

DR/15/22

Report to: DEVELOPMENT & REGULATION (25 March 2022)

Proposal: MINERALS AND WASTE DEVELOPMENT - Extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems. In addition, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors' compound via Woodhouse Lane and Cuthedge Lane. Restoration of Site A7 to agriculture and biodiversity (species rich grassland and wetland).

Ref: ESS/12/20/BTE

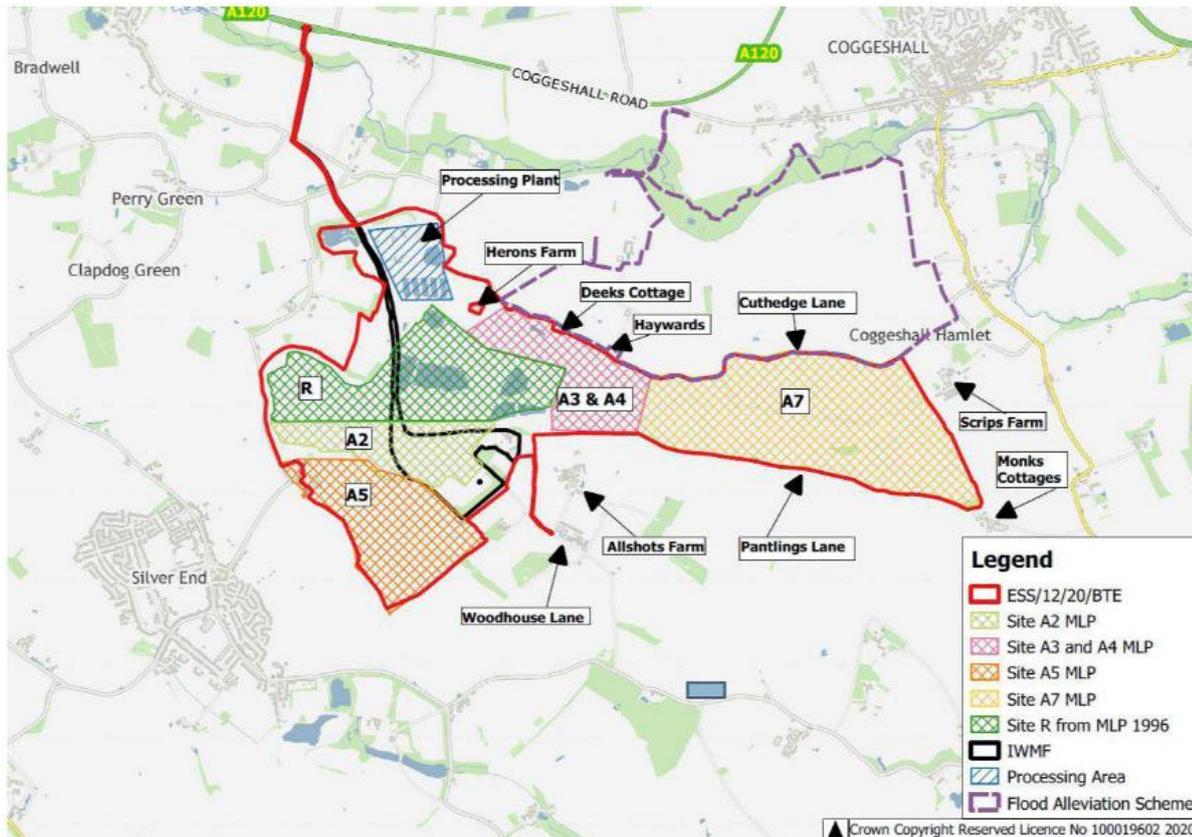
Applicant: Blackwater Aggregates

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

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

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



1. BACKGROUND

This planning application to extract 6.5 million tonnes of sand and gravel from Reserved Site A7 of the Minerals Local Plan was previously considered by the Development & Regulation Committee in [September 2020](#). The Committee resolved to grant planning permission, subject conditions and a legal agreement to be completed within 12 months.

Unfortunately the legal agreement had not been completed by September 2021 and thus the Development & Regulation Committee considered a further report in [September 2021](#).

The purpose of this report is to update members as to the consideration of the application and seek additional time to complete the legal agreement.

2. SITE

Bradwell Quarry lies 6km east of Braintree. Bradwell Quarry is located between the villages of Bradwell Silver End, Kelvedon and Coggeshall.

The application area includes the whole of Bradwell Quarry including the existing access, infrastructure and previous extraction areas as well as proposed new extension area, Reserved Site A7 of the Minerals Local Plan. The application site area is 325ha. The area of proposed new extraction is Reserved Site A7, an area of 94ha (of which 65ha would be quarried) (hereafter referred to as Site A7). The remaining application area is made up of the processing plant area, lagoons, access road and previously worked areas, including site A5 currently being extracted.

Site A7 lies to the south of Cuthedge Lane and to the north by Pantlings lane, a bridleway with hedges on both sides for most of its length. The closest village to Site A7 is Coggeshall to the north north east, with the outskirts of the village approximately 800m from the site. Coggeshall Hamlet lies north east of Site A7 approximately 500m away.

