



Essex County Council

Development and Regulation Committee

10:30	Friday, 27 November 2020	
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Sophie Campion, Democratic Services Officer

Telephone: 033301 31642

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

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Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

How to take part in/watch the meeting:

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Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	8 - 8
2	Minutes	9 - 18
	To approve the minutes of the meeting held on 23 October 2020.	
3	Identification of items involving Public speaking	
	To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on Tuesday before the meeting.	
4	Minerals and Waste	

4.1 Land at St Cleres Hall Pit, Danbury

19 - 62

To consider report DR/34/20, relating to the:

- Continuation of the winning and working of mineral and subsequent restoration of the site without compliance with Conditions 2 and 3 (Commencement and Duration); Condition 10 (Wheel Cleaning); Condition 14 (Noise Monitoring); Condition 37 (Restoration) and Condition 40 (Amenity Aftercare) of planning permission ESS/31/16/CHL to allow for an extended time period for cessation of mineral extraction to 16 February 2029; cessation of use of the processing plant by 31 December 2031 and restoration of processing plant and stockpile area by 31 March 2032; to provide for HGV wheel and chassis washing together with site noise monitoring and to allow for a revised restoration scheme to be submitted within 12 months of the date of approval and an amenity aftercare scheme to be submitted within 12 months of the date of approval. Ref No: ESS/49/19/CHL
- Continuation of the importation of unprocessed aggregate from Royal Oak Quarry into St Cleres Hall Pit without compliance with Condition 2 (Commencement and Duration) of planning permission ESS/32/16/CHL (that allowed importation of unprocessed aggregate from Royal Oak Quarry into St Cleres Hall Pit until 31st October 2021) to allow an extended time period for the importation until 16 February 2029. Ref No: ESS/50/19/CHL

Location: Land at St Cleres Hall Pit, Main Road, Danbury, CM3 4AS

Ref: ESS/49/19/CHL & ESS/50/19/CHL

4.2 Bradwell Quarry, Bradwell

63 - 65

To consider report DR/35/20, relating to continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE.

Location: Bradwell Quarry, Church Road, Bradwell, CM77 8EP

Ref: ESS/35/20/BTE

4.3	Wivenhoe Quarry, Land to the South of Colchester Main Road, Alresford	66 - 188
	<p>To consider report DR/36/20, relating to extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material.</p> <p>Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB</p> <p>Ref: ESS/17/18/TEN</p>	
4.4	Report on the programme of Periodic Review of Mineral Planning Permissions	189 - 196
	<p>To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS). Report DR/37/20</p>	
5	Village Green	
5.1	Land at Luxfield, Great Baddow	197 - 200
	<p>To consider report DR/38/20, an application to register land at Luxfield, Vicarage Lane, Great Baddow, as a Town or Village Green.</p>	
6	Enforcement	
6.1	Enforcement of Planning Control - Quarterly update	201 - 205
	<p>To update members of enforcement matters for the period 1 July to 31 October 2020 (Quarterly Period 2). Report DR/39/20</p>	
7	Information Item	

7.1 Applications, Enforcement and Appeals Statistics 206 - 207

To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.
Report DR/40/20

8	Dates of Future Meetings	208 - 208
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To note Committee meeting dates, up to April 2022.
Report DR/41/20

9 Date of next meeting

To note that the next meeting is scheduled for Friday 18 December 2020.

10 Urgent Business

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

Exempt Items

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

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

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

11 Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Sophie Campion, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

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

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 23 October 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr D Blackwell	Cllr M Mackrory
Cllr M Garnett	Cllr J Moran
Cllr D Harris	Cllr M Steptoe
Cllr J Henry	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr J Reeves, substituted by Cllr J Henry.

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 25 September 2020 were agreed as a correct record.

3. Identification of Items Involving Public Speaking

There were none.

4. Land at Bradwell Power Station, Bradwell on Sea

The Committee considered report DR/31/20 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Timescale
- Other issues/representations – Traffic; Funding

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

- That climate change and rising sea levels potentially affecting the site, had not been raised as issues at this stage and were not part of the remit of this application. The Environment Agency had not raised these as imminent issues. The site was considered fit for purpose and robust. Sea bunding had been put in place as part of the original scheme. If issues were raised in the future, applications would need to come forward with schemes to address the issues.
- That the application was to remove Condition 2 from both existing planning permissions which required the importation of Intermediate Level Waste (ILW) to be completed within 4 years of the importation having commenced. The

removal of these conditions would allow importation of ILW to continue until the 31 December 2023 which is the later importation date already controlled by Condition 5 in both existing planning permissions which would remain in place. The ILW time store period has already been set with planning approval.

- The storage facility at the Bradwell site is for temporary long-term storage of ILW and is built for purpose. Nationally there is a consultation process on-going for the Geological Disposal Facility (GDF) but the location needs to be carefully considered and this is unlikely to start prior to 2040 at the earliest.
- The existing planning permissions were only for the importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” to the Bradwell site and the interim storage within the existing interim storage facility. It did not take account of any potential future development at the Bradwell site which would be considered in separate applications at that stage.
- The Nuclear industry have to take more safety and stringent measures with decommissioning which is time-consuming with the classification of various wastes. Nationally this process is causing delays, but health and safety is paramount due to implications if the waste is not classified correctly.

There being no further points raised, the resolution was proposed and seconded. Following a vote of ten in favour and one abstention, it was

Resolved

That for:

- (A) **ESS/86/20/MAL** planning permission be granted subject to the following conditions:

Commencement and Duration

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

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

Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the ‘Planning Application’ ESS/14/16/MAL comprising:
 - (a) Letter from Bilfinger GVA dated 30th March 2016;
 - (b) Planning application form from Magnox Limited dated 30/03/16;
 - (c) Planning Statement entitled “Planning Applications for Import of Packaged ILW for Interim Storage” dated March 2016;
 - (d) Drwg No: BR/AO/2053 entitled “Application Site Boundary for ILW Store” dated 13/06/11.

As amended by the:

- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" Dated 11th July 2016; and
- (f) Statement of Community Involvement dated June 2016.

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/14/16/MAL addressing:

- a) For Condition 6 (Transport Plan) – The Transport plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning permission reference ESS/14/16/MAL comprising:
 - i) The letter from GVA Bilfinger dated 30th November 2016;
 - ii) Application form from Magnox Limited dated 30/11/16 and
 - iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.
- b) For Condition 7 (Transport Monitoring Plan) - The Transport Monitoring programme shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:
 - (i) The letter from GVA Bilfinger 30th November 2016;
 - (ii) Application form from Magnox Limited dated 30/11/16 and
 - (iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

As amended by planning application ESS/86/20/MAL comprising:

- (i) Planning application form from Magnox Ltd dated 10/07/20
- (ii) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and

restoration commitments having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Importation Limits

4. No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Transport Plan

5. The Transport Plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning permission reference ESS/14/16/MAL comprising:
 - a) The letter from GVA Bilfinger dated 30th November 2016;
 - b) Application form from Magnox Limited dated 30/11/16 and
 - c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Transport Monitoring Programme

6. The Transport Monitoring programme shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:
 - (a) The letter from GVA Bilfinger 30th November 2016;
 - (b) Application form from Magnox Limited dated 30/11/16 and
 - (c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and on the basis of which the modes and percentage spilt of what transport would be undertaken formed an important aspect on the acceptability of the scheme and to ensure appropriate control is maintained by the Waste Planning Authority and reassessment of the application

made should the percentage of rail mode transport fall below 80% overall having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

- (B) That for **ESS/87/20/MAL** planning permission be granted subject to the following conditions:

COMMENCEMENT AND DURATION

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

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

Approved Details

2. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/45/11/MAL dated 18th August 2011 comprising:
 - (a) Covering letter dated 22 August 2011,
 - (b) Design and Access Statement dated August 2011,
 - (c) Planning Statement received 25 August 2011,
 - (d) Document entitled 'Protected species and designated area information' received 25/08/11,
 - (e) Document entitled 'Note 1 - Land Quality' received 25/08/11,
 - (f) Amec Native Reptile Presence/Absence Survey dated October 2009,
 - (g) Amec Biodiversity Action Plan dated April 2009
 - (h) Document entitled 'Arrangements for management of Land Quality' dated 01/06/11;
 - (i) Emails from Chloe Gamble dated 05/10/11, 28/10/11, 01/11/11 @11:46, 01/11/11 @12:29, 02/11/11, 04/11/11 and 09/11/11.

Together with accompanying drawing numbers:

- (i) BR/A0/2053 Rev P2 dated 15/06/11,
- (ii) 214955-A-103 Rev S1. dated 05/05/11, (III) 214955-A-102 Rev S1 dated 05/05/11,
- (iii) 214955-A-106 Rev S2 dated 17/08/11,
- (iv) 2267/038 dated 26/04/11,
- (vi) 2267/02B dated 26/04/11 and (VII) 2267/04B dated 26/04/11.

- (B) In respect of dust suppression those details as set out in:

- (a) application form dated 6 December 2011,
- (b) covering letter dated 6 December 2011,
- (c) supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL- Dust Minimisation Plan" dated 5 December 2011 and
- (d) email from Chloe Gamble dated 19 January 2012

- (C) As amended by the application ESS/43/12/MAL dated 16 May 2012 and validated on 28 June 2012 together with the letter dated 25 June 2012 (ref: ECC00053) 'ESS/45/11/MAL- Variation of Condition 4'.
- (D) As amended by application ESS/15/16/MAL comprising
- (a) Letter from Bilfinger GVA dated 30th March 2016;
 - (b) Planning application form from Magnox Limited dated 30/03/16;
 - (c) Planning Statement entitled "Planning Applications for Import of Packaged ILW for Interim Storage" dated March 2016;
 - (d) Drwg No: BR/AO/2053 entitled "Application Site Boundary for ILW Store" dated 13/06/11.
- As amended by the:
- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" dated 11th July 2016; and
 - (f) Statement of Community Involvement dated June 2016.
- (E) As amended by application ESS/87/20/MAL comprising
- (a) Planning application form from Magnox Ltd dated 10/07/20
 - (b) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the Essex and Southend Waste Local Plan Policy 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Waste Acceptance

4. (a) Other than as set out in Condition 4(b) below no waste other than those waste materials defined in the application details submitted under planning application ref no: ESS/45/11/MAL and arising from within the Bradwell site

boundary as indicated in blue on drawing reference BR/A0/2053 Rev P2 dated 15/06/11 shall enter the building hereby permitted.

(b) No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Environmental Protection Silencers

5. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

6. The scheme to minimise dust emissions set out in application form dated 6 December 2011, covering letter dated 6 December 2011, supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL-Dust Minimisation Plan" dated 5 December 2011 and email from Chloe Gamble dated 19 January 2012 approved by letter from ECC dated 25 January 2012 shall be implemented in accordance with the approved scheme.

The dust suppression measures shall be retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To protect the amenity of neighbouring occupiers during the life of the site activities approved under this permission having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of dust emissions.

Storage

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

Reason: To prevent contamination of the soil resource and pollution of the land drainage/groundwater regime having regard to the Essex and Southend Waste Local Plan Policy 10.

Use of the Intermediate Waste Storage Facility

8. The use of the Interim Waste Storage Facility for the storage of Intermediate Level Waste shall cease and all Intermediate Level Waste containers shall be removed out of the Bradwell facility within 3 years of the national Geological Disposal Facility, or alternative repository, being commissioned and available for receipt of the Bradwell stored Intermediate Level Waste.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell Interim Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Removal of Intermediate Level Waste

9. No Intermediate Level Waste shall leave the Bradwell Intermediate Storage Facility until a scheme to address the removal from the former Bradwell Power Station site to the national Geological Disposal Facility, or alternative repository, has been submitted to the Waste Planning Authority. The removal of Intermediate Level Waste shall be in accordance with the approved scheme.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and for ensuring that Intermediate Level Waste is ultimately removed from the facility and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell Intermediate Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

5. Pitsea Landfill, Basildon

The Committee considered report DR/32/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted to extend the life of the landfill site in September 2015, subject to conditions and legal agreements. The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site. Neither of these legal agreements had been completed.

The Committee resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to submit revised proposals with respect to the pedestrian bridge and long-term management of site. The Committee reviewed the position in July 2020 at which time it had been anticipated that the outstanding issues would be resolved within 3 months i.e. October 2020, unfortunately that had not been the case.

The Committee noted the current position and that a recommendation on the application had been delayed pending the outcome of further issues. The report sought to allow a further six months to allow resolution of the outstanding issues with respect to the submitted revised proposals.

Following comments by Members, it was noted:

- The importation of non-hazardous household waste had ceased since December 2018. There was a capacity of approximately 50,000 cubic metres remaining to allow Veolia to dispose of the small amount of waste generated through decommissioning the site. There was a possibility that a small amount may need to be imported to finish the site if there was not enough waste generated from the decommissioning to restore the site.
- The site continues to import inert materials but is currently very quiet due to the COVID-19 situation and lack of construction. This has not delayed the restoration work for this year but there is concern that if the construction industry does not generate more inerts waste for disposal there would not be enough material for further restoration next year.
- The original intention was for a separate pedestrian bridge to be provided across the railway line. This was offered by Veolia at the time but was not a requirement from Highways. There were difficulties with authorisations from Network Rail and the cost escalated. Due to the lower number of HGV movements the alternative offered by Veolia was to fund improvement works on the current bridge to improve pedestrian and cycle access. A scheme of improvements was being worked on in conjunction with Essex Highways. In addition, work was already on-going with the legal agreement in preparation for an imminent resolution.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of eleven in favour, it was

Resolved

That it is not expedient to take enforcement action at this time and that a further 6 months be given to allow resolution of the outstanding issues with respect to the submitted revised proposals. If within 6 months a report has not been brought before the Committee with a recommendation on the application, then the expediency of enforcement action will be reviewed again at that time.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/33/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

Further to queries raised on the 37 active enforcement cases, it was AGREED that clarification on the status of open enforcement cases would be circulated to the Committee outside of the meeting.

The Committee NOTED the report.

7. Date of Next Meeting

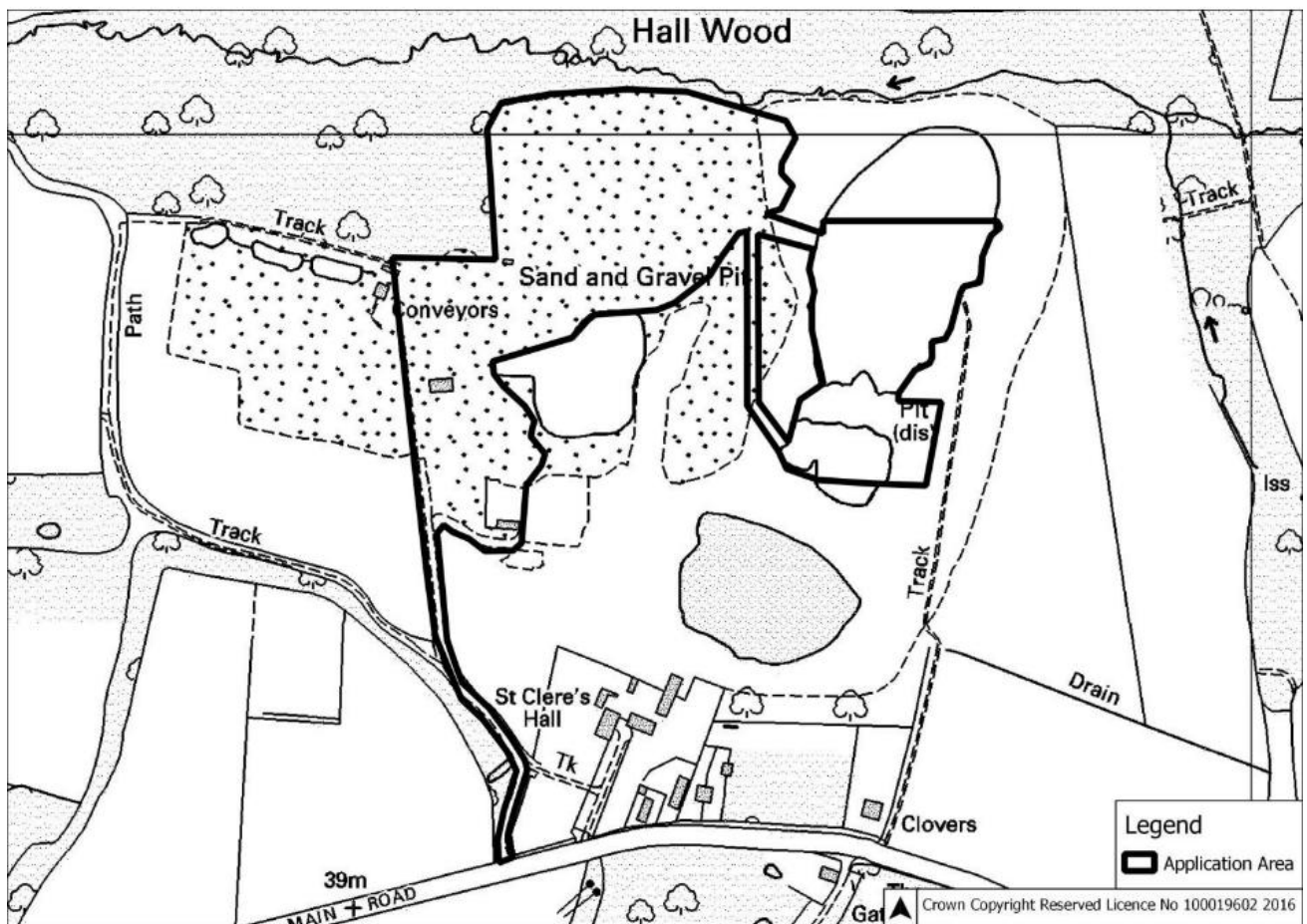
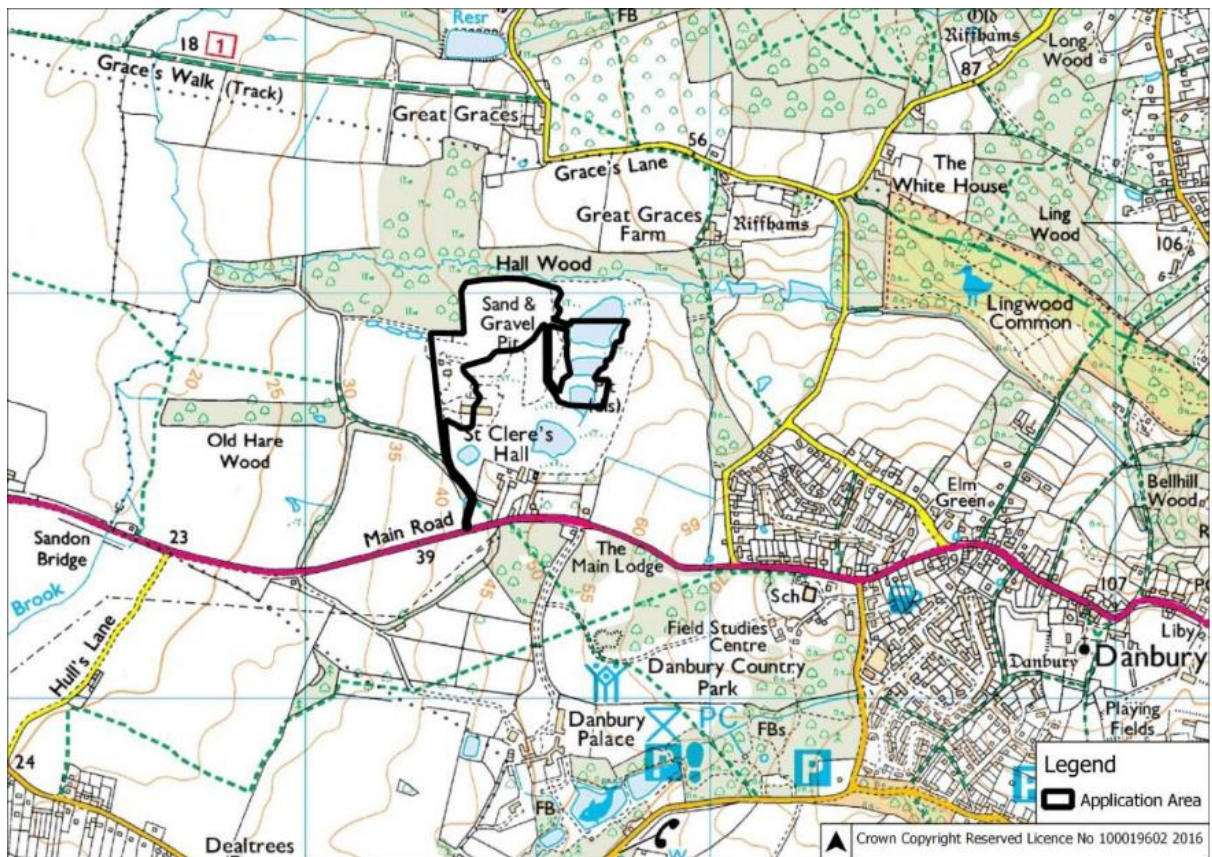
The Committee noted that the next meeting was scheduled for 10.30 am on Friday 27 November 2020, to be held as an online meeting.

