for the restoration of Newport Quarry by way of infilling, with an associated inert recycling operation.

Newport Quarry is allocated for inert waste recycling and inert landfill within the Waste Local Plan and in January 2020 planning permission was granted for the 'importation of inert material, installation and use of recycling plant to produce

secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland' (application ref: ESS/42/18/UTT). Works with regard to the permission are expected to formally commence shortly (March/April 2022).

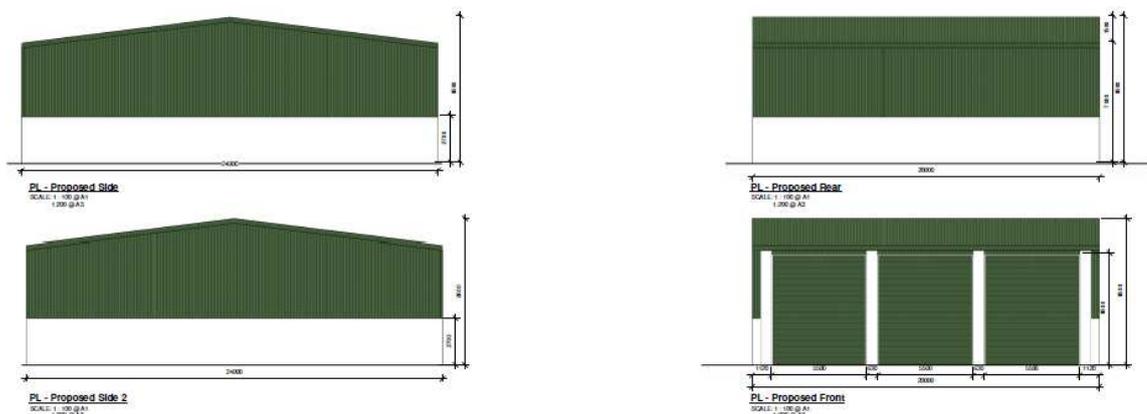
The assessment of the Newport application used baseline data which included for example the permitted vehicle movements from the Widdington Pit operations so cumulatively the impacts were considered and deemed acceptable at this point.

It is acknowledged that the expectation, when the WLP was adopted and the Newport application granted, was that Widdington Pit would have been restored by 2023 (as per the terms of the existing permission). However, there is nothing within the plan or permission granted for Newport which explicitly seeks to suggest the existence or operation of two sites within close proximity is fundamentally unacceptable. Furthermore, noting that the assessment provided for Newport included consideration of the working at Widdington and no objections were raised, particularly in terms of highways, it is not considered the cumulatively the existence of the two sites would elevate individual impacts or harms from the site individually to the point that these would support a reason for refusal.

### **ESS/80/21/UTT**

No in principle objections are raised to the demolition of the existing workshop building and construction of a replacement one. Whilst the replacement building at 20m by 24m, with a pitched roof 8.5m to ridge, would be larger than the one it is replacing, it would be positioned in the low lying part of the site yard which is partially screened by existing vegetation on the bank between the site yard and the adjacent field. The new building would be 0.5m higher than the existing one but given the proposed pitched roof form no objection is raised to this. The mass of the building would likely mean that as an entity it would be more visible in wider long range landscape views. However, the proposed green cladding to match the WTS building would help to offset this.

#### Extract from drawing titled 'Proposed Workshop'



Subject to the use of this building ceasing in accordance with the permitted timeframes of the WTS and the building subsequently being removed in its entirety in accordance with the approved restoration scheme, no objection is raised to this development coming forward. The building is utilitarian in design however in view

of the proposed use and the proposed location on-site it is considered compliance with policy S7 of the Uttlesford Local Plan can be demonstrated.

### **Planning Consolidation**

Due to the way that this site has evolved, i.e. the mineral excavation was permitted and then the waste recycling use introduced, the two operations benefit from separate planning permissions.

Without prejudice, should further time extensions be granted, it is considered appropriate to seek to consolidate these two permission together with the other extant permissions existing across the area within the applicant's control. This is considered will help in terms of understanding the collective nature of operations permitted on-site and would also allow a more comprehensive consideration of factors such as landscaping and restoration in terms of achieving both short and long term benefits.