There is an existing private access road (approximately 1km long) from the A120 to the quarry processing area. Site A7 would be accessed via an internal haul road to the processing area.

Site A7 extraction area is currently made up of 4 arable agricultural fields.

The site is situated on a plateau approx. 50m AOD with a very slight fall from west to east of 5m

The geology of the site comprises boulder clay varying between 2.5m and 13m thick (average 7.5m), Kesgrave sands and gravels varying between 2m to 13m thick (average 6m – the mineral to be worked) overlying more than 70m of London clay.

3. PROPOSAL

The application is for the extraction of 6.5 million tonnes of sand and gravel over 8 to 10 years, with progressive restoration completed within 12 years.

The application includes the retention of the existing infrastructure, including the haul road to the A120, and all existing primary and secondary processing plant, including offices and weighbridge, sand and gravel washing plant, ready mix concrete plant, bagging plant, dry silo mortar plant and existing silt and water management systems.

Sand and gravel would be extracted and transported by dump trucks on an internal haul road, passing through restored phases A3 and A4, the haul road would be bunded on both sides. Mineral would be processed through the existing processing facility.

The restoration of Site A7 would be back to mainly agricultural/arable use.

The proposed hours of operation for both the Bradwell Quarry processing area and extraction operations and vehicles leaving and arriving at the site would be Monday to Friday 07:00 to 18:30 hours and Saturday mornings 07:00 to 13:00 hours with no operations on Sundays or Public Holidays, which are the same as those for the existing operation. There are also permitted extended hours of operation for the bagging plant between 06:00 and 07:00 and 18:30 and 22:00 hours Monday to Friday, but this only permits bagging of the material, not its export. There is also a resolution (subject to a legal agreement) to permit extended hours of operation for the Dry Silo Mortar plant (DSM), the same as those for the bagging plant, but similarly no HGV movements during the extended hours. These extended hours for the DSM would be included in the permission for Site A7 if granted.

The proposed HGV traffic movements are a maximum of 590 movements (295 in and 295 out) per day Monday to Friday and 294 movements (147 in and 147 out) per day Saturdays, with an average of 458 per day (Monday to Friday averaged over a calendar year). This would remain the same as the current approved HGV traffic for the existing quarry.

4. POLICIES

The following policies of the Minerals Local Plan, (MLP) adopted July 2014, Essex and Southend Waste Local Plan (WLP) adopted 2017 and the Section 1 of Braintree Local Plan (BLP S1) was adopted in February 2021 replacing some of policies of the Braintree District Council Local Development Framework Core Strategy (BCS) Adopted 2011. However, some policies of the Braintree District Local Plan Review (BDLPR) 2005 remain relevant. The following policies are those development plan documents now considered relevant to this application and the conditions proposed to be imposed:

MINERALS LOCAL PLAN (MLP)

S1 - Presumption in favour of sustainable development

S2 - Strategic priorities for minerals development

S3 - Climate change

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
DM3 - Primary Processing Plant
DM4 - Secondary Processing Plant

WASTE LOCAL PLAN (WLP) 2017

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

BRAINTREE DISTRICT LOCAL PLAN (BLP S1) 2013-2033 Section 1

SP 7 Place Shaping Principles

BRAINTREE DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY (BCS) adopted 2011

CS5 Countryside

CS8 Natural Environment and Biodiversity

NEIGHBOURHOOD PLANS

Bradwell With Pattiswick Neighbourhood Plan 2019

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

Coggeshall PC (adjacent parish) Neighbourhood Plan (CNP) July 2021.

Policy 11 Preventing Pollution (including air and water quality, noise and light)

Kelvedon PC Neighbourhood Plan is at too earlier stage to have weight.

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

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

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the

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

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. BDC is preparing Section 2 of its Local Plan and is awaiting comments following submission of responses to the main modifications and ECC has started on the review of the Essex Minerals Local Plan, however both are too earlier stage to be given any weight.

5. UPDATE WITH RESPECT TO THE LEGAL AGREEMENT

The legal agreement has now been finalised in accordance with the heads of terms set out in the September 2020 Committee Report and is circulating for signature. However due to the number of land interests within the application site, there a number of parties involved in the agreement, there is concern that not all signatures will have been obtained to allow completion of the legal agreement and issuing of the decision by the 30 March 2022 in line with the last Committee resolution in September 2021.

It is therefore requested that a further 3 months be given to complete the legal agreement. The planning permission cannot be issued until the legal agreement has been completed.

If there should be a significant change in planning policy or a material change in circumstances prior to the agreement being completed, then the matter will be referred back to the Committee for reconsideration prior to the issue of the decision notice.

RECOMMENDED

That planning permission be granted subject to

- i. The prior completion, within 3 months (i.e. 30 June 2022, unless otherwise agreed with the Chairman of the Development and Regulation Committee), of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the September 2020 Committee Report
- ii) And conditions as set out in Appendix 1.

BACKGROUND PAPERS

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

The proposed development would not be located adjacent or within a European site.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION

BRAINTREE - Witham Northern
BRAINTREE - Braintree Eastern