There being no further business, the meeting closed at 11.21am

DR/34/20**Report to:** DEVELOPMENT & REGULATION (27th November 2020)**Proposal:** MINERALS AND WASTE DEVELOPMENT

- (i) Continuation of the winning and working of mineral and subsequent restoration of the site without compliance with Conditions 2 and 3 (Commencement and Duration); Condition 10 (Wheel Cleaning); Condition 14 (Noise Monitoring); Condition 37 (Restoration) and Condition 40 (Amenity Aftercare) of planning permission ESS/31/16/CHL (Continuation of the winning and working of mineral and subsequent restoration of the site etc.) to allow for an extended time period for cessation of mineral extraction to 16 February 2029; cessation of use of the processing plant by 31 December 2031 and restoration of processing plant and stockpile area by 31 March 2032; to provide for HGV wheel and chassis washing together with site noise monitoring and to allow for a revised restoration scheme to be submitted within 12 months of the date of approval and an amenity aftercare scheme to be submitted within 12 months of the date of approval"
Ref No: ESS/49/19/CHL
- (ii) Continuation of the importation of unprocessed aggregate from Royal Oak Quarry into St Cleres Hall Pit without compliance with Condition 2 (Commencement and Duration) of planning permission ESS/32/16/CHL (that allowed importation of unprocessed aggregate from Royal Oak Quarry into St Cleres Hall Pit until 31st October 2021) to allow an extended time period for the importation until 16 February 2029"
Ref No: ESS/50/19/CHL

Ref: ESS/49/19/CHL & ESS/50/19/CHL**Applicant:** Danbury Aggregates Limited**Location:** Land at St Cleres Hall Pit, Main Road, Danbury, CM3 4AS**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Terry Burns Tel: 03330 136440The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND AND SITE

St Cleres Hall Pit (SCHP) and Royal Oak quarries are both operated by the applicant, Danbury Haulage Ltd, and are located off the A414 Maldon Road.

SCHP complex is situated to the west of Danbury immediately behind St Cleres Hall and is surrounded by woodland and agricultural land. Access into the complex is taken from a short haul road north from the A414. From a bird's eye perspective, the complex has to the east three water bodies forming part of the present and past water management system; a larger northern pond, a slightly higher central pond used for silt management and a southern pond nearest to St Cleres Hall and which is now left for nature conservation purposes.

A large former mineral extraction void exists within the central part of the complex and within its southern half are located the operator's vehicle fleet parking/maintenance and recycling operations together with old redundant structures.

Situated between the western boundary of the void and existing site haul road are the site offices, weighbridge, car parking and hardstanding areas. Just north of the site offices is located the processing plant. The main stockpiling areas are located further north along the northern site boundary.

The haul road serves the three permission areas under which the site operates, and these permissions divide the land into roughly three parcels:

- The Western Extension Area (land primarily to the west of the existing haul road) under permission ESS/12/13/CHL is now primarily a restored landscape that accommodates habitats for Protected Species. To the east of the haul road the remaining, and active business activities are controlled through two permissions partially overlapping.
- A former 'Review of Minerals Planning Permission (ROMP) area, ESS/31/16/CHL; itself a Variation of Condition permission of earlier permissions the previous being ESS/01/14/CHL, for the continuation of mineral extraction and restoration by infilling permission covers the haul road, the north western corner of the quarry complexes central void now partially filled with water, the northern half of the quarry comprising existing processing and stockpiling areas and part of the central and northern water bodies on the eastern side. This permission would see, after protected species interests are translocated from the void into the western half of the complex, the extraction of the final mineral reserve and restoration through the infilling permission referred to below. The present application subject of this report relates to this extant permission area.
- The eastern permission, ESS/63/10/CHL comprises use of the access road and the central void area and provides for recycling operations and infilling of the void with inert materials. As with the above mineral extraction referenced above, whilst some recycling has been achievable, actual infilling has been held in abeyance pending the translocation of any protected species interests.

The applicant's Royal Oak site is operated under Permission ESS/35/17/MAL and this provides for mineral extraction and infilling with inert material. Cessation of mineral extraction is required by February 2029.

Under ESS/32/16/CHL the importation of mineral for processing from Royal Oak is required to cease by 31st October 2021.

2. PROPOSAL

The applicant has stated that: *"Operations at the Quarry and at Royal Oak are controlled by various planning permissions that are time-limited. Operations at both sites are inter-dependent and this planning application therefore seeks to better coordinate the planning position by extending the time limits at the Quarry and make them generally coterminous with the time limits at Royal Oak."*

PLANNING HISTORY Royal Oak Quarry

The planning history at Royal Oak is quite complexand the extant planning permission is ESS/35/17/MAL dated 12 March 2018 (the Royal Oak Consent).

Planning conditions 2 and 3 of the Royal Oak Consent require that all mineral extraction at Royal Oak shall cease by 16 February 2029 and that all other operations shall be complete, and the site restored by 16 February 2031.

Sand and gravel extracted at Royal Oak is not processed on site. It is loaded onto the Applicant's HGVs in an 'as-dug' state and transported westwards through Danbury to the Quarry where it is unloaded, processed and placed on stock ready for sale.

St Clere's Hall Pit

There are three distinct components..... These are the;

- a) Original mineral working area (in part, the subject of this planning application)*
- b) Western quarry extension*
- c) Infill*

Original Mineral Working Area

The original St Clere's Hall Farm Quarry was a sand and gravel working of 22.67 hectares. The site was worked under a number of old planning permissions after 1955 but these were consolidated and modernised"

Western Quarry Extension

In December 2005 planning permission for a western extension of the quarry amounting to almost five hectares was granted [This land is now restored]

Infill

Part of the original mineral working area gained retrospective planning permission for mineral extraction, infilling of the void with inert waste, recycling of inert

materials to recover secondary aggregates and soils and restoration to species rich grassland under reference ESS/63/10/CHL dated 16 June 2011.

Planning conditions 1 and 3 require the development to be commenced within five years of the date of the consent and to be completed within 12 years of the date of commencement. In respect of the former, Essex County Council was notified by a letter dated 2 August 2013 meaning that the development is required to have been completed by 2 August 2025.

However, infilling operations are yet to start, this having been delayed by continuing matters related to Great Crested Newts (GCN), a protected species, and by the Environment Agency's (EA) consideration of the permit application. This means that if, for example, the GCN and EA matters are resolved in 2020 then, based on the predicted rates of infill described in the planning application, it is possible that infilling operations would not be complete for an additional 12 years. It is probable, therefore, that this planning permission will be the subject in the future of a planning application to vary development timescales.

BACKGROUND AND DEVELOPMENT RATIONALE

Planning permission reference ESS/31/16/CHL dated 17 October 2017 (the subject of this planning application) incorporates planning conditions requiring the cessation of certain operations by stated dates and the submission of various schemes. These planning conditions are described below and for each one there is a brief commentary

Condition 2 – Cessation Dates

The following cessation dates shall apply:

- All mineral extraction from St Clere's Hall Pit shall cease by 31 July 2019*
- Use of the processing plant shall cease by 31 December 2021*
- The processing plant, stockpiling area and application area to be restored by 31 March 2022*

Commentary:

- Mineral extraction - this has not commenced and it will not be commenced in the near future. The 31 July 2019 deadline will need to be extended if this mineral reserve is to be retained.*
- Processing plant – the plant will need to be retained until after indigenous reserves and Royal Oak reserves are exhausted.*
- Restoration – timescales will need to accommodate extended operations.*

Condition 3 – Cessation Date etc

All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission not later than 31 March 2022.

Commentary:

The comments in respect of Condition 2 above apply equally to Condition 3.

*Condition 10 - HGV wheel and underside chassis cleaning facilities
Details to have been submitted prior to the importation of mineral from Royal Oak.*

Commentary:

This condition is almost identical to condition 7 of ESS/63/10/CHL and for which details have previously been submitted and approved. Accordingly, details in respect of condition 10 are submitted as a part of this planning application

Condition 14 - Site noise monitoring

A scheme to have been submitted within four months of the date of the permission to provide for the various technical requirement described in the condition.

Commentary:

A scheme is submitted as a part of this planning application

Condition 37 – Revised Restoration

A scheme to have been submitted within six months of the date of the permission to provide for the various technical requirement described in the condition.

Commentary:

It is proposed that this condition is repeated in any decision notice pursuant to this planning application but subject to a twelve-month period, rather than six.

Condition 40 – Amenity Aftercare

A scheme to have been submitted within one year of the date of the permission to provide for the various technical requirement described in the condition.

Commentary:

It is proposed that this condition is repeated in any decision notice pursuant to this planning application.

PROPOSAL

The key message to drawis that for the Quarry and Royal Oak to continue to operate in a coordinated manner the deadlines need to be further extended to accommodate the continuation of current operations.

The relevant planning condition of consent reference ESS/32/16/CHL dated 17 October 2017 is the subject of a separate (and contemporaneous) planning application to vary the 31 October 2021 deadline.

In respect of this planning application it is proposed that the following planning conditions of consent reference ESS/31/16/CHL dated 17 October 2017 are varied as follows:

Condition 2 – Cessation Dates

The following cessation dates shall apply:

- All mineral extraction from St Clere's Hall Pit shall cease by 16 February 2029*
- Use of the processing plant shall cease by 31 December 2031*
- The processing plant, stockpiling area and application area to be restored by 31 March 2032*

Condition 3 – Cessation Date etc

All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission not later than 31 March 2032.

Condition 10 - HGV wheel and underside chassis cleaning facilities

Wheelwash and chassis cleaning facilities shall be implemented and maintained in accordance with details submitted to the Mineral Planning Authority on 9 July 2019 at all times throughout the lifetime of the development. No commercial vehicle shall leave the site unless the wheels and underside chassis are clean in order to prevent materials, including mud and debris, being deposited on the public highway.

Condition 14 - Site noise monitoring

Noise monitoring shall be carried out in accordance with the Noise Monitoring Scheme submitted to the Mineral Planning Authority on 9 July 2019.

Condition 37 – Revised Restoration

Within 12 months of the date of this permission, a revised restoration scheme based on Drawing Ref No: 2500/DT/MPB/1 entitled "St Cleres Hall Pit Overarching Restoration Plan" shall be submitted to the Mineral Planning Authority.

Condition 40 – Amenity Aftercare

Within 12 months of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation and grassland shall be submitted for the approval of the Mineral Planning Authority.....".

FOR APPLICATION ESS/50/19/CHL –

The applicant states:

BACKGROUND AND DEVELOPMENT RATIONALE

Planning condition 2 of planning permission reference ESS/31/16/CHL dated 17 October 2017 (the subject of this planning application) requires the cessation of importation of unprocessed aggregate from Royal Oak into the Quarry by 31 October 2021.

Planning conditions 2 and 3 of the Royal Oak Consent require that all mineral extraction at Royal Oak shall cease by 16 February 2029 and that all other operations shall be complete, and the site restored by 16 February 2031.

Planning permission reference ESS/32/16/CHL dated 17 October 2017 incorporates planning conditions requiring the cessation of certain operations by stated dates..... and the submission of various schemes. These planning

conditions and proposals explaining how they are to be addressed are described in detail in a planning application submitted in parallel with this planning application. Of relevance to this planning application it proposes that the following cessation dates shall apply:

- All mineral extraction from St Clere's Hall Pit shall cease by 16 February 2029*
- Use of the processing plant shall cease by 31 December 2031*
- The processing plant, stockpiling area and application area to be restored by 31 March 2032*

Sand and gravel extracted at Royal Oak between 31 October 2021 and 16 February 2029 could therefore not be imported for processing at the Quarry.

PROPOSAL

The key message to draw from [the above] is that for the Quarry and Royal Oak to continue to operate in a coordinated manner the deadlines need to be further extended to accommodate the continuation of current operations.

The relevant planning condition of consent reference ESS/32/16/CHL dated 17 October 2017 is the subject of a separate (and contemporaneous) planning application to vary the 31 October 2021 deadline.

*In respect of this planning application it is proposed planning condition 2 of consent reference ESS/32/16/CHL dated 17 October 2017 is varied as follows:
All importation of mineral from Royal Oak Quarry shall cease by 16 February 2029".*

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. Other material considerations include:

- The National Planning Policy Framework (NPPF) July 2018.
- Essex Minerals Local Plan Adopted July 2014
- Chelmsford Borough Council Local Development Framework Core Strategy and Development Control Policies 2001-2021 Adopted February 2008 and Chelmsford City Council Core Strategy and Development Control Policies Focussed Review, Local Development Framework 2001 – 2021, Development Plan Document Adopted December 2013.

The following policies of the Essex Minerals Local Plan Adopted July 2014 and the Chelmsford Borough Council Local Development Framework Core Strategy and Development Control Policies 2001-2021 Adopted February 2008 and Chelmsford City Council Core Strategy and Development Control Policies Focussed Review, Local Development Framework 2001 – 2021, Development Plan Document Adopted December 2013 (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within the Essex Minerals Local Plan Adopted July 2014 are, in summary:

i) Policy S1 “Presumption in favour of sustainable development”

States that the Mineral Planning Authority (MPA) will take a positive approach to minerals development (which includes processing, storage and transportation of minerals) that reflects the presumption in favour of sustainable development as required by the National Planning Policy Framework. The policy supports mineral development that improves the economic, social and environmental conditions in the area.

ii) Policy S10 “Protecting and enhancing the environment and local amenity”

Requires that minerals development demonstrate (and where relevant to this application):

- a) “Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise.....”

iii) Policy S11 “Access and Transportation”

Minerals development would be supported where demonstrated there would be no unacceptable impacts on the efficiency and effective road network operation, including safety, capacity, amenity and the environment.

The policy further supports road transportation where the highway network is suitable for HGV or can be improved to accommodate such vehicles.

iv) Policy S12 “Mineral Site Restoration and Afteruse”

Provides support for mineral development where the land is capable of being restored at the earliest opportunity; to an acceptable standard and beneficial afteruse; with environmental benefits to environment, biodiversity and /or local communities.

v) Policy DM1 “Development Management Criteria”

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; safety and capacity of the road network and the visual environment.

In the Chelmsford Borough Council Local Development Framework Core Strategy and Development Control Policies 2001- 2021 Adopted February 2008 the following policies are of relevance:

i) Policy CP9 – Protecting Areas of Natural and Built Heritage and Archaeological Importance

This policy seeks to “sustain biodiversity, historic landscape character, archaeological and geological conservation by ensuring sites of international, national, regional and local importance are protected and enhanced. The Borough Council will designate and keep under review Conservation Areas in order to protect or enhance their special architectural or historic interest and will seek to protect the character and setting of Listed Buildings, Historic Parks and Gardens and Protected Lanes”.

ii) Policy CP10 - Protection from Flooding

This policy seeks to ensure that when considering proposals, a sequential risk-based approach, including the application of the “exception test” where some continuing development is necessary for wider sustainable reasons would be required.

The Borough Council would require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk.

iii) Policy CP12 – Protecting and Enhancing Recreational Provision

The policy seeks to maintain and enhance the provision of formal and informal recreation facilities, at appropriate locations, within the Borough including the designation of new local parks and gardens, country parks and other public open spaces.

iv) Policy CP13 - Minimising Environmental Impact

The policy seeks to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the wider environment.

v) Policy CP14 – Environmental Quality and Landscape Character

The policy seeks to promote and support the enhancement of the environmental quality of the countryside and settlements. The policy would be supported through the preparation of a Landscape Character Assessment.

vi) Policy DC4 - Protecting Existing Amenity

Seeks to safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion.

vii) Policy DC13 - Sites of Biodiversity and Geological Value

The policy seeks to restore, maintain and enhance biodiversity and geological conservation interests.” In determining planning applications appropriate weight will be attached to designated sites of international, national and local importance, protected species, and to biodiversity and geological interests within the wider environment which includes ancient

woodlands other important woodland sitesWithin those sites, and subject to securing the wider objectives of sustainable development, planning permission will not be granted for development that would result in significant harm to biodiversity and geological conservation interests unless it can be clearly demonstrated that;

- i) there is no appropriate alternative site available; and
- ii) all statutory and regulatory requirements relating to any such proposal have been satisfied; and
- iii) appropriate mitigation and compensation measures are provided.