In this regard, the below planning permissions have been identified for consolidation:

ESS/67/21/UTT;

ESS/68/21/UTT;

ESS/80/21/UTT;

ESS/09/16/UTT – which relates to the on-site office block; and

ESS/83/19/UTT – which relates to a surface water drainage and treatment scheme.

The consolidation would be secured by legal agreement and would effectively result in the decision for the three applications pending determination and the two other extant permissions identified above being consolidated under a new planning application reference on one decision notice. Separate decision notices would not be issued for ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT, albeit these applications would have technically been approved. The consolidated decision notice would cover the entire area within the applicant's ownership and all elements of operations previously governed by separate permissions, bringing together condition requirements where appropriate.

## **7. CONCLUSION**

The extension of time proposed to the life of the site, at over 13 years, is substantial. This site has been awaiting restoration for a number of years and previous deadlines have come and gone, representing a failure by the operators to do what they historically were permitted to do as well as a planning failure in terms delivering restoration and aftercare at the earliest opportunity as required by the NPPF and Minerals Local Plan.

The site is located in a rural area, on the outskirts of Widdington, and is considered an inappropriate location for a stand-alone waste use. The proposed extension is therefore prolonging the harms/impacts associated with this inappropriate use and development (built form) which, if not considered as ancillary to the restoration of the quarry void, would not be supported in land-use terms.

Concerns that restoration of the quarry historically may have been mismanaged and potentially prolonged to maintain the existence of a waste use are acknowledged and to some degree accepted by the MWPA. As evidenced through the planning history of this site, and the refusal of the original 2007 application for the WTS, the MWPA has always held reservations as to whether the contribution of the WTS to the restoration of this site would be substantial and sufficient to suitability outweigh the harms associated with such a use on-site. However, the benefits of the WTS were accepted by the Inspector as part of the appeal decision issued in 2009 and accordingly this ancillary use/operation is now well established. Although the MWPA reservations are now supported by the data from actual operations, it is considered it would be difficult to re-argue this point whilst the quarry remains unrestored.

This application does seek to reduce the percentage of material handled through the WTS required to be used as part of the infilling/restoration of the quarry from 70% to 50%. However, 50% was the original percentage imposed by the Inspector and it is considered that the MWPA needs to be realistic as to this what is actually achievable in context of the waste materials which for example are received within skips and the principles of the waste hierarchy.

It is the MWPA's view that the extant permissions for the site operations have failed to give the MWPA appropriate provisions or control to ensure some form of restoration of this site. Although the granting of another lengthy extension is by no means ideal, it is not considered that it is a plausible option to simply leave the site as is. The applicant has supplied historical data to support the proposed levels of importation/infill and accordingly the revised restoration timetable. The levels of importation are considered conservative, particularly in terms of that suggested historically (albeit not achieved) and the recent investments which have been made to the site. However, it is considered that requiring or seeking to suggest higher targets could just result in a further extension being needed down the line.

The fact that this site is still unrestored is considered to highlight that in hindsight this site has potentially benefitted from poor or bad planning decision making. Unfortunately, the MWPA however finds itself with little alternative but to afford additional time to restore the site. It is accepted that there will be local discontent as to the length of extension proposed and views that the MWPA are repeating old mistakes. However, it is considered that through the imposition of more robust conditions and a legal agreement which seeks better monitor on site works and progress that the MWPA can help further ensure that the site is restored as the applicant claims.

That said, it is also acknowledged that the site is now under new management and the site is being run in a more professional and efficient manner than before and many outstanding environmental concerns with the site have or are in the process of being resolved. It is accepted that should planning permission be granted, over the additional operational period proposed, there would be continued landscape and visual impacts, together with some harm or nuisance to local amenity. However, it is considered that particularly in terms of the amenity nuisance that these can be effectively mitigated through the imposition of restrictive conditions. The landscape and visual impact can also be reduced through the introduction of additional planting and whilst this impact or scarring will not cease or be resolved

until the buildings on-site are removed and the site is restored, in the long term, as part of the restoration, the original envisaged long-term landscape and ecology benefits would be delivered.

## 8. RECOMMENDED

That subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring:

- the submission of annual site surveys and waste import/export records and biennial reviews which would seek to identify any issues in terms of the restoration timetable and its delivery, together with potential solutions/amendments (if appropriate);
- confirmation that, in the event that through submission of annual waste returns (material imported, landfilled etc...) the operator for two consecutive years fails to meet the 50% import/export restriction, the skip element of the operation/use will cease immediately;
- a scheme of highway improvement/repair works;
- a highway condition survey post completion of the aforementioned;
- a highway condition survey and works schedule to remedy any issues or damage post completion of the site restoration;
- creation and attendance of a local liaison group/meeting;
- and consolidation of all extant planning permissions within the area owned by the applicant so that all operations are covered by one planning permission/reference going forward

planning permission be granted subject to the below conditions.

1. The development hereby permitted shall be carried out in accordance with:

i) The details submitted by way of application reference ESS/43/05/UTT dated 5 October 2005, together with the supporting statement dated 18 October 2005, email dated 2 November 2005 and email dated 28 November 2005.

As amended by details submitted with application reference ESS/49/07/UTT dated 30 September 2007 and appeal reference APP/Z1585/A/08/20805431NWF dated 3 July 2008, together with drawing

Plan Ref	Date	Description
004/107- D	Oct 07	Waste Recycling & Transfer

As amended by the details submitted with application reference ESS/35/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013 and drawing numbers:

Plan Ref	Date	Description
K9.1-20-005	27 May 2013	Application boundaries and Site Location

K9.1-20-006	22 May 2013	Site Layout at 1:1000
K9.1-20-006/1	24 June 2013	Site Layout at 1:2000

And emails from Wiser Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with application reference ESS/30/19/UTT dated 25/04/2019, supporting statement dated May 2019, supporting statement addendum dated August 2019 and drawing numbers:

Plan Ref	Date	Description
WIDD/MRF/02	April 2019	Waste Transfer Building Layout
18606-01-JOD-WID-SHD-01 (Rev C1)	1-Apr-19	Waste Transfer Shed Plans and Section
18606-01-JOD-WID-SHD-02 (Rev C1)	1-Apr-19	Waste Transfer Shed Elevations
WIDD/MRF/04 v2	April 2019	Waste Recycling Operational Areas
K303.1-20-004	2020-10-08	Combined Drainage Plan

As amended by the details submitted with application reference ESS/67/21/UTT dated 25/06/2021, supporting statement dated July 2021, supplemental submission, dated November 2021 and drawings:

Plan Ref	Date	Description
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

ii) The details submitted with the application reference UTT/911/89 dated 11 May 1989 and Bidwell Drawing No. B3062 received 18 May 1989, letters from Bidwells dated 30 October 1989, 24 November 1989 and 15 January 1990.

As amended by planning application reference ESS/33/02/UTT/REV dated 14 June 2002 along with:

- Application letter from and Statement of details by Molyneux Planning dated 10 September 2002;
- Plan Ref. RH/MSE/1877-3 Extraction Contours dated 27/08/02;
- Location Plan 1:2500, received 25 September 2002, indicating area edged

blue (NB area edged red defined by Bidwells Drawing no. B3062 received 18 May 1989);

- Letters dated 8 November 2004, 20 November 2004, 11 January 2005 and email dated 10 November 2004 from Wisers;

and drawings:

- RH/MSE/1877-4 Post settlement contours dated 29/10/04;
- RH/MSE/1877-5 Pre-settlement contours dated 29/10/04;
- RH/MSE/1877-6 Areas of reinstatement dated 8/7/05; and
- WIS/MSE/2523-8 Application Site dated 10/01/06.

As amended by planning application ESS/44/08/UTT dated 12 August 2008 (subject of planning appeal APP/Z1585/C/08/2111890), covering letter dated 17 September 2008 and supporting statement reference K9.3-08-002 dated August 2008, together with drawing numbers:

- WIS/MSE/2523-1 Site boundary dated 27/10/05;
- WIS/MSE/2868-3 Site Areas April 2008 dated 16/05/08;
- WIS/MSE/2868-2 Volumetric Analysis dated 6/05/08; and
- WIS/MSE/2523-8 Application site dated 10/01/06 .