Where possible the Borough Council will expect development proposals to promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development. Development proposals must avoid any adverse effects on the integrity of European and Ramsar sites and where possible enhance the biodiversity interest of internationally designated sites for nature conservation”.

viii) Policy DC14 - Protected Trees and Hedges

The policy would seek refusal of development that would “cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection. Where the felling of a preserved tree or removal of a hedgerow is permitted a replacement tree or hedge of an appropriate type, size and in a suitable location, will usually be required”.

ix) Policy DC16 - Development Adjacent to Watercourses

States “Planning permission will be refused for development adjacent to rivers, the Chelmer and Blackwater Navigation and other watercourses where the design and layout of the proposed development fails to be sensitive to the landscape or fails to take full advantage of the development setting afforded by open water features and their margins. Where appropriate, development proposals adjoining the rivers will be required to incorporate riverside paths and open spaces. Any proposals requiring the provision of a new bridge shall ensure a minimum of 2.3 metres headroom above normal water level to allow for river use and provide fauna passages suitable as wildlife corridors”.

x) Policy DC18 - Listed Buildings

Seeks to restrict approval where development or works affecting the exterior or interior of listed buildings, fail to preserve or enhance the special character and/or setting of those buildings.

xi) Policy DC21 – Archaeology

The policy states that “Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings taking account of the archaeological importance of those remains, the need for the development, the likely extent of any harm, and the likelihood of the proposal successfully preserving the archaeological interest of the site by record”.

xii) Policy DC22 - Areas of Flood Risk

The policy requires Flood Risk Assessment on development within Flood Zone 2 and 3. Planning permission would only be granted for development providing existing flood defences or other satisfactory mitigation, including replacement flood storage capacity, provide adequate protection from flooding now and for the lifetime of the development. Outside of settlements permission would only be granted where that development is (amongst other criteria) primarily open in character.

xiii) Policy DC28 - Air Quality

The policy requires that where air quality objectives are likely to be prejudiced or proposals fall within an Air Quality Management Area, “applicants will be required to submit a detailed specialist report which sets out the impact that the proposed development has upon air quality. Planning permission will not be granted for development where there is significant adverse impact upon air quality in the Air Quality Management Area”.

In the Chelmsford City Council Core Strategy and Development Control Policies Focussed Review, Local Development Framework 2001 – 2021, Development Plan Document Adopted December 2013 relevant policies are considered to be:

xiv) Policy DC2 - Managing Development in the Countryside Beyond the Metropolitan Green Belt – This policy seeks to support development within the Rural Area beyond the Metropolitan Green Belt provided that the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for under criteria C of the policy “ the carrying out of an engineering or other operations, or the making of a material change to the use of land, where the works or use concerned would have no material effect on the appearance and character of the countryside in the Rural Area beyond the Metropolitan Green Belt”.

xv) Policy DC29 - Amenity and Pollution

The policy would seek to restrict development that “could potentially give rise to polluting emissions to land, air, and water by reason of noise, light, smell, fumes, and vibration or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and permanently maintained”.

xvi) Policy DC41 - Traffic Management Measures

The policy requires “all developments to include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network. These measures will comprise, amongst others, reducing the impact of motorised traffic, traffic calming measures to assist public transport, cycling, and walking, horse riders, congestion relief and other speed and demand management measures”.

National Planning Policy Framework

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 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.

Sustainable development is at the heart of the NPPF which sets as its beacon the Brundtland definition (United Nations General Assembly quote prior to Paragraph 6). The Governments “broad” interpretation has the NPPF setting the scene for placing sustainable development at the heart of the planning system with three principally dimensions; that of economic, social and environmental. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- i) Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- ii) Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- iii) Contribute to conserving and enhancing the natural environment and reducing pollution.
- iv) Promote the development and diversification of agricultural and other land-based businesses.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouses gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

Para 28 of the NPPF seeks through planning policy for promotion of economic growth in rural locations including “development and diversification of agricultural and other land based rural businesses”.

4. CONSULTATIONS

(Responses made in respect of both applications unless indicated).

CHELMSFORD CITY COUNCIL – For both applications the City Council comment: – *“raises no comment in principal to the proposal subject to the following:*

1 Subject to the County Council being satisfied with the application the City Council has no objection to these proposals but would request that the proposed conditions regarding noise and wheel cleaning are carefully monitored to the satisfaction of the County Council as there are some concerns from local residents and the Parish Council with how this site has been operating in the past”.

ENVIRONMENT AGENCY (EA) – Any comments received will be reported at the meeting.

HISTORIC ENGLAND (HE) – Advise that the application(s) be determined in accordance with national and local policy guidance and the specialist conservation advice of the authority.

HIGHWAY AUTHORITY (HA) – No objection and request conditions to cover:

1. Wheel Cleaning - No importation of mineral from Royal Oak quarry shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to the Mineral Planning Authority. The scheme shall then be implemented in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, 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.
2. HGV Movements - The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:
Mondays to Fridays: 108 movements (54 in/54 out)

Saturdays: 27 movements (13 in/13 out)
Sundays and Bank/Public Holidays: none

PLACE SERVICES (ABORICULTURE) – No objection.

PLACE SERVICES (ECOLOGY) - No objection subject to securing biodiversity mitigation and enhancement measures.

The County Ecologist also notes:

“We have reviewed the Ecological Impact Assessment of Variations of Planning Conditions (TORQ Ecology, November 2020) relating to the likely impacts of the proposed time extension on designated sites, protected species and priority species / habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the minerals planning authority of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The 10-year extension will impact upon the timescale in which the site restoration can be implemented and could potentially impact the protected species on site, particularly great crested newts and reptiles.

The recommendations of the Ecological Impact Assessment (EclA) should be followed. The Management Plan 2012 to 2022 (3rd June 2016, Torc Ecology) and Great Crested Newt Masterplan for Phased Site Works (dated 3rd June 2016, Torc Ecology) are out of date and should be updated in accordance with the recommendations of the EclA. This can be conditioned.

I draw your attention to the fact that the EclA relies on the existing newt fence surrounding the current works area being maintained intact, with respect to great crested newts and reptiles.

Once planning permission is granted, appropriate modifications to the Great Crested Newt licence -which currently lasts until June 2022 - will need to be requested from Natural England.

This will enable MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions”

PLACE SERVICES (LANDSCAPE) No objection commenting “I am satisfied with a condition requiring that the aftercare scheme be submitted within 12 months of consent, as opposed to 6 months.

This can clarify any final species mixes needed for new planting if required. I note that the previous Condition 40 includes reference to woodland, it is not clear from

site plans where this is to be located. However, I am satisfied that this can be clarified as part of the after-care proposals if necessary”.

PLACE SERVICES (HISTORIC BUILDINGS) – No objection.

PLACE SERVICES (HISTORIC ENVIRONMENT) – No objection.

PLACE SERVICES (URBAN DESIGN) – No objection.

DANBURY PARISH COUNCIL – The Parish comment as follows;

ESS 49/19/CHL and ESS 50/19/CHL: *“The Parish Council strongly objects to applications ESS/50/19/CHL/SO and ESS/49/19/CHL/SO. It is unacceptable to postpone the restoration of the St Clere’s Site for a further eight years and extensions should not be approved, particularly without compliance to conditions. The continuation of pit traffic to 2029 is unacceptable. There are ongoing issues around large vehicle movements through Danbury including traffic, speed, noise, vibration and pollution, with debris being left on the highway and footways (particularly at the Royal Oak end). The traffic situation through Danbury has been further exacerbated since the previous application by the current and proposed major housing developments in Maldon. There is an Air Quality Management Area along the route and if the proposed transport routes for the early year’s phases of the construction of Bradwell B go ahead, there will be another increase in HGV traffic. If it is considered economically essential to continue working the Royal Oak pit, any necessary processing equipment should be provided on that site and the washing of debris from lorries etc before leaving the site must be more effective. Processing on the Royal Oak site would allow the long overdue restoration of the St Clere’s site.”*

Following submission of the application a virtual site liaison meeting was set up on 8th July attended by the Local Member; Parish Council representatives; the applicant’s agent and the Minerals Planning Officer. The meeting was held to allow the agent to clarify and seek to address the points of concern raised by the parish Council. However, following the meeting the Parish reaffirmed their comments that *“The response from Cllrs was that the original comments from the planning committee still stand due to the impact on the village of the HGVs transporting materials between pits and the debris that is left on the road and pavement at the Royal Oak Quarry in particular”*.

LOCAL MEMBER – CHELMER – DANBURY - Any comments received will be reported at the meeting.

5. REPRESENTATIONS

Site, press (Essex Chronicle) and neighbour notifications (11) were undertaken. As a result, one letter of objection has been received.

Observation

The environmental impact on the village of Danbury and its residents due the 2-way journey by heavy HGVs

Comment

See appraisal

transporting the aggregates to and from St Cleres pit.....

Whilst we can do little to alter the existing traffic using the A414 between locations outside of the village, the continuation of this unnecessary transport is adding to the damage to the already ruinous road surfaces, increasing pollution levels which have exceeded safe limits through the village, causing vibration leading to structural damage to buildings adjacent to the A414 many of which are listed,

Processing aggregates leads to the release of fine particulates into the atmosphere this is known to aggravate various lung conditions such as asthma. The prevailing wind blows this pollution towards nearby homes within Danbury. The local GPs practice has noted a high prevalence of these issues compromising the health of residents.

Increased noise pollution as the heavily laden vehicles negotiate Danbury Hill and increasing the risk of road traffic accidents.

Allowing the continued siting of the processing plant at St Cleres sets a dangerous precedent and could permit aggregates from sites other than Royal Oak pit to be imported for processing.

Delaying the restoration of the site as promised leading to more long-term environmental damage.

Relocating the processing plant to the Royal Oak site would help to alleviate the impact on the village especially in

The quarry processing aspects are already covered and controlled through where required, the Environmental Permitting Regime

The site is monitored by the Environment Agency and to date no issues of concern relating to the processing activities have been raised.

Mineral traffic related to the applicant's interests have been taking place for many years on the public highway and the level of movements are not being proposed to alter significantly from what has been occurring in the past. It is not recognised that the continued flow of the applicant's HGV's are causing an increase noise pollution or running the risk of accidents over and above what has been occurring by existing road users to date.

Any proposals for importing mineral from other sites other than Royal Oak would require separate planning approval.

See appraisal

See appraisal

view of the proposed building of a nuclear power station at Bradwell.

Perhaps time to look at a more imaginative use of the gravel pit for leisure, maybe a location for a mountain bike or cycle track to reduce the detrimental impact on surrounding National Trust woodland

See appraisal

6. APPRAISAL

The principal issues considered in respect of this proposal are:

- Appropriateness
- Landscape and Visual
- Traffic/Noise
- Other condition amendments
- General

A APPROPRIATENESS

Under the extant permissions, the movement of mineral from Royal Oak into St Cleres Hall Pit to be processed though the onsite processing plant has already been established. To date the Mineral Planning Authority is not aware that this activity has been undertaken and giving rise to unacceptable environmental impact.

At the time of the original applications in 2017 (that sought continuation of mineral extraction at SCHP with some HGV increase and the importation of mineral from Royal Oak into the SCHP complex) there was considered to be significant benefits arising from doing so. It was noted that the SCHP complex offered an established reception, processing and stockpiling facility along the route of, and mid-way, between the Royal Oak source material and the applicant's primary market areas.

Consequently, the report found that there were sustainability/environmental and financial benefits in favour of utilising the existing established processing plant at SCHP over the installation of a second plant at Royal Oak. The Committee acknowledged at the time those benefits in approving the applications. The reasoning of utilising the extant processing plant location remains valid when considering the current applications.

It was noted that provision of a second processing plant at Royal Oak would be unnecessary and a duplication of effort and cost compared to the continued use of the SCHP plant. The envisaged siting location for the processing plant at Royal Oak would also be environmentally disadvantageous as the plant would require foundations and ancillary support features. The siting would be alongside the Maldon road in a visually intrusive position where there would be limited space for the provision of perimeter screening. Furthermore, to service the processing plant there would be the need to install extensive new silt management facility onto land

that whilst previously been restored had now established into a fairly mature wooded area with grassland glades.

The report concluded that *“The reduced physical disturbance at Royal Oak whilst utilising infrastructure already in place at St Cleres Hall Pit and at a similar rate of throughput and intensity would be considered a more sustainable aspect presenting an improved economic, social and environmental position than the one envisaged at the time of the Royal Oak permission”*.

The report also confirmed the then anticipated timetable for working at both the applicant’s sites noting *“The applicant has stated that the remaining mineral within the complex would be removed concurrent with the site preparation works for the infilling being completed. The proposed mineral extraction together with importation and use of the processing plant would take place over a projected 5.5 years from 2017, i.e. to around 2022. The infilling permission permits infilling to take place up to 2029 given a 2017 start date. There is no indication that the mineral activities nor presence of the processing plant would prejudice the timescales for the overall restoration of the quarry complex”*.

This present application has clarified the delays encountered since the 2017 applications. Both quarries have been operating and it is only the delays encountered through the Protected Species license and the Environment Agency Permitting that have caused the delays which are outside of the applicant’s control.

The proposed revised timescales now put forward appear to be the most appropriate way forward to ensure the overall programme is kept on track. Were the revised timescales to be considered inappropriate then there would be the sterilisation of the remaining mineral reserves within the SCHP, a loss to the County’s minerals landbank; and need to provide a replacement processing plant at Royal Oak.

Activities at SCHP would however still take place as the infilling programme to the linked void which is accommodated under a separate permission would remain. In addition, activities would be continuing at Royal Oak and the resulting HGV traffic generation would continue the public highway through Danbury and past the St Cleres entrance in any eventuality.

Form a planning perspective; as has already been accepted, it would be far better environmentally and in sustainability terms to maintain the SCHP processing activities and to ensure the removal of the insitu mineral reserves from SCHP and to accommodating the Royal Oak mineral through the established facility. The existing processing plant is modern/low profile and has not given rise to environmental concerns from its operating practises.

Mineral has still to be extracted from SCHP and it would not be a sustainable argument to seek this material having to go to Royal Oak for processing only to have it travel back past St Cleres again as the mineral went to market.

Whilst the applicant has experienced delays from the Protected Species Licencing; it is the Permitting aspect which has been the particular concern. The Permitting

programme is controlled through the Environment Agency and so outside of the planning regime to influence. However, it has, as in this case, unfortunate consequences delaying approved mineral and infilling activities with a knock-on effect for achieving restoration.

Whilst the local Environment Agency office has not to date responded; the Permitting side of the Agency is undertaken through a national central hub to which even the local Environment Agency has little influence. It can only be hoped that the Permit will be forthcoming for the infilling element of the SCHK allowing the dovetailing of the other site activities to progress. As the agent has confirmed they are likely to have to seek an extension on the infilling permission in due course as a consequence of the Permitting delays impacting that particular planning permission time period as well.

The applicant's proposals to vary the extant Conditions 2 and 3 (Cessation dates) of ESS/31/16/CHL and Condition 2 (Cessation Date) of ESS/32/16/CHL are, in the circumstances, considered appropriate to address the delays being encountered.

The proposals are not seen as conflicting with Policies S1; S10; S11; S12 nor the Borough policies CP13; DC4; DC29 nor DC41.

B LANDSCAPE AND VISUAL

The existing SCHK site is well screened and set back from the public highway. The use of the established processing plant has been referenced above as being more environmental suitable than having a second processing plant established at the Royal Oak quarry.

In the last 18 months the old processing plant at SCHK has been replaced with a more modern low profile processing plant which has further reduced what environmental impact namely a visual one that the old plant may have presented to more long distance views into the site.

It is unclear as to what the residents' comments about "*Delaying the restoration of the site as promised leading to more long-term environmental damage*" refer. The SCHK operates under planning and Permitting control that addresses "environmental impacts". It is not acknowledged that environmental harm is being prolonged. What the residents have probably not appreciated is that the SCHK operates under various permissions and that the infilling permission for the site, which is not the subject of these present applications permit site activities to take place for some years in any event.

What is recognised is that restoration of the land should not be delayed unnecessarily. The operator has restored the western extension land and recently reinstated the former concrete batching plant that was situated within the north west corner of the site and integrated this land into the overall western extension reinstatement programme. There is an overall masterplan for the SCHK and the operator is working towards that goal.

The local resident has commented about alternative restoration and "*Perhaps time to look at a more imaginative use of the gravel pit for leisure, maybe a location for*

a mountain bike or cycle track to reduce the detrimental impact on surrounding National Trust woodland”

The SCHP has an approved restoration scheme to accommodate nature conservation/Protected species and the provision for enhanced planting to complement the existing surrounding woodland features. Opening the quarry land to public usage could lead to uncontrollable visitor numbers. The generation of private vehicles needing parking provision within the site and consequential problems of safety at the access with visiting cars entering and exiting off a busy highway. Internally, opening the land to public leisure would prejudice both the extant nature conservation habitat and that of the approved reinstatement programme across the rest of the land. Such changes would also lead to detrimental impacts on the planting scheme and potentially to the integrity of the National Trust woodland surrounding the land that the representee is concerned is already prejudiced. It should be noted that to date no evidence of any prejudicial impact is apparent as a result of the extant quarry activities.

Use of the land for public activities would in-itself require amendments to the SCHP planning permissions the accompanying legal agreements and to the landowner consenting to public use of the land.

It is not considered that there is a Landscape/Visual impact aspect arising from this proposal and in this respect there is no envisaged conflict with Policies S1; S10; S12; DM1; nor the Borough policies CP9; CP12; CP13; CP14; DC4; DC13; DC14 and in the Chelmsford City Council Core Strategy and Development Control Policies Focussed Review policies: DC2 and DC29.

C TRAFFIC/NOISE

The local representation has commented upon the generation of traffic through the village and its noise impacts in particular: *“The environmental impact on the village of Danbury and its residents due the 2-way journey by heavy HGVs transporting the aggregates to and from St Cleres pit.....”*

The appropriateness for the movement of Royal Oak mineral being delivered into the SCHP and the export of mineral from this quarry has been previously considered and found to be acceptable. In any event the movement of Royal Oak mineral, irrespective of going via SCHP would be taking place in any event. The Parish comments following the virtual liaison meeting pick up on the traffic movements and also the issue of debris outside the Royal Oak quarry.

It is not considered that the HGV traffic linked to the applicant’s quarry interests are in themselves generating such environmental impact as to be unacceptable. These applications are not proposing any changes to the traffic generation and as the agent confirmed at the virtual meeting, and recorded in the minutes of that event, that the mineral reserve is finite and that over the prolonged period being proposed that HGV intensity could reduce as a result of the extension period.