As amended by the details submitted with planning application ESS/34/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013, together with drawing numbers:

<u>Plan Ref No</u>	<u>Date</u>	<u>Description</u>
WIS/MSE/2523-1	14.10.2005	Location Plan
KP.3-20-014	24.06.2013	Site Location
WIS/MSE/2523-8	10.01.2006	Application Site
WIS/MSE/2868-21	18.04.2013	Volume Summary
K9.3~20~015	24.06.2013	Landfill application boundaries
WIS/MSE/2784-2D	02.03.2010	Restoration Phases
WIS/MSE/2868-2	06/05/2008	Volumetric Analysis April 2008
WIS/MSE/2868-21	18.04.2013	Volume Summary 2012-2013
WIS/WSE/2868-23A	16.07.2013	Site survey March 2013, Post-Settlement Contours & Existing Surrounding Ground Contours

And emails from Wisers Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with planning application ESS/35/18/UTT dated 23 October 2018; Supporting Statement, dated October 2018; and drawings titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018; 'Proposed Restoration Levels Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018; 'Restoration Cross-Section Locations', drawing number: WIS/MSE/2868-46B, dated 03/09/2018; 'Restoration Cross-Sections (Post Settlement Levels)', drawing number: WIS/MSE/2868-46C, dated 19/09/2018.

As amended by the details submitted with application reference ESS/68/21/UTT dated 25/06/2021, supporting statement dated July 2021 and drawings:

<b>Plan Ref</b>	<b>Date</b>	<b>Description</b>
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

iii) The details submitted by way of the application reference ESS/80/21/UTT dated 01 September 2021, together with drawing numbers/documents:

- 'Site Location Plan', drawing no. WIDD/WOR/01, dated August 2021;
- 'Workshop – Existing Site Layout', drawing no. WIDD/WOR/02, dated August 2021;
- 'Workshop – Proposed Site Layout', drawing no. WIDD/WOR/02, dated August 2021;
- 'Workshop – Proposed Detailed Site Layout', drawing no. WIDD/WOR/03, dated August 2021;
- 'Proposed Workshop', drawing no. PL-101, dated 28/07/2021;
- 'Supporting Statement, dated August 2021; and
- 'Design and Access Statement', dated August 2021.

iv) The details submitted by way of the application reference ESS/09/16/UTT, dated 10/02/2016, together with drawing numbers/documents:

- 3637-01A Proposed Site Location Plan;
- 3637-02C Existing and Proposed Office Plans and Elevations;
- 3637-03 Proposed Site Plan;
- 3637-04 Proposed Storage Bay; and
- Planning Statement incorporating Design and Access Statement, prepared by Artisan Planning and Property Services, dated January 2016.

v) The details submitted by way of the application reference ESS/83/19/UTT dated 25 September 2019 (as amended by email from Avison Young, dated 28/01/2020 [08:54]), together with drawing titled 'Bank Stability and Drainage Plan', drawing no. WIDD/BSD/02, dated Sep 2019; and drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019

vi) and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral and Waste Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies S1, S6, S10, S11, S12 and DM1 of the Essex Minerals Plan (2014); policies 1, 2, 4, 5, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN1, GEN2, GEN3, GEN4, GEN5, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

2. All operations associated with the winning and working of sand, the processing

of the same and inert landfilling hereby permitted across the landfill as shown on drawing titled 'Operational Areas', drawing no. WIDD/TEX/02 v2, dated June 2021, shall cease/be completed by the 31 August 2031 and this area shall be fully restored by 31 August 2032 or within 6 months of the achievement of the approved restoration contours on the last phase/cell, whichever date is the earlier, with the exception of agricultural aftercare.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

3. All activities and operations associated with use of land for skip hire and commercial waste recycling, waste transfer and green waste composting and the importation of non-indigenous aggregates shall cease by 31 August 2031. All stockpiles of materials and waste, structures, buildings, plant, machinery, foundations, hardstandings and roadways used shall be removed by 31 August 2032, except those required to facilitate restoration of this area which shall have been previously approved to be retained by the Mineral and Waste Planning Authority pursuant to condition 4 of this permission. The site shall then be fully restored, with all development removed from the site, by the 31 October 2035 in accordance with the approved restoration contours and landscape scheme.

Reason: To ensure the temporary nature of the waste use and operations is maintained, to limit the impact of the site on local amenity, to ensure restoration of this part of the site within a reasonable timescale and to comply with policies 5, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

4. Within twelve months of the proposed completion of landfilling of cells 1-5, or in any event no later 31 August 2030, details of the infrastructure proposed to be retained to facilitate restoration of the land used for the skip hire and commercial waste recycling, waste transfer and green waste composting shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall detail any buildings, structures, plant, machinery, foundations, hardstandings and/or roadways proposed to be use in connection with the restoration of this part of the site. For the avoidance of any doubt, in accordance with condition 3, it is expected that infrastructure proposed to be retained would be limited to that only essential, with the main waste transfer/recycling building removed. Only infrastructure approved to be retained shall remain on-site after 31 August 2032. When such infrastructure is no longer required for the purpose for which they were retained they shall be removed, or in any event they shall be removed by the 31 October 2035, to ensure restoration of the entire site in line with the completion date.

Reason: To enable the Mineral and Waste Planning Authority to adequately control the development, ensure progressive restoration and the removal of built form, to ensure that only infrastructure essential to restoration is retained

on site following cessation of the skip hire and commercial waste transfer/recycling operation and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7 and GEN4 of the Uttlesford District Council Local Plan (2005).

5. In the event of a cessation of the infilling/landfilling hereby permitted for a period in excess of 12 months, prior to complete restoration of the site, which in the opinion of the Mineral and Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted for review and approval in writing. Such a scheme shall be submitted within six months of notification of a permanent cessation from the Mineral and Waste Planning Authority. Any such scheme would be expected to include an up-to-date survey of the site; propose an interim or alternative restoration scheme for the site which for the avoidance of doubt would be expected to show all built form removed from the site; and detail a clear and precise schedule and timetable for works which would be undertaken.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

6. Operations authorised or required by this permission (including temporary operations) shall only be carried out between the following times:  
07:00 to 18:30 hours Mondays to Fridays  
07:00 to 13:00 hours Saturday  
and at no other time or on Sundays, Bank and Public Holidays.

For the avoidance of doubt, all vehicles in excess of 7.5t gross vehicle weight and contractors vehicles in excess of 3.5t gross vehicle weight associated with the operations shall not be allowed to enter or leave the site outside of these times. The aforementioned times shall be subject to the following exception for shredding of green waste which shall only take place between 09:00 to 16:00 hours Mondays to Fridays, and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN5 and ENV11 of the Uttlesford District Council Local Plan (2005).

7. All plant and machinery shall operate only during the permitted hours of operation, except in emergency, and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: In the interests of limiting the effects on local amenity and to comply

with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

8. Within one month of the date of this decision, a Noise Impact Assessment shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The Assessment, which is to be submitted in accordance with PPG:minerals, BS5228-1:2009+A1:2014 and BS4142:2014+A1:2019 shall seek to address/confirm the following points:
- That for normal mineral operations noise levels will not exceed background noise levels (LA90, 1h) by more than 10dB(A) during normal working hours at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House. In any event, that the total noise from normal mineral operations will not exceed 55dB(A) LAeq, 1h (free field).
  - That for temporary mineral operations noise levels will not exceed 70dB(A) LAeq 1h (free field) at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House and that any such operations would be limited to 8 weeks in any year.
  - That for industrial (waste) operations, i.e. those operations not covered by the minerals guidance, noise levels will not exceed a rating level equivalent to the background noise level, subject to context, when assessed in accordance with BS4142:2014 +A1:2019, during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.
  - That cumulatively, the total noise emissions from the site will not exceed 55dB(A) LAeq 1hr (free field) during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.

The findings of the Assessment, and the site noise levels approved, shall form the basis of the regularly monitoring submissions required by condition 9 of this permission.