The SCHP operates under planning and permitting regime conditions and is regularly monitored. Vehicle movements on the public highway are not a planning matter in general, although for the SCHP and Royal Oak sites they operate to

controlled vehicle movement restrictions which has been found from the planning control perspective appropriate in the past.

These present applications do not seek to increase HGV movements and could, as the agent has already implied, lead to lower movement frequencies given the proposed time extension requests.

As reported earlier, a local representee has commented concerning the re-siting of the processing plant to Royal Oak so alleviating impacts on the village given the potential Bradwell power station building. The siting aspects have already been considered earlier and should not be influenced by future development aspirations that may or may not materialise.

Chelmsford City Council in their response raised the issue of noise and wheel cleaning being a concern of locals and the parish in the past. Whilst there has been some local concern expressed at the Royal Oak site on road cleaning issues in the past this has not been a frequent concern expressed for the SCHP site. It is interesting to note that the parish refer to the debris outside the Royal Oak site as being a concern for these present applications.

Both quarry sites have planned commissioning of relocated wheel washers which would further address road cleanliness aspects. In terms of the Parish concerns of debris at Royal Oak, HGV movements from this quarry itself are not part of these present applications and traffic would be taking place into and out of this site in any event. The control and addressing of the road debris issues are matters being dealt with under the Royal Oak permission and are not part of this present consideration.

In terms of noise comments, it is not clear as to what issues this is causing given that neither site generated, nor HGV associated noise generation has not been a particular source of recorded concern for either SCHP nor Royal Oak in the past.

In traffic generation terms the Highways Authority has not objected although it has recommended conditions. In respect of these recommended conditions those related to the HGV movement restrictions already form one of the extant conditions. Were planning approval to be forthcoming for these new applications that movement restriction would be re-imposed. The comments related to the wheel cleaning are noted and as the applicant has stated in their submission documentation the details for the provision of a wheel wash at St Cleres has already been approved and is now installed. Again, were planning approval to be forthcoming those previously approved wheel wash details would be reflected in the new permission.

It is not considered that the proposed traffic impacts arising from this proposal would conflict with traffic/amenity policy aspects and in this respect traffic generation is not considered unacceptable and in conflict with Policies S1; S10; S11; CP13; DC4; DC29 and DC41.

D OTHER CONDITION AMENDMENTS

As noted below, the effect of a Variation of Condition application being approved would be the issuing of a new permission. It is normal practice for such permissions to reflect subsequent schemes that have received approval, such as the St Cleres Wheel wash details (Condition 10 Wheel wash) and the recent noise scheme (Condition 14) submitted as part of this present application to then be recognised in the new permission.

There is no particular problem envisaged in carrying forward a 12-month submission date for schemes to be submitted for Restoration under extant Condition 37 and Amenity Aftercare under extant Condition 40 into any new permission.

The County Ecologist has recommended inclusion of conditions to ensure the safeguarding of protected species interest over the proposed extension period and these are considered appropriate and have been included in the recommended conditions.

Appropriate conditions could therefore be applied to address the amendments and so safeguard local amenities without conflict with Policy S10; DM1; CP13; DC4 and DC29.

E GENERAL

The opportunity is given to planning authorities when determining applications made as Variation of Conditions (Section 73 of the Town and Country Planning Act 1990 – Determination of applications to develop land without compliance with conditions previously attached) to consider such conditions as are necessary allowing review and update of the remaining extant conditions associated with the relevant permission, and any subsequent ancillary permission, to ensure that they are consistent with the application that it is being determined under.

7. CONCLUSION

This report has found that delays in securing both Protected Species Licenses and Environmental Permitting has prejudiced the operator's ability to comply with extant conditions. In particular, these include the cessation dates for the extraction of insitu minerals and use of the processing plant infrastructure.

The report has found there to be continued benefit arising from the SCHP being well located and screened to continue its activities without prejudicing surrounding land uses; as well as the continued handling of mineral from Royal Oak Quarry.

Were there to be a requirement to meet current cessation dates then this would result in unnecessary sterilisation of mineral at SCHP. Furthermore, the report notes, that whilst mineral activity may then cease, SCHP would still be an active site through its accommodation of the infilling and associated recycling activities under the separate planning permission for the void area. Until these activities were completed then overall site restoration could not be achieved in any event. It should also be noted that mineral traffic would still need to pass the SCHP entrance given that Royal Oak Quarry would also still be active. Any closure of the processing facilities at SCHP would likely lead to a requirement to site a

replacement processing plant at Royal Oak where the previous views has been that this would be both environmentally and economically disadvantageous to both the environment; community and the operator.

Other than an extension to the timescales the proposals are not seen as prejudicing the extant mineral extraction and restoration proposals for the quarry. In terms of the Royal Oak traffic generation the application is only seeking to extend the time period to activities which are already occurring.

In traffic terms the proposals are considered acceptable and supportable in that the associated HGV movements would continue along routes already frequented by the applicant's business. Such routes continue to see the applicant's HGV movements passing the existing quarry entrance and that the traffic numbers are not proposed to be increased through the applications. The traffic generation is not considered to be unacceptably impacting on the existing highway capacity and any highway increases are not solely down to the applicant's business.

Restoration within the SCHP complex has been ongoing with the western area of the site restored. Overall, the report finds that the approved restoration and landscaping for the complex is to secure predominantly grassland and nature conservation interests. Seeking to open the land up to a more commercial and public arena is likely to introduce environmental pollution of noise and vehicle movements and prejudice both the approved afteruse aspirations for the land whilst potentially increasing pollution on the community.

The opportunity through these applications has also been taken to seek discharge for a noise monitoring scheme for the site and for a restoration scheme to be submitted within 12 months of the date of any forthcoming permission. These latter aspects are considered acceptable.

Following a review of the Ecological interests on the land the County Ecologist has recommended the inclusion of three conditions to seek updated site management plan and protected species reports to address those interests. These conditions are supportable and ensure that management of the ecological aspects are maintained.

The proposals are considered acceptable and not to conflict with the development plan and policy guidance.

8. RECOMMENDED

That for **ESS/49/19/CHL** and **ESS/50/19/CHL** planning permission be granted subject to:

- (1) For Planning permission ESS/49/19/CHL and ESS/50/19CHL the prior completion of an appropriate Section 106 legal agreement/Deed of Variation under the Town and Country Planning Act 1990 (as amended) to provide for the carry-over of the extant provision requiring the applicant to:
 - (i) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing No 2500/DT/MPB/1 entitled "St Cleres Hall Pit Overarching Restoration

Plan” dated June 2016 and to ensure that this will apply for a minimum period of 15 years beyond the statutory five year aftercare period i.e. a minimum total of 20 years

And

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

For ESS/49/19/CHL

Commencement and Duration

1. At least seven days’ notice shall be given, in writing, to the Mineral Planning Authority of the commencement of importation (for the purposes of this requirement importation shall be the arrival at St Cleres Hall Pit from Royal Oak Quarry of mineral).

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

2. The following cessation dates shall apply:
- (i) All mineral extraction from St Cleres Hall Pit shall cease by *16 February 2029*
 - (ii) Use of the processing plant shall cease by *31 December 2031*.
 - (iii) The processing plant; stockpiling area and application land to be restored by 31st March 2032.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site having regard to the Essex County Council Replacement Mineral Local Plan Submission document 2016 Policy 7 and 10.

3. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission not later than 31 March 2032.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the National Planning Policy Framework and its Technical Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high

standard having regard to Policies S12 of the Essex Minerals Local Plan Adopted July 2014.

Approved Details

- 4.. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application ESS/58/12/CHL dated 3 September 2012 comprising:
- (i) Supporting statement dated September 2012.
 - (ii) Drawing entitled "Location Plan" dated January 2009,
 - (iii) Plan No. 13059/2A dated February 2012,
 - (iv) Plan No.13059/1A dated February 2012,
 - (v) Proposals Plan

As amended by:

- (B) Planning Application ESS/01/14/CHL dated 19 December 2013 comprising:

- (i) Drawing reference Location Plan dated January 2009,
- (ii) Proposals Plan dated January 2014,
- (iii) Application Plan dated February 2012;
- (iv) Letters from Matthew and Son LLP dated 19th December 2013 and 7th January 2014,
- (v) Supporting Statement dated December 2013.

As amended by:

- (C) Planning Application ESS/32/16/CHL dated 22/07/16 comprising:

- (i) Covering letter from Matthews and Son LLP dated 22nd July 2016,
- (ii) Planning Supporting Statement forming Section 2 of the supporting documentation entitled "St Cleres Hall Pit Planning Application to Vary Conditions to Planning Consent ESS/01/14/CHL" undated,

And accompanying drawing numbers:

- (v) DT/MPB/2F entitled "St Cleres Hall Pit Application Plan" dated June 2016.

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/32/16/CHL; addressing:

- a) For Condition 10 (Wheel washing) – The wheel wash shall be laid out in accordance with the details of the scheme approved on 4th March 2003 under Condition 7 of planning permission reference ESS/63/10/COL comprising:
 - i) The planning statement dated 13th October 2013.
 - ii) Plan Nos: WW1 entitled "Location of Drive Through Wheel Wash" dated October 2011;
 - iii) Plan Nos: WW1 entitled "Location of Drive Through Wheel Wash" dated October 2011

- iv) Drwg entitled "13m Drive Through Wheel Wash Bath" dated October 2011.
- v) E-mail dated 11th January 2013 at 09:12.

As amended by:

- (D) Planning application ESS/49/19/CHL comprising:
 - (i) Planning application form from Danbury Aggregates Ltd dated 09/07/20.
 - (ii) Planning Statement entitled "Danbury Aggregates Limited, St Clere's Hall Pit Planning Application to Vary ESS/31/16/CHL" dated 17 October 2017.
 - (iii) Noise Monitoring Scheme entitled "Danbury Aggregates Ltd, St Clere's Hall Pit: Town & Country Planning, Noise Monitoring Scheme" dated 09/07/19.
 - (iv) Email from Simon Chaffe to Terry Burns dated 5th November 2020 at 10:39 and attached:
 - (v) Torc Ecology report entitled "Ecological Impact Assessment Of Variations of Planning Conditions At St Clere's Hall Pit Danbury Essex" Project Ref: TE/SB/2011_133, Revision: FINAL, Issue date: November 2020.

And accompanying drawing numbers:

- (vi) DT/MPB/2V entitled "St Cleres Hall Pit Application to Vary Existing Planning Consent ESS/01/14/CHL" dated June 2016

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies 7; 10; 11 and 12 of Essex Minerals Local Plan Adopted July 2014.

Availability of Plans

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment having regard to Policy W10E of the Essex Minerals Local Plan Adopted July 2014.

Importation

- 6. Only indigenous as raised aggregate from Royal Oak Quarry shall be imported into St Cleres Hall Pit for processing and stockpiling.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Mineral Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to Policies 7 and 10 of the Essex Minerals Local Plan Adopted July 2014.

ECOLOGICAL MITIGATION AND ENHANCEMENT.

7. Within 3 months of the date of this permission an updated site management plan to address those mitigation and enhancement measures as identified in Section 7 (updated documentation) of the Torc Ecology Report entitled “Ecological Impact Assessment of Variations of Planning Conditions at St Clere’s Hall Pit Danbury, Essex“ Project Ref: TE/SB/2011_133, Revision: Final, issue date: November 2020 shall be submitted for the approval of the Mineral Planning Authority.

The updated site management plan may require the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the scheme as approved in writing by the Mineral Planning Authority.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to conserve and enhance protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

PROVISION OF AN UPDATED GREAT CRESTED NEWT MASTERPLAN FOR PHASED SITE WORKS

8. Within 3 months of the date of this permission, an updated Great Crested Newt Masterplan shall be submitted for the approval of the Mineral Planning Authority. The scheme shall make provision for the recommendations as set out within the Torc Ecology report entitled “Ecological Impact Assessment Of Variations of Planning Conditions At St Clere’s Hall Pit Danbury Essex“ Project Ref: TE/SB/2011_133, Revision: FINAL, Issue date: November 2020. The scheme shall then be implemented in accordance with the scheme as approved in writing by the Mineral Planning Authority.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its encouragement to conserve

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

CONFIRMATION OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT
CRESTED NEWT

9. No ground disturbance shall take place for the mineral extraction activities until the Mineral Planning Authority has been provided in writing with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or a
 - c) statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 and section 17 Crime & Disorder Act 1998.

10. Prior to any ground disturbance taking place for the mineral extraction activities written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests within the site areas/phases or inert waste recycling footprint. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policies W10A and W10E of the Essex and Southend Waste Local Plan Adopted September 2001 and Policy 10 of the Essex County Council Replacement Waste Local Plan Submission document June 2016 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Environmental Protection
Hours of Operation

11. a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-
0700 – 1800 hours Mondays to Fridays.
0700 – 1300 hours Saturdays.
- b) There shall be no working on Sundays or Bank/National Holidays.
- c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014.

Highway Cleanliness

12. No mud or dirt shall be carried out onto the A414 Maldon Road by vehicles using the site.

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

Wheel Cleaning

13. Wheel Cleaning shall take place in accordance with the details approved on 4th March 2003 under planning permission ref ESS/63/10/CHL dated 16th June 2011, comprising:
- i) The planning statement dated 13th October 2013.
 - ii) Plan Nos: WW1 entitled "Location of Drive Through Wheel Wash" dated October 2011;
 - iii) Plan Nos: WW1 entitled "Location of Drive Through Wheel Wash" dated October 2011
 - iv) Drwg entitled "13m Drive Through Wheel Wash Bath" dated October 2011.
 - v) E-mail dated 11th January 2013 at 09:12.

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

HGV Movements

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

Mondays to Fridays:	108 movements (54 in/54 out)
Saturdays:	27 movements (13 in/13 out)

Sundays and Bank/Public Holidays: none

Reason: In the interests of clarity; limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014.

Monitoring Vehicle Movements

15. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration, weight and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of clarity and on the basis of which the modes and spilt of transport would be undertaken formed an important aspect on the acceptability of the scheme and to ensure appropriate control is maintained by the Mineral Planning Authority having regard to the Essex County Council Replacement Waste Local Plan Submission document 2016 Policies 7 and 10.

Sheeting Vehicles

16. All HGVs shall be sheeted before leaving the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Noise – Monitoring

17. Noise Monitoring shall take place in accordance with the details comprising the Noise Monitoring Scheme entitled “Danbury Aggregates Ltd, St Clere’s Hall Pit: Town & Country Planning, Noise Monitoring Scheme” dated 09/07/19. For clarity the reference in the noise monitoring scheme to “the pro-forma comprising Appendix 02” shall be ignored.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy

Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Noise – Temporary Operations

18. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 17 shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Noise - Normal Levels

19. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/31/16/CHL/A entitled “Noise Monitoring Locations”:

Receptor Location	Criterion / dB LAeq,1hr
St Cleres Hall	55 dB
Graces Walk	49 dB

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Silencers

20. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Reversing alarms

21. Only broadband sound emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

22. The access/haul road, processing area and stocking yard used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of dust emissions.

Lighting

23. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:
- a) Lighting point location.
 - b) Lighting design details.
 - c) Proposed Illuminance coverage.
 - d) Assessment of sky glow and light spillage outside of site boundary.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014

and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Lighting Times

24. Floodlights/Fixed Lighting shall not be illuminated between the hours of: 1800 hours to 0700 hours Monday to Friday. No lighting shall be illuminated on Saturday, Sundays, Bank or Public Holidays (except security lighting activated by unauthorised entry by persons or vehicles)

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Fixed Plant and Buildings

25. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of minerals or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Burning

26. No waste or other materials shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to with Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Rubbish

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

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area in accordance with Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning

decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Surface Water Drainage and Pollution Protection

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

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

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

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

30. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014

31. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land Drainage and groundwater regime having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted

development does not give rise to unacceptable environmental impacts on the environment.

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

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land Drainage and groundwater regime having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

33. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

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

Tipping Restrictions

34. No extraction, tipping or temporary storage of materials shall take place within 30 metres of any watercourse. No material shall be tipped or deposited within any watercourse or culvert.

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

Handling and Storage of Soil and Soil Forming Material

35. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part.

Reason: To prevent loss and damage of the soil resource having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

36. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

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

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

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

38. All stones and other materials in excess of 75mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure that the soil resources of the site are replaced appropriately, to avoid stones that may impede cultivation techniques and impact on the aftercare uses of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

39. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping of topsoil or subsoil from any part of the site or new phase of working shall be undertaken unless approved in writing by the Mineral Planning Authority.

Reason: To ensure that the soil resources of the site are replaced appropriately and to allow the Mineral Planning Authority an opportunity to inspect restoration progress in accordance with the aftercare plan for the site having regard to Policy DM1 and S10 and S12 of the Essex Minerals

Restoration

40. Within 6 months of the date of this permission, a revised restoration scheme based on Drwg Ref No: 2500/DT/MPB/1 entitled "St Cleres Hall Pit Overarching Restoration Plan" shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for: -
- a) Restored landform contour levels.
 - b) Reinstatement programme including soil profiles for the area identified for "restoration to neutral grassland".
 - c) Removal of all site structures.
 - d) Site water drainage.
 - e) The provision of the wetland together with cross sections, levels and engineering details

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use and to retain control over the development so as to not prejudice the restoration and afteruse of the land having regard to Policies W10A and W10E of the Essex and Southend Waste Local Plan Adopted September 2001 and Policy 10 of the Essex County Council Replacement Waste Local Plan Submission document June 2016 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

Landscaping

41. The landscaping permitted under planning permission reference ESS/58/12/CHL dated 20th December 2013 within the site shall be retained and maintained for the life of development.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Technical Guidance advice on restoration and aftercare of mineral sites for landscaping strategy's to address mineral working related impacts.

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

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Amenity Aftercare

43. Within one year of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation and grassland shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for: -

- (i) a management plan and strategy;
- (ii) a programme to allow for monitoring the establishment of the wetland and aquatic vegetation which shall provide for:
 - (a) such work as is necessary to enable the establishment of
 - (ii) above; and
 - (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
 - (c) For the woodland area the:
 - cultivation practices;
 - post-restoration secondary soil treatments;
 - soil analysis;
 - fertiliser applications, based on soil analysis;
 - drainage;
 - tree planting and maintenance;
 - weed control;
 - (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

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

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

Reason: To ensure that the land is rehabilitated to a suitable condition to support the return of the site to the required standard for the specific

afteruse during the 5 year aftercare period having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

Cessation

44. In the event of site operations being discontinued for six months in the period specified in Condition (2) then the land as disturbed within the approved application area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 38 - 41 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 the National Planning Policy Framework and its Technical Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high standard.

(ii) For ESS/32/16/CHL

Commencement and Duration

1. At least seven days' notice shall be given, in writing, to the Mineral Planning Authority of the commencement of importation (for the purposes of this requirement importation shall be the arrival at St Cleres Hall Pit from Royal Oak Quarry).