Reason: In the interests of limiting the effects on local amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

9. Within one month of the date of this decision, a scheme for monitoring noise levels arising from the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall confirm that noise monitoring submissions will provide:
- Attended measurements by a competent person of LA90 and LAeq 15-minute noise levels over 1 hour at each of the monitoring locations used as part of the Noise Impact Assessment, approved as part of the submission pursuant to condition 8, as representative of Holly Cottages, Camfield and Jock Wood House;
  - Details of equipment and calibration proposed to be used for monitoring;
  - Details of noise monitoring staff qualifications and experience;
  - The logging of all-weather conditions, approximate wind speed and direction and both on site and off site events occurring during

- measurements including 'paused out' extraneous noise events;
- Procedures for characterising noise from mineral versus industrial noise sources and extraneous noise (if required);
  - Confirmation that monitoring will be undertaken during typical working hours with the main items of plant and machinery in operation;
  - Details of any noise related complaints received and procedures for handling such complaints; and
  - Actions/measures to be taken or proposed in the event of an exceedance of the noise limits.

Noise monitoring, in accordance with the approved scheme, shall be undertaken at six monthly intervals with the results forwarded to the Mineral and Waste Planning Authority within one calendar month of the monitoring being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral and Waste Planning Authority.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

10. No audible warning device shall be used on any mobile plant except in accordance with details to be submitted to and approved in writing by the Mineral and Waste Planning Authority.

Reason: In the interests of amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

11. Within one month of the date of this decision, a revised working/phasing plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The development shall subsequently be undertaken in accordance with the details approved.

Reason: On the basis that it is considered that seeking to work or restore in a slightly revised order may give rise to some landscape/screening benefits as operations within the yard continue, to ensure that the site is progressively restored, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

12. Within one month of the date of this decision, a restoration plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The restoration plan is expected to follow the principles/land levels as shown on drawing titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018 and 'Proposed Restoration Contours

Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018. The development shall subsequently be undertaken in accordance with the details approved.

Reason: To ensure that the site is restored to an acceptable profile and is capable of returning to an agriculture afteruse, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

13. All indigenous and imported topsoil, subsoil and soil making material shall be retained on the site for use in the restoration of the site.

Reason: To prevent the loss of soil and aid the timely final restoration of the site in compliance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

14. Only inert waste shall be deposited within the quarry void/landfill area and/or used as part of the restoration of the wider site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

15. Subsoil shall be placed to an even depth of 700mm over the overburden/clay cap to achieve pre-settlement levels less 300mm to allow for topsoils. The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil and to conform to the approved restoration contours. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Reason: To ensure the site is properly restored and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

16. Soil placement shall be implemented in accordance with the details submitted and approved on 15 May 2009 under condition 32 of planning permission ESS/33/02/UTT/REV. The approved soil placement details are set out in letters from Wisser dated 18 February 2008 and 10 March 2009 and document reference K9.3-08-001 dated 11 February 2008 and drawing nos. WIS/MSE/2523-1, WIS/MSE/2784-1 dated 22/10/2007 and RH/MSE/1877-4 dated 29/10/2004

Reason: To ensure the site is properly restored and to comply with policies

S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

17. There shall be no placement of subsoils and/or topsoils on any area ready for restoration until a topographical survey at 0.5m intervals of the area for restoration has been submitted to the Mineral and Waste Planning Authority for review and approval in writing.

Reason: To ensure the placement of subsoils and/or topsoils would facilitate the approved restoration contours/profile and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

18. Within one month of the date of this decision, a landscape scheme for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall include details of all planting, screening/mitigation bunds, buffer areas to field boundaries and any boundary and inter-boundary fencing proposed to be installed. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and for those to be retained, measures for their protection when works are proposed within close proximity. The scheme shall include detail of all areas to be planted with species, sizes, spacing, protection and a programme of implementation. The scheme which is expected to suggested progressive implementation shall be implemented as such with planting occurring within the first available planting season (October to March inclusive). Any tree or shrub forming part of a landscaping scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral and Waste Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

19. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted Scheme/s shall be expected to following the phases of working, as confirmed as part of details submitted pursuant to condition 15, and:

- a) Provide an outline strategy 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; and

- b) Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

With regard to the above, it is noted that an aftercare scheme for cell 1 has already been approved by the Mineral and Waste Planning Authority under application reference ESS/35/18/UTT/24/1. No further submission is therefore expected or required in respect of cell 1 unless the operator wishes to amend any of the details previously approved.

Reason: To ensure the satisfactory restoration of the site for agriculture and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

20. The development shall be carried out in accordance with the method of composting details approved under planning application reference ESS/35/13/UTT/8/1 dated 22 July 2014. Composting shall be undertaken in the area identified for composting on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019. No wood waste shall be mixed with green waste for composting. Green waste composting shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017)

21. No stockpiles of green waste, shredded green waste, windrows of composting material or stockpiles of composted material shall exceed 3m in height.

Reason: In the interests of visual amenity and to comply with policy 6 and policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

22. No composted material/soil improver shall be removed, sold or exported from the site, and shall be used to aid restoration of the site. No composted material/soil improver or composted material/soil improver mixed with soils or recovered soils shall nevertheless be spread, until the quality of the material has been independently verified and evidence of such submitted to the Mineral and Waste Planning Authority. Such material shall be spread at a depth no greater than 0.3m over cells 1-5.

Reason: To ensure materials remain on site and to ensure beneficial restoration of the site.

23. No shredding of green waste shall take place in periods of adverse weather

conditions, particularly during periods of high wind from the south west. No turning or moving of composted material shall take place in periods of adverse weather conditions, particularly during periods of high wind from the south west. The odour complaints scheme shall be implemented and adhered to in accordance with the details approved on 14 March 2007 by the Waste Planning Authority under condition 14 of planning permission reference ESS/43/05/UTT. The approved odour complaints scheme is as set out in letters dated 28 November 2006 and 21 February 2007.

Reason: To minimise the risk of adverse impact from dust and odour, in the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policy GEN4 of the Uttlesford District Council Local Plan (2005).

24. The throughput of green waste at the site shall not exceed 15,000t per annum and the operators shall maintain records of their monthly throughput, which shall be made available to the Mineral and Waste Planning Authority within 14 days upon written request.

Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

25. No more than 200 tonnes of imported aggregates shall be stored on the site at any time and this shall solely be stored within the areas identified as such on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (orange hatching).

Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

26. Within one month of the date of this decision, a detailed layout plan of the site shall be submitted to the Minerals and Waste Planning Authority for review and approval and writing. The layout plan shall clearly detail all development (structures, static plant and machinery, bays and bunds) within and around the yard, including details of size, construction, form and materiality. The development shall be maintained in accordance with the approved details.

Reason: To ensure that the Minerals and Waste Planning Authority has a layout plan which accurately shows all existing development on-site.

27. No stockpiles of waste or materials shall exceed 3m in height or 100m AOD (whichever is the lesser).

Reason: In the interests of visual amenity and to comply with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

28. The operator shall maintain records of their weighbridge sales; of the quantity of aggregates imported for resale; and the quantity of indigenous aggregate sales. All records shall be made available for the Mineral and Waste Planning Authority within 14 days of a written request.

Reason: To enable the Mineral and Waste Planning Authority to monitor the scale of development is in accordance with that approved, in the interests of local amenity and to comply with policies 10 and policy 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

29. Not less than 50% by weight of the material imported to the site, and handled/processed through the waste transfer/recycling station, shall be retained within the Widdington site for use in infilling and restoring the quarry void/landfill. The operator shall maintain records of tonnages of materials imported and exported from the site and shall make these records available to the Mineral and Waste Planning Authority within 14 days of a written request.

Reason: To ensure the waste recycling facility is contributing to the restoration of the quarry void/landfill and to comply with policies S12 and DM1 the Essex Minerals Plan (2014); policies 5, 6, 9, 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

30. No handling, deposit, processing, storage or transfer of waste shall take place outside the areas identified for 'Waste Stockpiles, Handling and Recycling' and 'Crushing and Screening Operations' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (dark blue and yellow hatching).

Reason: In the interests of visual amenity and to comply with policy 10 (Development Management Criteria) of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

31. No storage of full, empty or damaged skips shall take place outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

Reason: In the interests of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

32. No storage of plant or machinery whether functional or not shall be stored outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

Reason: In the interests of visual amenity and to comply with policy 10 of the

Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

33. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be sited on an impermeable base or installed within an impermeable container with a sealed sump or bund capable of holding at least 110% of the vessels capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage with no direct discharge to any watercourse, land or underground strata. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

34. No fixed external lighting other than that approved under planning application references ESS/04/16/UTT/23/1 and ESS/30/19/UTT/21/1 shall be erected or installed on-site (in the yard or attached to any building) until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Waste Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the potential for nuisance and disturbances to the surrounding area and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and GEN5 of the Uttlesford District Council Local Plan (2005).