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

2. All importation of mineral from Royal Oak Quarry shall cease by 16th February 2029.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain

control over operations at the site having regard to the Essex Minerals Local Plan Adopted July 2014 Policies 7 and 10.

Approved Details

3. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/32/16/CHL dated 22/07/16 comprising:
 - (a) Covering letter from Matthews and Son LLP dated 27th July 2016,
 - (b) Planning Supporting Statement forming Section 2 of the supporting documentation entitled "St Cleres Hall Pit Planning Application to import sand and gravel from Royal Oak Quarry to St Cleres Hall Pit Danbury" undated,
 - (c) Accompanying drawing number DT/MPB/2F entitled "St Cleres Hall Pit Application Plan" dated June 2016.

As amended by:

- (A) Planning application ESS/50/19/CHL comprising:
 - (i) Planning application form from Danbury Aggregates Ltd dated 09/07/20.
 - (ii) Planning Statement entitled "Danbury Aggregates Limited, St Clere's Hall Pit Planning Application to Vary ESS/32/16/CHL" dated 17 October 2017

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies 7; 10; 11 and 12 of Essex Minerals Local Plan Adopted July 2014.

Availability of Plans

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment having regard to the Essex and Southend Mineral Local Plan Adopted September 2001 Policy W10E.

Environmental Protection Hours of Operation

5. a) Importation of mineral into the St Cleres site shall only take place

between the following times: -

0700 – 1800 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

- b) There shall be no working on Sundays or Bank/National Holidays.
- c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014.

Highway Cleanliness

- 6. No mud or dirt shall be carried out onto the A414 Maldon Road by vehicles using the Royal Oak and St Cleres quarry sites.

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

HGV Movements

- 7. The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day associated with the importation of minerals from Royal Oak Quarry into St Cleres Quarry shall not exceed the total HGV movement limitations for the St Cleres Quarry established under planning permission ESS/31/16/CHL, shall not exceed the following overall limits:

Mondays to Fridays: 108 movements (54 in/54 out)
Saturdays: 27 movements (13 in/13 out)

Sundays and Bank/Public Holidays: none

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies W10A and W10E of the Essex & Southend Waste Local Plan Adopted September 2001.

Monitoring Vehicle Movements

- 8. A written record shall be maintained by the operator of all movements in and out of the St Cleres Quarry by HGVs. Such records shall contain the vehicle's registration, weight and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of clarity and on the basis of which the modes and spilt of transport would be undertaken formed an important aspect on the acceptability of the scheme and to ensure appropriate control is maintained by the Mineral Planning Authority having regard to the Essex County Council Replacement Waste Local Plan Submission document 2016 Policies 7 and 10

Sheeting Vehicles

9. All loaded HGVs shall be sheeted before entering the St Cleres Quarry.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 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.

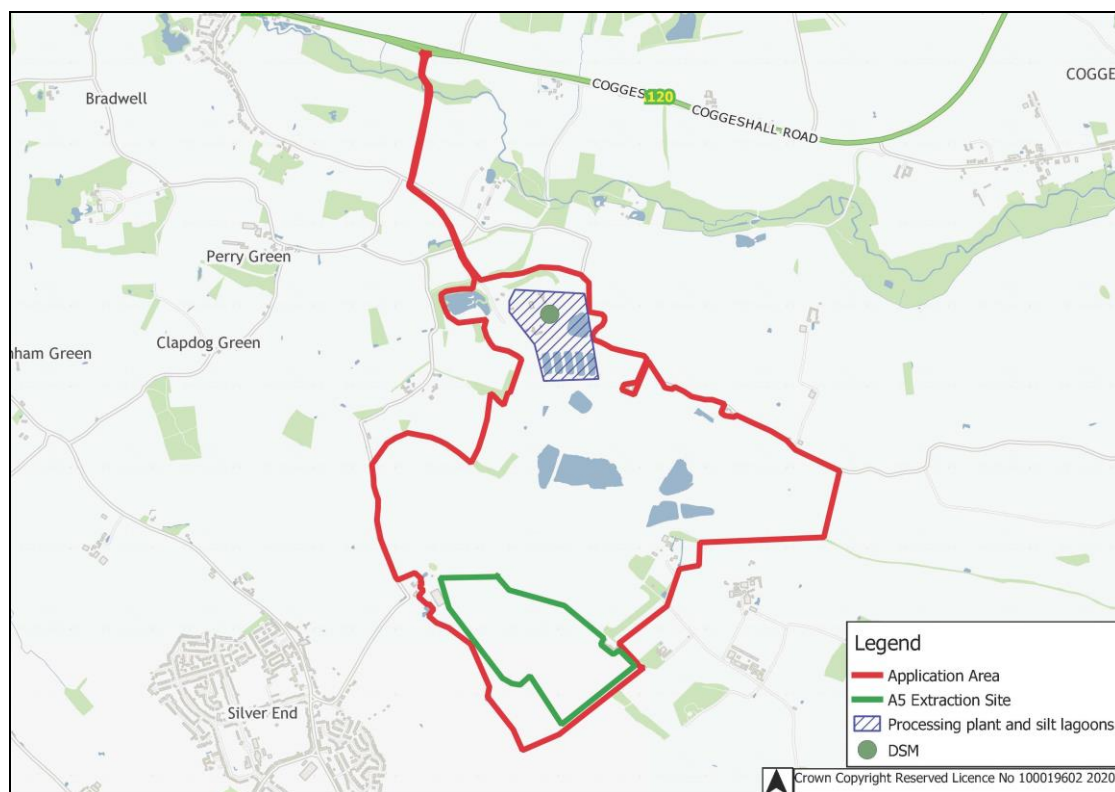
STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

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
LOCAL MEMBER – CHELMER – DANBURY

DR/35/20**Report to:** DEVELOPMENT & REGULATION (27 November 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 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 and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)"

Ref: ESS/35/20/BTE**Applicant:** Blackwater Aggregates**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

1. BACKGROUND

In May 2020 the Committee previously considered a [planning application](#) to vary the conditions of planning permission ESS/03/18/BTE to allow amended operational hours for the dry silo mortar plant at Bradwell Quarry. The Committee resolved to grant planning permission, subject a legal agreement and conditions.

2. SITE

The application site is at Bradwell Quarry, which lies 6km east of Braintree. The application site is located between the villages of Bradwell (approx. 1km northwest), Silver End (approx. 0.5km to the southeast), Kelvedon (3.5km to the southeast) and Coggeshall (2.5 km to the north east).

The mineral processing area is approximately 1km south of the A120. The processing area is accessed from the A120 via a private haul road. The mineral processing area is surrounded by screening bunds. The dry silo mortar plant the subject of the planning application is located in north west of the mineral processing area.

3. PROPOSAL

The application seeks to change the operational hours for the DSM, allowing in addition to the normal operating hours, the operation of the DSM plant from 6am to 7am and from 6:30 pm to 10pm Monday to Friday. A trial period of one year had originally been granted permission; the application would make this change of hours permanent for the life of the mineral extraction with Site A5 of the MLP. There would be no HGV movements during the extended hours.

4. LATEST POSITION REGARDING THE LEGAL AGREEMENT

The legal agreement does not include any new legal obligations but is what is known as a “deed of variation”, that ensures all obligations of the existing S106 legal agreement associated with ESS/03/18/BTE remain associated with the new planning permission.

To date the legal agreement/deed of variation has not been completed.

The applicant incurred difficulties in appointing a legal representative during the original period of Covid19 lockdown and this delayed progression for about 6 weeks. Since then progress has been made, although the site involves several landowners and title checking while Essex Legal Services has been working remotely proving more difficult. It is hoped the agreement can be finalised and circulated in the near future. However, due the number of signatories to the agreement and based on past experience, signature by all parties is likely to take several weeks to complete and the further Covid19 lockdown could also further delay the process.

Until the deed of variation is completed the planning permission cannot be issued.

It is noted that Braintree has now consulted on modifications to Part 1 of its emerging plan, but while the policies of this document are progressing through the local plan process, they remain unadopted. It is not considered that there has been any significant change in adopted planning policy and no new material planning considerations have arisen that would affect the May 2020 resolution.

An extension of time is sought to allow sufficient time for completion of the legal agreement. A period of 12 months is recommended which is a longer period than the planning authority would normally recommend, however such a period reflects the uncertainty of disruption continuing to be caused by the Covid19 pandemic. If there should be a significant change in planning policy or a change in material circumstances prior to the agreement being signed, then the matter will be referred back to the Committee for reconsideration prior to the issue of the decision.

5. RECOMMENDED

That planning permission be granted subject to:

- a) Legal agreement: Prior completion within 12 months of a deed of variation to ensure all previous legal obligations remain associated with the new permission, and;
- b) Conditions: Re-imposition of all previous conditions of ESS/03/18/BTE, amending as appropriate those relating the DSM hours of operations and updating any conditions where the requirements of the condition have discharged. The conditions are as set out in Appendix A.

LOCAL MEMBER NOTIFICATION

BRAINTREE - Braintree Eastern
BRAINTREE - Witham Northern

Conditions for ESS/35/20/BTE

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
 - Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
 - Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
 - Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
 - Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
 - Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
 - Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
 - Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Ste A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
 - Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
 - Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
 - Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
 - Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
 - Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS_03_18_BTE Additional Info Noise Response_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative

- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-18
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-18
A5-3 Rev A	Site Setting	29-09-17
A5-4 Rev E	Public Right of Way	12-02-18
A5-5 Rev A	Geological Map and Excavation Profile	05-10-17
A5-6 Rev C	Temporary Site A5 Works	12-02-18
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-18
A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

As amended by Planning Application reference ESS/35/20/BTE, application form dated 20 March 2020, supporting letter from Honace date 20 March 2020, letter from Blackwater Aggregates and letter from It does Lighting Ltd

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 81, RLP 81, RLP 84, RLP 86, RLP 87 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5, CS6, CS8 and CS9.*

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

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheetting Arrangements	1:150 & 1:500
As amended by		
702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5, CS8 and CS9.*

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

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BCS policies CS5, CS8 and CS9.*

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

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BDCS policies CS5, CS8 and CS9.*

6. The development hereby permitted shall cease by the 31 December 2022 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under conditions 41, 49 and 68 and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under Conditions 41, 60 and 70 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.*

7. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed or by the 31 December 2022 and land shall be restored in accordance with the restoration scheme approved under conditions 41, 49 and 68 of this permission.

***Reason:** To enable the Mineral Planning Authority to adequately control the*

development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.

8. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in conditions 41, 49 and 68 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to the Mineral Planning Authority for its approval in writing, within 2 years and 2 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: *To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5 and CS8.*

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

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

07:00 hours to 18:30 hours Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays.

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

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

07:00 hours to 18:30 Monday to Friday; and;
07:00 hours to 13:00 hours Saturdays

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

06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday;

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

07:00 hours to 18:30 hours Monday to Friday
07:00 hours to 13:00 hours Saturdays

Except that the DSM may in addition be operated between the following hours, but shall not include HGV movements onto the public highway

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday

and at no other times.

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

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

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

11. From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

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

12. All vehicular access and egress to and from the site shall be from A120 Trunk road (Coggeshall Road) as indicated on Drawing 1 Rev A, dated 30/03/14. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound in accordance with a specific planning permission.

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

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

Reason: In the interest of highway safety and to comply with MLP policies MLP3 and DM1 and BDLPR policy RLP 36.

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to

ensure that such material is not carried onto the public highway.

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

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

590 movements (295 in and 295 out) per day Monday to Friday
294 movements (147 in and 147 out) per day Saturdays

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

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

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

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

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

17. The signs stating: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' erected on both sides of the access road at the points where Footpaths Bradwell 19, Bradwell 58, Bradwell 57 cross and on the haul road where Footpath Kelvedon 35 crosses, and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Rights of Way and the haul road and to comply with MLP policy DM1 and BDLPR policy RLP 49.

18. The location of the earth moving contractor's compound shall be in accordance with Planning Permission ESS/14/15/BTE, except as amended by any subsequent planning permission. The approved application details are: application form dated 15 March 2015, together with letter from Honace dated 19 March 2015, e-mails from Honace dated 17 June 2015 and 25 June 2015 and Drawing No. 20/01/02 Rev D dated 31 March 2015. The earth moving contractors' compound shall be removed and the land reinstated to its original condition no later than the 31 December 2022.

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

19. The development hereby permitted shall be implemented in accordance with the details approved on 16 November 2012 under condition 20 of planning permission

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

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

20. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the LAeq 1hr levels as set out in the following table:

<u>Location</u>	<u>Criterion</u> <u>dB LAeq 1hr</u>
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1*	47
Silver End 2*	51

* Monitoring locations indicated on Drawing 12-2 within Chapter 12: Assessment of Environmental Noise, Report Reference: B3910 20171124 R

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

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

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

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

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

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

22. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as listed in condition 20 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

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

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

- a) During periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring,
- b) During periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring,
- c) During periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring, and
- d) During the operation of the DSM between the hours of 06:00 and 07:00 and

18:30 and 22:00 noise levels shall be monitored 3 monthly intervals at noise sensitive properties as listed in Condition 21 and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring for conditions 23 (a) and 23 (b) may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 20, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 20 and 21, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 24 shall be implemented.

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

24. The development hereby permitted shall be implemented in accordance with the Noise Management Plan approved on 12 August 2019 under condition 24 of planning permission ESS/03/18/BTE. The approved Noise Management Plan are set out in the application for approval of details reserved by condition (ESS/03/18/BTE/24/1) dated 3 September 2018 and the Noise Management Plan Report Reference B4979 2018-10-09 Site A5 NMP by Acoustical Control – Engineers & Consultants.

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

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

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

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

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

27. No plant other than the primary and secondary processing plant, a single excavator and bulldozer or the primary and secondary processing plant, single excavator and dump truck shall be operated when operations are within 100m to 150m of Herons Farm, and when operating within 100m to 300m of Deeks Cottage and Haywards

unless unoccupied.

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

28. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A5-2 Rev A.

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

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

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

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

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

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

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

32. The development hereby permitted shall be implemented in accordance with the dust prevention management techniques set out in Table 6.1 of the Air Quality Assessment dated September 2017 forming part of the Environmental Statement dated January 2018 and letter from Honace dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme

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

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

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

RLP 62.

34. Advanced hedgerow and woodland planting shall be in accordance with Drawing A5 - 22 Rev B and in accordance with planting details set out in letter from Honace dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting. The advanced planting shall be carried out in the first available planting season following the date of this planning permission.

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 8.

35. Within 3 months of the date of commencement of the development as defined by condition 1 a planting scheme for the "Proposed native woodland planting" as identified on Drawing A5-11 Rev E Lower Level Restoration Profile and Drawing A5-9 Rev H Higher Level Restoration Scheme shall be submitted to the Mineral Planning Authority for its written approval. The planting scheme shall include:

- Areas to be planted;
- Plant and tree species;
- Sizes;
- Spacing;
- Protection;
- Seed mixes for ground within the "Proposed native woodland planting";
- Programme of implementation.

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

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

36. Any tree or shrub forming part of the advanced or restoration planting scheme in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

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

37. The tree protection measures to protect trees numbered 23 and 26 on Drawing 31-1 Rev 1 (as submitted with planning application ESS/24/14/BTE) shall be retained until completion of restoration in sites A3 and A4.

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

Reason: In the interest of the amenity of the local area and to ensure the site is

adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

38. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) for Site A5 approved on 12 August 2019 under condition 38 of planning permission ESS/03/18/BTE. The approved Construction Environmental Management Plan (CEMP) for Site A5 is set out in the application for approval of details reserved by condition (ESS/03/18/BTE/38/1) dated 3 September 2018 and the following documents and drawings:

- Construction Environmental Management Plan (CEMP) (Ref: C1 Site A5 CEMP 2018 - 10 A.1)
- Appendix C2 to CEMP Part A Biodiversity Management Plan and 5 year Outline
- Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C3 to CEMP Part B Appendix 1 to Biodiversity Management Plan and 5 year Outline Aftercare Scheme (DRAFT 30 May 2018 – unapproved)
- Appendix C4 to CEMP Essex Biodiversity Checklist dated Jan 2018
- Appendix C6 Drawing No. 1075/1/1 Rev A – Ecology Habitat Map dated 12-02-18
- Appendix C7 Drawing No. 1075/1/2 Rev A – Ecology dated 12-02-18
- Appendix C8 Drawing 1075/1/3 Rev A – Ecology Constraints Map dated 12-02-18.

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

39. Within Sites A3 and A4 operations shall continue in accordance with the Construction Environmental Management Plan approved on 6 May 2015 under condition 35 of planning permission ESS/24/14/BTE. The approved Construction Environmental Management Plan is set out in the application (ESS/24/14/BTE/35/1) for approval of details reserved by condition dated 8 April 2015 and the document "Construction Environmental Management Plan Site A3 & A4" Report Number 14514150353.503/A.1 dated April 2015.

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

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

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

41. Within 3 months of date of commencement of the development hereby permitted as defined by condition 1 a Landscape and Ecological Management Plan (LEMP also referred to as a Habitat or Biodiversity Management Plan) for Bradwell Quarry, in particular for sites A3, A4 and A5 shall be submitted to for approval in writing of the Mineral Planning Authority. The Plan shall include:

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

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

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

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

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

43. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the Drawings 7 Rev B dated 20 March 2014 for Sites A3 and A4 as submitted with Planning Application ESS/24/14/BTE and in accordance with Drawing A5-7 Rev D for Site A5, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies MLP8 and DM1 and BCS policy CS8.

44. The seeding and maintenance of soil bunds established around Sites A3 and A4 shall continue to be maintained in accordance with the details approved on 19 February

2018 under condition 40 of planning permission ESS/07/16/BTE. The approved seeding and maintenance of soil bund details are set out in the application for approval of details reserved by condition dated 2 February 2018 and statement entitled "Condition 40: Bund Seeding and Maintenance". Following the establishment of new bunds around the perimeter of Site A5, bund seeding and maintenance shall be carried out in accordance with the details within the Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with MLP policy DM1 and BDCS policy CS8.

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

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

46. Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition* and no movement of soils shall take place:
- (a) During the months November to March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
 - (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
 - (c) There are pools of water on the soil surface.

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

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

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

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

48. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
- b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
- d) have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) comprise topsoils on like-texture topsoils and like-texture subsoils;
- f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

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

49. Within 3 months of the date of commencement of this development, as defined by condition 1, details of the restoration levels for New Field Lagoon shall be submitted for the approval in writing by the Mineral Planning Authority. The details shall include levels plans and cross-sections for the lagoon with minimum of 1m contours, with plans of the lagoon at a scale of not less than 1:2,500 and cross sections of the margins of the lagoon at a scale of not less than 1:200. The development shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

- 50.
- a) Recording and publication of the archaeological investigation within site A2 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated August 2011.
 - b) Recording and publication of archaeological investigation for Phase 1 of Site A4 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated July 2014 (Ref. 8237).
 - c) The development hereby permitted shall be in accordance with the scheme and programme of archaeological investigation and recording for Site A4 Phases 2 to 4 and Site A3 Phases 1 and 2 approved on 10 August 2015 under condition 49c of planning permission ESS/24/14/BTE. The approved scheme and programme of archaeological investigation and recording is set out in the application for approval of details reserved by condition dated 3 August 2015 (reference ESS/24/14/BTE/49c/1) and the document " Project Design for

Archaeological Strip, Map & Sample" prepared by Archaeology South East dated July 2015 Ref. ASE Project no. 8437 – Site Code: BDAF12.

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

51. No development or preliminary groundworks can commence within the areas proposed for archaeological excavation within Site A5 until the satisfactory completion of fieldwork in accordance with the written scheme of investigation set out in document "Bradwell Quarry – Proposed Extension Area `A5` Archaeology – Programme of archaeological mitigation" received by the Minerals Planning Authority on 14 May 2018. No excavation of overburden/minerals shall commence on the remainder of Site A5 until the archaeological monitoring investigation has been completed and the Mineral Planning Authority have given written approval that the investigation has been completed for each phase. Archaeological investigation in accordance with this scheme shall commence by the 14 May 2020 or a revised written scheme of investigation shall be submitted to the Mineral Planning Authority for approval and shall be implemented in accordance with the revised scheme.

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

52. Within 12 months of the completion of the archaeological investigation fieldwork as required by condition 51 a post-excavation assessment shall be submitted for approval by the Mineral Planning Authority. The post excavation assessment will result in the completion of the post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report.

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

53. Surface water drainage shall be in accordance with the details set out in Section 5 of Chapter 15 – Flood Risk Assessment of the Environmental Statement dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

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

Reason: To minimise the risk of pollution to water courses and aquifers to comply

with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

55. Groundwater monitoring shall be carried out in accordance with Section 6.5.6 of the ES and Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme and records submitted to the Mineral Planning Authority with 14 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

56. Where contamination of the ground is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 5.12.2 of Chapter 5: Land Use, Geology and Ground Conditions of the ES dated January 2018. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.5.6 of Chapter 6: Groundwater of the ES dated January 2018.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

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

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 71 and RLP 72.

58. In the event that contamination material is discovered on site details of mitigation and remediation and a timetable for implementation shall be submitted to the Mineral Planning Authority for its written approval. The mitigation and remediation shall be implemented in accordance with the approved details.

Reason: To minimise the risk of pollution of watercourses, aquifers and to comply with MLP policy DM1 and BDLPR policies RLP 64, RLP 71 and RLP 72.

59. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site.

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

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

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline

the steps to be carried out in the aftercare period and their timing within the overall programme.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The aftercare scheme may be incorporated within the LEMP submitted under condition 41. The development shall be implemented in accordance with the approved aftercare scheme.

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

61. The agricultural access routes for Sites R and A2 shall be implemented in accordance with the drawing approved on 16 May 2017 under condition 56 of planning permission ESS/07/16/BTE. The approved agricultural access route details are set out in the application for approval of details reserved by condition (ESS/07/16/BTE/56/1) dated 21 December 2016 and Drawing Number 020-01-08" Maintaining Agricultural Access Routes" dated 29 November 2016 and shall be used for agricultural purposes only.

Reason: To ensure the route of the agricultural track minimises its impact upon on agricultural use of the adjacent land, rights of way and adverse impact on the landscape and complies with MLP policies DM1 and MLP8 and BCS policies CS5 and CS8.

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

Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies MLP10 and MLP11.

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

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies MLP11 and DM1.

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

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

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

Reason: In the interests of local and visual amenity and in accordance with MLP policies MLP11 and DM1.

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

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policies MLP11 and DM1 and BDLPR policy RLP 62.

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

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

68. Unless notification has been provided to the Mineral Planning Authority by the 31 July 2018 that restoration of Bradwell Quarry is to be in accordance with Drawing A5-9 Rev H "Higher Level Restoration Proposals" then Bradwell Quarry shall immediately commence to be restored in accordance Drawing A5-11 Rev E "Lower Level Restoration Profile" and sub and topsoils shall be replaced to ensure phasing in accordance with Drawing A5-10 Rev E (Phasing of combined Lower Level Restoration). Restoration of Sites A3 and A4 shall be completed by 31 July 2020.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse and not delayed due to delays associated with the development of the Integrated Waste Management Facility permitted by planning permission ESS/34/15/BTE, or any subsequent superseding planning permission. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

69. In the event that restoration of sites A3 and A4 is to be restored to the Higher Level Restoration scheme, the High Level Restoration Scheme shall be implemented in accordance with the details approved on 3 September 2020 under condition 69 of

planning permission ESS/18/03/BTE. The approved Higher Level Restoration scheme details are set out in the application for approval of details reserved by condition (ESS/0318/BTE/69/01) dated 15 June 2020 and the following documents

- HL-0 Letter to Essex County Council dated 19 June 2020 - c69 Higher Level - Statement 2020-06 A.1
- HL-0 c69 Application Form
- HL-1 Ecological Impact Statement
- HL-2 Ecology - Biodiversity Statement A.0
- HL-3 c69 Site A5 Essex Biodiversity Validation Checklist
- HL-4 Dust - Air Quality Assessment
- HL-5A Dust Management Plan – dated 5 August 2020
- HL-6 Noise Assessment Bradwell Quarry High Level Restoration A, as amended by Ardent report dated 31 July 2020 Report Ref 2000070-2 (Final 28 August 2020) entitled “Bradwell Quarry High Level Restoration – Response to ECC”

And drawings

- A5-8-1 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-2 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-3 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-4 Rev K Phasing of Combined Higher Level Restoration Scheme
- A5-8-5 Rev K Phasing of Combined Higher Level Restoration Scheme

And in accordance with restoration afteruses set out in drawing A5-9 Rev H Higher Level Restoration Proposals

Noise monitoring in relation to the Higher Level Restoration Scheme shall be in accordance with the details set out in the response to point 7 within the Ardent report dated 31 July 2020 Report Ref 2000070-2, and such monitoring shall be in addition to that specified in condition 23 of this permission. In the event of a noise complaint with respect to the Higher Level Restoration Scheme the matter will be dealt with in accordance with the details set out in Section 4, 5 and 6 of point 7.

All areas of site A3 and A4 previously restored to the Low Level Restoration Scheme that had enter the aftercare period would be subject to a further 5 year aftercare period.

Reason: To facilitate the disposal of overburden from the Rivenhall IWMF, even if restoration to a low level restoration scheme within Sites A3 and A4 has commenced, in accordance with WLP policy 2 and the Site specific criteria for Bradwell Quarry within the MLP. To ensure that the impacts from the stripping top and subsoils and placement of overburden does not give rise to adverse impacts on local amenity and ecology and ensure satisfactory restoration and aftercare.

70. In the event that mineral extraction operations within Bradwell Quarry cease, prior to the 31 December 2021 a restoration and 5 year aftercare scheme for the processing plant area of Bradwell Quarry shall be submitted to the Mineral Planning Authority for approval in writing. The restoration scheme shall incorporate those features described with paragraph 3.11.8 of the Planning Application Supporting Statement for

Site A5. The restoration and aftercare scheme shall be implemented in accordance with the approved details and the restoration completed by 31 December 2021.

Reason: To ensure the site is restored in a timely manner to a beneficial afteruse incorporating areas for biodiversity. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

71. The development hereby permitted shall be implemented in accordance with the bat box details approved on 12 August 2019 under condition 71 of planning permission ESS/03/18/BTE. The approved bat box details are set out in document "Rivenhall Airfield A5 Bat Boxes Proposed For The Small Copse Around Pond 4 (Grid Reference TL 81791 19973) 1075/2" and emails dated on 25 July 2019 and 12 August 2019 from Honace (Planning reference ESS/03/18/BTE/71/1).

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

72. During the period of construction of screening bunds every effort shall be made to avoid placement of screening bunds or disturbance to the areas of semi-improved grassland identified on Drawing 1075/1/1 – Habitat Map adjacent to Sheepecotes Hangar within the former aeroplane turning circles. Where the semi-improved grassland is retained, it shall be incorporated into the restoration scheme as semi-improved grassland and maintained as such throughout the 5 year aftercare period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

73. The nitrate buffer between the boundary of the agricultural land and the Priority Habitat Species Rich Grassland within Site A5 shall be implemented in accordance with the details submitted in the Honace letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme and Drawing A5-21 A5 Restoration and Wetland Details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

74. Prior to the construction of the screening bund on southern edge of Site A5 adjacent to Storeys Wood, the position of the new hedgerow (minimum 2m wide) the area of new woodland immediately adjacent to Storeys Wood, the PRow route, the access track shall be marked out with survey pegs on the ground. The Mineral Planning Authority shall be given 5 days prior notification that the survey pegs are available for inspection and construction of the southern screening bund shall not commence until the Mineral Planning Authority has given written approval.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1 and BDLPR policies RLP 81 and RLP 84.

75. Within 2 months of the commencement of development, fencing shall be provided to separate the Public Right of Way Silver End 54 from the access track on the southern edge of Site A5. The fencing shall be maintained throughout the life of operations within site A5.

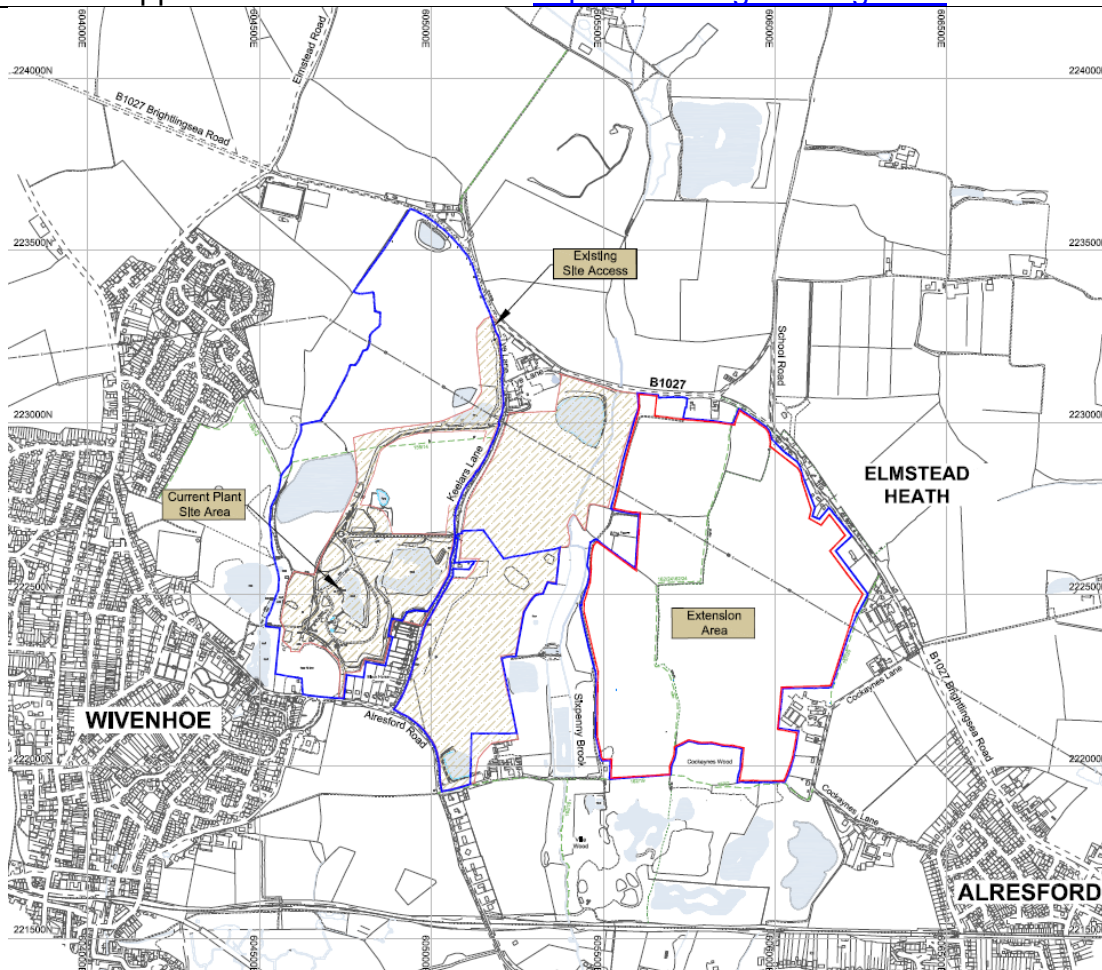
Reason: To ensure the safety of users of the Public Right of Way, in accordance with MLP policy DM1

DR/36/20**Report to:** DEVELOPMENT & REGULATION (27 November 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material.

Ref: ESS/17/18/TEN**Applicant:** Tarmac Aggregates Limited

Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB

Report author: Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shelley Bailey Tel: 03330 136824The full application can be viewed at <https://planning.essex.gov.uk>

Working Plan



1. BACKGROUND

This application was originally presented to the Development & Regulation Committee in November 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The legal agreement draft requires:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

There was a requirement for this legal agreement to be finalised within six months of the resolution.

In May 2020, Members agreed to further extend the time period for the completion of the legal agreement, bringing the deadline to November 2020.

For reference, the report as presented to Members in November 2019 is provided [here](#).

2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT

Since the May 2020 committee meeting, discussions have been continuing with the applicant regarding the legal agreement.

A draft of the agreement has been circulated and is in its final form. However, a significant portion of the site is in third party ownership and is currently in probate. This, together with the disruption caused by the COVID-19 pandemic, has hampered progress. The applicant's solicitor has been working to move things forward but was furloughed for a time and is liaising with the third-party owner's representative. The second lockdown is also likely to slow the progress of the physical execution of the documents in their final agreed form.

With the second lockdown currently in place, the applicant has requested a further 3 months (to end of February 2021) to allow completion of the legal agreement.

Since this application was originally considered, it is noted that the North Essex Authorities (Braintree, Colchester and Tendring) Examination hearings have reopened and concluded on 30th January 2020. The Planning Inspector recommended modifications and, as such, a consultation on proposed main modifications took place and ended on 9th October 2020. The Inspector is considering the responses.

The Tendring specific Section 2 of the Local Plan examination cannot commence until the Section 1 Inspector's report has been published. As such, it is not

considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that give rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered that any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is, in principle, remaining unchanged.

The Mineral Planning Authority has been pro-actively engaged by the applicant to date and the delay is considered to have been unintentional and unavoidable. Accordingly, it is considered appropriate, particularly in the current circumstances (COVID-19 pandemic), to consent to the extension as requested.

3. RECOMMENDED

That planning permission be granted subject to:

Within 3 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And conditions covering the following matters:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
 - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4th December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
 - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
 - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
 - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09

September 2019;6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;

- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015

4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18

5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018

6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018

7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018

7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018

11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-0992-RP11-Final by Crestwood Environmental Ltd dated 23 May 2018

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals 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 Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.

3. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

4. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

Reason: To enable the Minerals Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals 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, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

6. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take place outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

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

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

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.

7. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

The development shall take place in accordance with the approved scheme.

Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.

8. The public's rights and ease of passage over Public Footpath 24 shall be maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

9. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

10. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.

11. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)¹, including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information shall be given well in advance and in writing. The use of a site contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;
- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.

12. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of

development.

- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.
- i) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19)).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EclA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

14. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time. Additional surveys will be required prior to each phase;
- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available;
- Arrangements for accessing ‘Bund B’ as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason: To conserve Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

15. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required

through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

16. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20th December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

19. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development 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 Minerals Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

21. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: *In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.*

22. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: *To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.*

23. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: *To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.*

24. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

Reason: *To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.*

25. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

Reason: *To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.*

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

27. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

1. The type of waste or restoration material deposited at the site during the year;
2. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;
3. The volume in cubic metres (m³) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.

28. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

29. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

30. No development shall take place until the details of wheel and underside

chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, 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 Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

31. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

32. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

33. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

34. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and

thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

35. No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

36. No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

38. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

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

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

39. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

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

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

40. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:

- a) Attended measurements by a competent person of LAeq 5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
- b) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;

- c) Details of equipment and calibration proposed to be used for monitoring;
- d) Details of noise monitoring staff qualifications and experience;
- e) Monitoring during typical working hours with the main items of plant and machinery in operation;
- f) 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;
- g) Complaints procedures;
- h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
- i) Procedures for characterising extraneous versus site attributable noise if required;
- j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

- 42. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

- 43. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases

and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

44. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

45. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Minerals Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.

46. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

47. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

48. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

49. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

50. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with

Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

51. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

52. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November to March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

55. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

56. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils and overburden;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

57. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

58. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

59. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- a) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials;
- d) those areas from which it is proposed to strip soils in the following year; and
- e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

60. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

61. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the

archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

62. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

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

Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.

65. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.

66. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

67. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

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

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

Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

68. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.

69. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.