35. The total number of heavy goods vehicle\* movements associated with the development hereby permitted shall not exceed the following limits:

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

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

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

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014);

policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

36. No loaded lorry shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

37. The 180m surfaced section of the haul road, from the junction with Hollow Road shall be kept free of mud and to ensure that such material is not carried onto the public highway.

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

38. The access/haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to suppress dust.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005)

39. Within one month of the date of this decision, details of a driver instruction sheet and enforcement protocol shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing in respect of vehicle routing to and from the site and general consideration of nearby residential properties and local roads.

Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

40. Signs shall be erected and maintained for the life of the development hereby permitted on both sides of the haul road at the point where Bridleway No. 14 crosses, to warn pedestrians of vehicles and drivers of pedestrians. The signs to read: 'CAUTION: PEDESTRIANS AND HORSES CROSSING' and 'CAUTION: LORRIES CROSSING'. The signs shall be maintained throughout the life of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan

(2005).

41. The drain located across the bellmouth at the site entrance shall be maintained in accordance with the scheme approved under planning reference ESS/34/13/UTT/33 and ESS/35/13/UTT/32, both dated 22/07/2014.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with polices S10, S11 and DM1 of the Essex Minerals Plan (2014); polices 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

42. The wheel and underside chassis cleaning facilities, approved under planning reference ESS/34/13/UTT/34/1 and ESS/35/13/UTT/33, both dated 16/12/2014 shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. No commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

43. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Construction Management Plan shall confirm:

- Areas of the site which are proposed to be utilised for construction including how the site would be temporarily accessed;
- Areas proposed for the loading and unloading/stockpiling of materials; and
- Proposed hours of construction including details of any temporary development/welfare facilities and/or other provisions proposed to support the construction of the development.

The Construction Management Plan shall furthermore include a specific section on environmental management, and biodiversity, in respect of limiting the impact of the construction phase on ecological habitats and include the:

- Identification of biodiversity protection zones;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists may need to be present on site to oversee works;
- Responsible persons and lines of communication; and the
- Use of protective fences, exclusion barriers and warning signs.

The development shall be implemented in accordance with the Construction

Management Plan subsequently approved.

Reason: In the interests of highway safety, minimising the potential for environmental impact during the construction phase of the development, safeguarding local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

44. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until specific design details for the surface water drainage scheme, as shown in principle on drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall confirm that discharge rates are limited to 5l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change; that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event; include final modelling and calculations for all areas of the drainage system; include detailed engineering drawing of each component of the drainage scheme; and a final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.

Reason: To ensure the effective operation of the surface water drainage scheme over the lifetime of the adjacent development and to comply with policies 10 and 11 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN3, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

45. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until detailed construction drawings/designs for the surface water drainage scheme, as shown in principle on drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to the Waste Planning Authority for review and approval in writing. The details submitted shall include confirmation of the engineered shape of the lagoons and design specification of the lagoons; associated landscaping/planting (including reed specification); fencing; and the connection point from the yard. The development shall be implemented in accordance with the approved details.

Reason: To ensure the specific design details of the development are acceptable, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

46. Prior to beneficial use of the surface water drainage and treatment scheme hereby approved a maintenance and management plan for the development shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The plan, in addition to covering general maintenance and management arrangements, shall include specific consideration of biodiversity in the form of a Biodiversity Enhancement Plan which should support the

principles of the development design which have the potential to deliver biodiversity gains.

Reason: To ensure the development is appropriately managed and maintained, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

And that it is not considered expedient to take enforcement action against operations continuing on-site, during the period allowed to complete the required legal agreement. If progress with regard to the legal agreement is stalled and it is considered this is unlikely to be completed, then the situation with respect to enforcement action will be reviewed given the existing end date of the extant permissions would have lapsed.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

## **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Stansted