EQUALITIES IMPACT ASSESSMENT

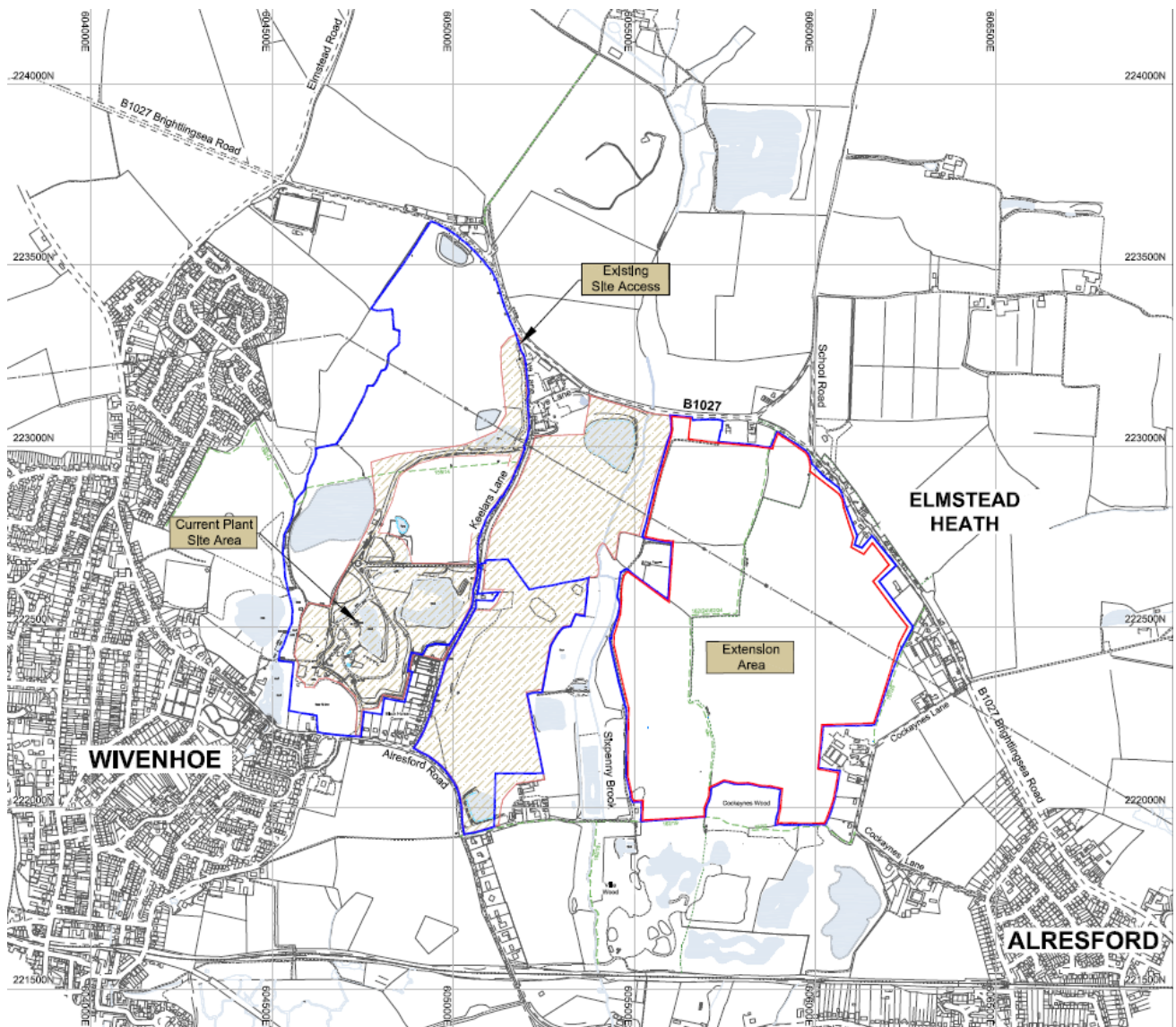
This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations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

LOCAL MEMBER NOTIFICATION

TENDRING - Tendring Rural West
TENDRING - Brightlingsea

**APPENDIX 1 – NOVEMBER 2019 COMMITTEE REPORT
(INCLUSIVE OF CHNAGES MADE BY WAY OF THE ADDENDUM)**

Report to: DEVELOPMENT & REGULATION (22 November 2019)	
Proposal: MINERALS AND WASTE DEVELOPMENT - Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material	
Ref: ESS/17/18/TEN	Applicant: Tarmac Aggregates Limited
Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB	
Report author: Chief Planning Officer (County Planning and Major Development)	
Enquiries to: Shelley Bailey Tel: 03330 136824 The full application can be viewed at: http://planning.essex.gov.uk/	



Site Plan



Working Plan

1. BACKGROUND

There is a long history of mineral extraction at Wivenhoe, which this application proposes to extend.

Wivenhoe Quarry, to the west of the application site, has a long history of mineral extraction dating back to the 1930's.

The quarry complex is effectively cut in two by Keelars Lane, which runs north-south between Brightlingsea Road and Alresford Road. Keelars Lane also forms the boundary between Colchester Borough (to the west) and Tendring District (to the east).

Heavy Goods Vehicle (HGV) access to this existing site is via a junction with Keelars Lane to the north of the site. Other vehicles may access the site at the south west corner from Alresford Road.

The eastern and western sides of the site are connected by an underpass under Keelars Lane.

Modern permissions on the existing site started in 1994 (permission ref TEN/1544/90), which allowed 'the extraction of sand and gravel, reinstatement with inert fill and restoration to agriculture, part to open water'.

Permission ref TEN/1544/90 has been varied several times, with the most recent variation granted on 29/10/19 (permission ref ESS/43/19/TEN) to allow for an extension of time for restoration of the land to the west of Keelars Lane by 30 June 2020. The land to the east of Keelars Lane is complete and the area is in aftercare.

Permission ref ESS/48/15/TEN permitted the recycling of glass, coated roadstone chippings and scalplings, concrete and brick waste to produce secondary aggregates until 31 December 2018. In practice, the recycling site did not operate until the permitted end date and the planning permission is no longer extant.

2. SITE

The 61 ha application site is located wholly within Tendring District and to the adjacent east of the existing quarry at Wivenhoe.

The site is currently in agricultural use and has itself never been quarried, but is adjacent to historical extraction sites, as noted previously in the report.

It is located approximately 5 kilometres to the south east of Colchester, in a predominantly rural, agricultural area of Alresford. The village of Wivenhoe is located to the west of the site, with Alresford village located approximately 1.5 kilometres to the south east.

The B1027, Brightlingsea Road/Colchester Main Road, bounds the site along the northern and north eastern boundaries, with the Sixpenny Brook running north/south in the vicinity of the western boundary.

The land rises gently from around 25m AOD in the west to around 30m AOD in the east.

The nearest properties to the site are Englishes Farm (it is understood that this is a yard, also known as Charity Farm) and Rosedene, located to the adjacent north between the site boundary and the B1027. There are several properties located to the north east along the B1027. Heath Farm, Willow Lodge and White Lodge are located to the adjacent south east and Furzedown is located to the adjacent south west.

Cockaynes Wood is an ancient woodland located to the adjacent south.

The site is within the general vicinity of several Grade II Listed Buildings, including 'The Old Bottle and Glass', 'the Milestone on Western Verge', 'Grove Farm', 'Keelars Farmstead', 'Keelars Farmhouse', 'Tenpenny Farmhouse' and 'Fen Farmhouse'. 'The Remains of St Peter's Church' is a Scheduled Monument located over 1km to the south east. Finally, Wivenhoe Park and Garden, a Grade II Registered Park and Garden, is located on the western side of Wivenhoe.

Footpath 24 begins at the B1027 Brightlingsea Road and runs north-south through the application site to the southern edge of the site, where it meets Footpaths 2 and 19. Footpath 20 runs along the eastern edge of the site from Cockaynes Lane to Brightlingsea Road.

An area of flood risk (zone 3 – high probability) runs along Sixpenny Brook to the west, although no part of the site is located within it.

The land to the south, known as Villa Farm, has been previously quarried and restored. It, together with Cockaynes Wood, is designated as Villa Farm Quarry Local Wildlife Site, located approximately 150m to the south east of the site.

The Blackwater/Colne Estuary SSSI and Ramsar Sites are located further to the south of the site and the Upper Colne Marshes SSSI is located approximately 750m to the south of the site. To the north of the HGV entrance on the B1027 is also Wivenhoe Gravel Pit SSSI.

The site is largely (but not wholly) within the Minerals Local Plan as a preferred site for mineral extraction (Site A20). It is also largely (but not wholly) within the Waste Local Plan as a preferred site for inert landfill capacity and for inert waste recycling.

3. PROPOSAL

The application has been revised since the original submission and is now for the extraction of 3.8 million tonnes of sand and gravel over a reduced extraction area of 43.4 ha.

Operations would take 19 years (plus another 1-2 years for restoration) with 1.2 million m³ of restoration material required to complete restoration to lowland acid grassland, habitat and amenity use.

The proposed site would be accessed from an entirely separate access to the existing quarry, via a new access off the B1027 Brightlingsea/Colchester Main

Road to the north. Following consultation, the applicant has agreed to include a right-turn lane along the B1027 to accommodate the new access.

The application does not include the relocation of the previously permitted recycling operations.

A processing plant site is proposed in the north west corner of the site. The maximum height of the plant would be 32m AOD.

Proposed working hours are 7am-6pm Monday to Friday and 7am to 1pm on Saturdays. The applicant has confirmed that there is now no proposal to extract or process mineral during Saturday working hours, such that the only activities would be export of mineral from the site, restoration operations and pumping as required.

There are proposed to be a maximum of 72 vehicle movements per day for mineral-carrying vehicles and a maximum of 40 vehicle movements per day for imported restoration material, giving a total of 112 movements per day.

The application is accompanied by an Environmental Impact Assessment. The Environmental Statement is summarised at **Appendix 1**.

4. POLICIES

The following policies of the [Essex Minerals Local Plan, \(MLP\), Adopted July 2014](#), [the Essex and Southend Waste Local Plan \(WLP\), Adopted July 2017](#), [Tendring District Local Plan, \(TDLP\), Adopted 2007](#), [the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft \(TLP\)](#), and [the Alresford Neighbourhood Plan \(ANP\), Designated 3rd November 2016](#), provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP) 2014

- S1 - Presumption in favour of sustainable development
- S2 - Strategic priorities for minerals development
- S3 - Climate change
- S10 - Protecting and enhancing the environment and local amenity
- S11 - Access and Transportation
- S12 - Mineral Site Restoration and After-Use
- P1 - Preferred Sites for Sand and Gravel Extraction
- DM1 - Development Management Criteria
- DM3 - Primary Processing Plant

WASTE LOCAL PLAN (WLP) 2017

- Policy 3 - Strategic Site Allocations
- Policy 10 - Development Management Criteria
- Policy 11 - Mitigating and Adapting to Climate Change
- Policy 12 - Transport and Access

TENDRING DISTRICT PLAN (TDLP) 2007

- Policy QL3 – Minimising and Managing Flood Risk
- Policy QL11 – Environmental Impacts and Compatibility of Uses

Policy COM20 – Air Pollution/Air Quality
Policy COM21 – Light Pollution
Policy COM22 – Noise Pollution
Policy COM23 – General Pollution
Policy COM31a – Sewerage and Sewage Disposal
Policy EN1 – Landscape Character
Policy EN4 – Protection of the Best and Most Versatile Agricultural Land
Policy EN6 – Biodiversity
Policy EN6a – Protected Species
Policy EN6b – Habitat Creation
Policy EN29 – Archaeology
Policy TR1a – Development Affecting Highways
Policy TR1 – Transport Assessment
Policy TR4 – Safeguarding and Improving Public Rights of Way
Policy TR9 – Access of Freight to Transport Networks

ALRESFORD NEIGHBOURHOOD PLAN (ANP), Designated 3rd November 2016.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). 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.

Paragraphs 212 and 213 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).

The level of consistency of the policies contained within the Tendring District Local Plan, Adopted 2007, is considered at **Appendix 2**, whilst the level of consistency of the policies contained within the Essex Minerals Local Plan and the Essex and Southend Waste Local Plan, is available here

<https://www.essex.gov.uk/Environment%20Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/Compatibility%20FP-268-10-18%20App%201.pdf>

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

The emerging Tendring District Local Plan was submitted to the Planning Inspectorate on 9th October 2017, along with Braintree and Colchester Councils.

Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1 and as a result of this, Section 1 was considered through a joint Examination in Public (EiP).

Following EiP, Section 1 has been considered unsound by the Inspector in its current form. As such, the Examination has been paused. The evidence base needs to be reviewed by the 3 Councils before returning to Examination. This will inevitably lead to delays to the Examination of Section 2, which deals with Tendring specific site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application; however the weight which can be given to the policies contained within Section 2 is currently very limited in light of the delay to the EiP.

5. CONSULTATIONS

TENDRING DISTRICT COUNCIL –

- Comments that Tendring District Council objected to the Waste Plan at the time of examination (although not specifically to the application site).
- Raises no objection in principle, since the site is allocated in the Minerals and Waste Local Plans. Comments that the application should comply with relevant policies.
- In summary, concludes that there would be localised short term harm over a period of several years and a general adverse impact over the lifetime of the operations, but that mitigation and restoration measures are acceptable.
- Following re-consultation, comments that the retention of additional sections of existing hedgerows and the increase in the 'buffer zone' between the areas identified for mineral extraction and woodland are considered an improvement to the original proposals.

- Trees, ecology and landscape impacts have been accurately outlined by ECC Place Services.
- Also comments that additional representations have been received in respect of the adverse effect of the operations in close proximity to existing dwellings including; loss of amenity, long working hours starting at 7.00am and disturbance along the new access to the quarry direct on to the main B1027.

TENDRING DISTRICT COUNCIL (Environmental Health) – No comments received.

COLCHESTER BOROUGH COUNCIL - No comments received.

ENVIRONMENT AGENCY – No objection, subject to a condition to ensure groundwater protection.

Also comments as follows:

- Otter and water vole surveys should be carried out prior to works around the Sixpenny Brook and mitigation implemented if any are found.
- A dust management plan and run-off strategy should be implemented prior to works in Phase 3 for the protection of the Sixpenny Brook. This water body is classed as Bad Ecological Potential and should be at good ecological potential by 2027 to meet the requirements of the Water Framework Directive. There should be at least 7m between the working area and the brook.
- Options should be considered for the proposed wetland habitat to link with the Sixpenny Brook.
- Provides advice to the applicant regarding consumptive water usage for wheel washing, dust suppression and mineral processing. There would be need for agreement between the applicant and existing waster abstractors prior to the issue of a licence.
- We would like the applicant to consider the potential impact of lagoon position, which at some sites has been known to act as a recharge dome and cause flooding to properties in close proximity to sites, we note there are several such properties along the site boundary.
- Requests details on the time frame from cessation of quarrying and dewatering to recovery of groundwater levels and the re-establishment of groundwater flow paths
- The applicant is advised to contact the Environment Agency to establish the need for an environmental permit for works near to the watercourse.

NATURAL ENGLAND –

- The application has triggered an Impact Risk Zone, indicating that impacts

to European Sites or SSSIs may be likely.

- Refers to standing advice.
- Comments that all minerals and waste development should achieve net gain for biodiversity
- Requires that the Habitats Regulations Assessment process is followed.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – No comment to make. Suggests consultation with local specialist advisors.

THE GARDENS TRUST – Does not wish to provide comment.

NHS PROPERTY SERVICES – No comments received.

PUBLIC HEALTH ENGLAND – No significant concerns regarding risk to the health of the local population. Recommends the imposition of a condition relating to particulate matter/dust from the excavation of sand and gravel and site restoration activities.

CPRE – No comments received.

RAMBLERS ASSOCIATION – No comments received.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

UTILITIES – No objections received. Comments as follows:

- BT Openreach has confirmed that there is apparatus in the vicinity of the new access, and has advised the applicant to contact them for survey work to be undertaken.
- UK Power Networks has confirmed there are overhead lines crossing the site. The applicant has been advised.

HIGHWAY AUTHORITY – No objection, subject to conditions/legal obligations relating to the following:

- Prior construction of a right-turn lane in the B1027;
- Access gates to be inward opening and set back 18m;
- Surfacing of the access road for a minimum of 30m;
- Provision of a wheel wash;
- Reinstatement of the carriageway on completion of development;
- No HGV access via School Road;

HIGHWAY AUTHORITY (Public Rights of Way) – No objection, subject to conditions/legal obligations relating to the following:

- Footpath 24 to be retained on current alignment with minimum width of 3m;
- Maintenance of natural footpath surface clear of vegetation;
- Footpath 24 shall be crossed only in the one position proposed and shall be

subject to a s278 Agreement;

- The design of the structure carrying pedestrians over the tunnel will include handrails with mid-rails to ensure pedestrian safety
- No landscaping to be added adjacent to the FP24;
- A Temporary Traffic Regulation Order to temporarily divert FP24 during construction of the tunnel.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection, subject to conditions covering the following matters:

- Normal operations noise limits;
- Temporary operations noise limits;
- Operating hours;
- Compliance noise monitoring should be at least quarterly unless agreed otherwise with the MPA, including temporary and normal operations, more frequent monitoring at 'Furzedown' and noise emission data for plant used on site;
- A Noise Management Plan;
- HGV movements in line with Noise Assessment assumptions; and
- Broadband reversing alarms and effective silencers should be required on all plant.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – Comments as follows:

- It is unlikely that there would be any significant odour impact;
- It is unlikely that traffic related air quality impacts would be significant;
- There are properties within 100m with potential to experience impact from dust. Recommends that proposed dust mitigation measures are incorporated into a Dust Management Plan, secured by condition.

PLACE SERVICES (Ecology) – No objection, subject to conditions including the following:

- Development to take place in accordance with the submitted Ecological Impact Assessment.
- Advance enhancement of the area in the vicinity of the E-W hedge from Cockaynes Wood to the Sixpenny Brook valley.
- Compensate for the loss of ancient and veteran trees through a veteran tree management plan for all existing veteran and mature trees, by planting new trees or retention of dead wood for invertebrates – explicitly within the Biodiversity Enhancement Plan.
- The Biodiversity Enhancement Plan to include updated tree species and to ensure the SPG grassland habitats remain of the same area even with the addition of the proposed natural regeneration trial areas.
- A scheme for bats including a long term continuous monitoring strategy and a phased approach and progressive restoration including the trial of a 'bat bridge' across the gap between phases 1 and 4, and mitigation measures for bats if the bridge is unsuccessful.
- A Construction Environment Management Plan including provision for a phased approach and surveys prior to commencement of each phase. Removal of trees/hedgerows only where necessary and as late as possible

- before the start of a phase. Inclusion of bat information as surveys progress.
- Scheme for noise, dust and lighting prior to commencement, as recommended by the CEMP.
- A Tree Protection Plan as part of the Arboricultural Report.
- Repetition of appropriate surveys including for bats and dormice.
- Minimum 10m stand off from the centre of a hedgerow and the toe of a bund for the adjacent extraction area in any phase.
- A Landscape and Ecological Management Plan to provide detail on the new habitats and their long term management, including grazing management and proposed required structures (troughs/fences etc).

Comments that a Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

PLACE SERVICES (Trees) – Supports the application, subject to conditions:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Management plan for all trees and hedgerows (in the BEP/LEMP if appropriate);
- Tree and hedgerow protection (in the CEMP if appropriate);
- Enhancement of the hedgeline south-west of the site;
- Inclusion of a hedge on the eastern boundary during phase 3 within the wider landscaping condition.

PLACE SERVICES (Landscape) – Supports the application subject to conditions relating to:

- Protection of the west boundary thicket of Holly and mature veteran Oak (T110) during construction of access off B1027;
- Landscaping detail including revised species plan, provision of a hedge along FP19 and provision of a hedge along the eastern side of the site prior to commencement of Phase 3;
- Potential for provision of a permissive path around the northern part of the site;
- Long-term management plan for retained trees (including retention of dead wood).

PLACE SERVICES (Historic Environment) – Supports the application, subject to conditions covering the following matters:

- A written scheme of investigation
- A mitigation strategy
- Completion of fieldwork prior to commencement of development
- Submission of a post-excavation assessment.

PLACE SERVICES (Historic Buildings) – No objection. Comments that the site falls close to several listed buildings, but the site does not form part of their immediate setting, and the works as proposed are not identified as resulting in harm to their significance.

ECC PUBLIC HEALTH – Comments as follows:

- Refers to Public Health England with regard to environmental hazards (dust and noise);
- Encourages continued engagement with the local community and parish council;
- Measures should be in place to support non-motorised and motorised road users safety during both the construction and operational phases of the scheme;
Comment: No measures are proposed since all workforce and contractors would use motorised access.
- Opportunities for employment should be discussed with the local community;
- The restoration scheme could benefit the health and wellbeing of the local and wider community. The community should be engaged with to discuss this;
- There could be a loss of physical activity associated with the temporary diversion of FP24. The diversion should be communicated to the community to ensure no loss of activity;
- Consultation should take place with stakeholders and the local community to maximise potential for further walking and cycling opportunities.

ALRESFORD PARISH COUNCIL – Objects. Considers the proposed access/exit is hazardous due to slow moving vehicles manoeuvring on a fast road near to a bend.

ELMSTEAD PARISH COUNCIL – Comments as follows:

- The new access from the B1027 is at variance with the earlier plans issued by ECC and it is unclear to us why there is a need for a new access point.
- Lorries should approach from, and leave towards, the Wivenhoe/Colchester direction, as Birds Farm Lane is unsuitable for heavy traffic. Also, in view of the lack of a separate lane on the B1027 for lorries turning right onto the site, suggests that the 40mph speed limit in Alresford be extended to beyond the new access point, for reasons of safety.
- Hours of working should be restricted to 8am to 5pm on workdays, and 8am to 12 noon on Saturdays, to minimize disturbance to neighbouring properties.

LOCAL MEMBER – TENDRING – Tendring Rural West – Raises concerns over proximity of the site to Elmstead Heath and, in particular, properties on Colchester Main Road. The new proposed access off the B1027 was not proposed in the public exhibition or in the Waste Local Plan. It would hamper private amenity and the suitability of the road to cope with the number/weight of vehicles is questioned.

Birds Farm Lane is unsuitable for lorry traffic.
The plant and 5m bund would hamper the amenity of properties on the B1027.

LOCAL MEMBER – TENDRING – Brightlingsea – Any comments received will be reported.

6. REPRESENTATIONS

73 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Disturbance and noise.	See appraisal.
Dust mitigation and monitoring must be imposed.	See appraisal.
Vibration.	See appraisal.
Congestion on B1027.	The public highway is considered to have capacity – see appraisal.
The new proposed vehicular access location, and vegetation removal, is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.	See appraisal.
The new access would be engineered and alien in the rural setting.	See appraisal.
A right-turn lane or reduction in speed limit (to 40mph) and installation of static speed cameras at site entrance and average speed cameras along the B1027 is necessary for traffic safety.	See appraisal.
Traffic lights or a mini roundabout are necessary at the School Lane and A133 junction. <u>Comment:</u> It is believed that this should read 'School Road'.	See appraisal.
Lorry routes should be defined so to avoid narrow lanes e.g. Birds Farm Lane.	See appraisal.
Lorries currently park in unofficial laybys	The unofficial layby in the vicinity of the

on B1027 and this may increase if the existing access closes.	proposed access would close.
Slow moving vehicles would be introduced closer to residential properties by utilising the proposed access.	See appraisal.
Impact in addition to housing developments in the area.	The applicant notes that the distance of the settlement limits of Alresford relative to the proposed application site are sufficient that the scope for amenity impacts are negligible.
Moving or closure of Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.	See appraisal.
Footpath 20 from Colchester Main Road to Heath Farm has been blocked for some time and should be reinstated as part of this application.	See appraisal.
Tree and shrub shelter along back of houses on Colchester Main Road have grown too large, encroach Footpath 20 and are a fire hazard. The area should be cleared and regularly maintained. The fencing along here should also be repaired and regularly maintained to prevent rabbits entering gardens.	This area is not within the applicant's control.
The proposed amenity bund along the B1027 should have regularly maintained vegetation and the areas between it and the houses along the B1027 should be maintained free of waste.	See appraisal.
The decision not to include the recycling operations is welcomed from an amenity point of view but is a departure from the Plan.	See appraisal.
The plant compound should be moved further inwards to the site to reduce impacts of noise, dust, health hazards, lighting, vibration.	See appraisal.
Working hours should be reduced to 8am-5pm Monday to Friday and 8am to 12pm on Saturdays.	See appraisal.

A regular meeting between operators and neighbours would be welcomed.	See appraisal.
No general objection and welcome the proposals instead of the alternative such as housing.	Noted.
Is there a proposed access route between Boarded Cottage and The Orchards on Colchester Main Road (B1027)?	No. This is just a gap in the proposed woodland.
What is the purpose of the additional woodland proposed to the rear of properties along the B1027 and what public/local access would there be to it?	The woodland is proposed as one of a variation of habitats. No public access is proposed as part of the application.
The location of plant within the proposal site is a departure from the Adopted Minerals Local Plan and the Adopted Waste Local Plan.	See appraisal.
100m stand off from extraction and 250m stand off from plant is not sufficient to protect amenity.	These stand-offs have been provided as a minimum, as per the criteria in the Minerals Local Plan.
Amenity of occupiers of 'Rosedene' should be carefully considered given proximity of plant site. This would be the last area to be restored.	See appraisal.
'Rosedene' would be visually impacted by the proposed mitigation measures. Increased landscaping would be welcomed to the rear of the property.	See appraisal.
Noise emissions should be limited and monitored, particularly from the plant area.	See appraisal.
Potential for lagoon to present flood risk to surrounding properties should be investigated further.	See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Need & Principle
- B. Policy considerations

- C. Traffic & Highway Impact
- D. Impact on Ecology and Trees
- E. Landscape and visual Impact
- F. Amenity and Health
- G. Flood Risk and Water Pollution
- H. Historic Environment

A NEED & PRINCIPLE

Principle

The application area has been assessed for its mineral resource through geological borehole data, submitted with the application. The area contains Wivenhoe Gravel, part of the wider Kesgrave Sands and Gravels geological deposit. The maximum depth of the working would be 14m.

MLP Policy P1 (Preferred and Reserve Sites for Sand and Gravel Extraction) includes site A20 Sunnymead, Alresford as a preferred sand and gravel site.

The site A20 listing in the Minerals Local Plan, in summary, allocates an area of 65ha for extraction of 4.6 mt over a period of 16 years. There are several specific issues to be addressed as follows:

'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;

- 1. The existing underpass under Keelars Lane would be utilised;*
- 2. A Transport Assessment would be required with any application/ EIA. There is an expectation that HGV movements would not exceed current levels;*
- 3. Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations, for example through an appropriate buffer of at least 15m;*
- 4. There is evidence of and potential for, protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/ EIA;*
- 5. There are 26 residential properties located within 100m of the proposed extraction area, most of them along the north-eastern boundary. A minimum of 100m stand- off should be provided for all residential properties and effective buffering/ screening provided to screen views of the site;*
- 6. The area has the potential for multi-period archaeological deposits within it. A historic environment assessment would be required with any application/ EIA;*
- 7. PROW footpath Elmstead 24 crosses the site from north to south and*

though excluded from the extraction area, abuts it on both sides. Sufficient stand-off distance and protection of this route would be required during operations and satisfactory crossing point(s) provided for quarry vehicles. Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme;

- 8. Although the site promoter has promoted infilling using imported inert waste it is considered that this will need to be subject to policies in the Waste Local Plan and for this reason low level restoration is preferred except in relation to point 9 (below);*
- 9. Careful consideration must be given to the final predominantly low-level restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site:*
- 10. Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site.'*

The proposal does not absolutely follow the MLP allocation. Specifically, the proposed site access would be contrary to MLP Policy P1 as it would be outside of the allocated site area and would not utilise the existing vehicular access to the Wivenhoe Quarry site to the west.

In principle therefore, the site is largely compliant with MLP Policy P1; however, the environmental and amenity impacts of the proposed access require detailed consideration as an element contrary to the development principles of the allocation in the Plan. This will be considered further in the report, together with the impacts of mineral extraction within the wider site.

The Minerals Local Plan leaves consideration of the appropriateness of anything other than low-level restoration to the Waste Local Plan. As such, WLP Policy 3 (Strategic Site Allocations) allocates site L(i)5 for inert landfill and site W36 for inert waste recycling. The proposed site boundary for the proposed extraction and fill would correspond to the Waste Local Plan allocation except for the proposed new access. There is no inert waste recycling proposed, but instead the applicant proposes a sand and gravel processing plant within the corresponding area of land, which will be discussed later.

There are several specific issues to be addressed as part of Site L(i)5, as follows:

- 'The site would be an extension to the existing Wivenhoe Quarry, linked by a haul route to the existing processing plant and utilising the existing highway access onto the B1027;*
- Improvements required to visibility at the junction of the private access and Keelers Tye;*

- *Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site. In-filling and restoration should be in line with habitat creation and outcomes sought in the Minerals Local Plan and any associated documents;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operation;*
- *.An archaeological desk based assessment would be required to investigate the gravels to establish their potential for archaeological remains and trial trench evaluation will be required, along with a mitigation strategy, to form part of the Environmental Statement;*
- *Those areas of archaeological deposits preserved in-situ from the extraction phase shall be included as part of any restoration scheme;*
- *PRow footpath Elmstead 24 crosses site 1 and is adjacent to site 2, and requires sufficient stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles).stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles);*
- *Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity;*
- *Careful consideration must be given to the final restoration contours used to ensure the final landform blends with the surrounding topography and to ensure Grade 2 agricultural soils are retained on site.*

Specifically for the landfill site:

- *A minimum of 100m standoff should be provided for all residential properties and effective screening provided to screen views of the site;*
- *Cockaynes Wood Local Wildlife Site adjoins the southern boundary and would require protection during operations;*
- *Footpaths Elmstead 19 and Alresford 2 also run along the southern boundary and through Cockaynes Wood and need protection during operations. The ability to reinstate these fully needs to be investigated as part of the suggested restoration scheme.'*

The processing plant has to be considered as a new site under MLP Policy DM3 (Primary Processing Plant). The first part of MLP Policy DM3 states:

'Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site's boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.

Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application...

In principle, the processing plant would therefore be located in such a way that it is policy compliant with regard to MLP Policy DM3. However, the amenity impacts associated with that plant require further careful consideration. It is considered that the criteria identified as needing to be addressed for the inert waste recycling plant through WLP Policy 3 are relevant when considering the appropriateness of the proposed processing plant:

'Bunding will be required around those parts of the site which are not adequately screened by natural vegetation.'

Consideration of this is set out later in the report

Need

In terms of waste, there is no requirement for the applicant to demonstrate a quantitative or market need for a proposal on a site allocated in WLP Policy 3, since it has been allocated to meet identified shortfalls in waste management capacity in order to deliver the objective of net self-sufficiency.

Sand and gravel extraction has also been deemed appropriate via MLP Policy P1.

Justification for the location of the proposed primary processing plant and for the new vehicular access (as opposed to utilising the existing quarry site) has been set out by the applicant as follows:

- 'a) it will allow for Tarmac to move their operations away from the village of Wivenhoe to a location that has much less overall sensitivity;*
- b) it will allow for a new access to be established and the removal/downgrading of the current access onto Tye Lane;*
- c) it will reduce the scope for impact on Sixpenny Brook and adjacent habitats by removing the need to establish a haul road/crossing point over this feature;*
- d) it will result in significant energy savings when compared against hauling the minerals across the site;*
- e) the operational footprint for the new scheme will be much less through not requiring access routes to a remote processing plant site;*
- f) it will result in significant reductions in mineral haulage as compared to the allocated scheme and thereby carbon dioxide and other greenhouse gas savings when compared against hauling the mineral to the current plant site;*
- and*
- g) it will allow for the early restoration of the current plant site area and the remainder of land west of Keelars Lane to be achieved, offering community benefits through public access in addition to nature conservation enhancements.'*

The environmental and amenity impacts will be fully considered further in the report.

B POLICY CONSIDERATIONS

As stated previously in the report, The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development, for which there is a presumption in favour. 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.

MLP Policy S1 (Presumption in Favour of Sustainable Development) reflects the aims of the NPPF, stating *inter alia*:

‘Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise’

Paragraph 205 of the NPPF states:

‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.’

The application includes an economic statement, which sets out the general need for minerals within the wider economy and the benefits of the particular application site. It includes providing 200,000 tonnes per annum of a range of products based on the geology of the underlying deposit. It is anticipated that there would be 10 direct jobs generated, as well as indirect local employment.

In terms of social impacts, one of the key impacts considered is health. The restored area would provide long term and sustainable contributions to the well being and health of the local community. The extraction operations themselves would be, mostly, a minimum distance of 100m from any residential property (explained further in the report). Overall, the operational development has been assessed as negligible impact on health, with a benefit from the long term restoration including an additional permissive right of way – this is detailed further in the report.

The environmental objectives will be considered throughout the report.

MLP Policy S2 (Strategic priorities for minerals development) states, *inter alia*, that the strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development. It seeks to achieve that by:

- ‘1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
3. Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use

and the recycling of construction materials containing minerals,

4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to:
 - a) significantly reduce reliance upon the use of landfill materials and,
 - b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
 - c) protect the best and most versatile agricultural land.
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.'

These aims will be considered throughout the report where relevant.

C TRAFFIC AND HIGHWAY IMPACT

The application proposes 72 vehicle movements (36 in and 36 out) per day over a period of 19 years. This would facilitate the extraction of approximately 200,000 tonnes per year of aggregates. There would also be a need for 40 movements per day (20 in and 20 out) associated with the importation of inert material. Staff and LGV movements would amount to 20 movements per day (10 in and 10 out).

There is also the possibility that a proportion of the fill material would be brought in vehicles which leave containing aggregates. This would reduce the level of movements by up to around 65%. To allow for a worst case scenario, no allowance has been made for such backhauling in the submitted assessments, resulting in a proposed 56 HGV loads (112 movements) per day, or 15 movements per hour.

The application concludes that the proposed development would have no material impact on the safety or operation of the adjacent highway network.

MLP Policy S11 (Access and Transportation) states:

'Proposals for minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.'

Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.

Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:

- (i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, without causing a detrimental impact upon the safety and efficiency of the network.*
- (ii) Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.*
- (iii) Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety.'*

WLP Policy 12 (Transport and Access) has similar objectives, including, in summary, a preference for transportation of waste via rail or water.

TDLP Policy TR1a (Development Affecting Highways) states:

'Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.'

TDLP Policy TR9 (Access of Freight to Transport Networks) states:

'Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.'

It is acknowledged here that the proposed new access onto the B1027 would not meet the first preferences in the hierarchy – access to an existing junction or transport by water/rail. The applicant has put forward justification for not utilising the existing access point to the existing quarry, which includes the desire to restore the existing quarry (and access) as quickly as possible. Transportation by rail and water would not be possible directly to the site due to its location.

The proposal would meet the second preference in the hierarchy – direct access to the main road network. (The B1027 is a Priority 1 road), thereby complying with MLP Policy S11 and WLP Policy 12.

TDLP Policy TR1 (Transport Assessment) states:

‘Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications.

Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.’

A Transport Assessment has been submitted with the application, which concludes that there would be no material impact on the safety or operation of the adjacent highway network, as stated previously in the report. This is compliant with TDLP Policy TR1.

The Highway Authority has not objected, subject to the imposition of conditions and legal obligations, including prior provision of a right-turn lane in the B1027.

The applicant has agreed to create a right-turn lane within the B1027, in response to concerns raised by representees and the Highway Authority. This would ensure the efficient, effective and safe operation of the road network, and in this respect the proposals would comply with MLP Policy S11, WLP Policy 12, TDLP Policy TR1a, TDLP Policy TR9 and TDLP Policy TR1

The impact on local amenity and the environment will now be considered, as also required by MLP Policy DM1 (Development Management Criteria) and WLP Policy 10 (Development Management Criteria).

Several representations have been received relating to traffic and highway impact. Representations have been received relating to congestion on the B1027 and that the proposed access would be engineered and appear alien in the locality.

The access would be a change to the local area and it can't be considered to be a natural looking feature. However, the engineered nature of the access would be necessary for safety. Views of the access itself would be fleeting within an approx. 20m section, with the remainder of the area being screened by vegetation.

Residents have commented that it would be necessary for a reduction in speed limit (to 40mph) and installation of static speed cameras at the site entrance and average speed cameras along the B1027. The applicant has now included a right-turn lane within the design and, as such, speed reduction and/or cameras would not be necessary for safety.

The applicant has agreed to commit to a vehicle routeing plan, which could be required via legal agreement in the event of approval. It has been committed to that School Road would not be utilised as an access/egress route. As such, a roundabout at the School Road/A133 junction would be unrelated to the scheme

under consideration and not required.

The proposals would therefore be considered to comply with MLP Policy DM1 and WLP Policy 10.

Public Rights of Way

The NPPF recognises that access to a network of high quality open spaces is important for the health and wellbeing of communities. Paragraph 98 states:

‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.’

MLP Policy DM1 (Development Management Criteria) requires, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact, upon the definitive Public Rights of Way network, among other requirements.

WLP Policy 10 (Development Management Criteria) has a similar aim.

TDLP Policy TR4 (Safeguarding and Improving Public Rights of Way) states:

‘Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.’

Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.’

Representations have been received objecting to any alteration to Footpaths 24 Elmstead, 19 Elmstead, 20 Alresford, 2 Alresford, 14 Wivenhoe.

The only footpath to be impacted on in any significant way would be Footpath 24. The application proposes a haul road underneath the footpath to allow vehicles associated with mineral extraction to pass underneath. The cutting would be approximately 20m wide and 5m deep and has been proposed between phase 1 and 4 in an area which would have the least impact on existing vegetation. There would be a need to temporarily divert the footpath while the cutting is being constructed, likely for a period of no more than 6 months. This would allow retention of the footpath on its current alignment for the duration of mineral extraction. The exact design and reinstatement of the cutting could be required by condition in the event of approval.

It is known that there is an existing issue with Footpath 20 from Colchester Main Road to Heath Farm being blocked or partially blocked. The footpath is outside of the application site and not within the applicant’s control.

The application also proposes a new permissive route between Footpath 24 and Footpath 20, which would assist in opening up the proposed amenity space for use by the public, in compliance with the aims of the NPPF.

The Landscape Officer asked about the potential for the provision of a permissive path around the northern part of the site. The applicant has clarified that their own public engagement exercise revealed that the public didn't show any particular interest for such a route. The applicant would also prefer to limit access to the water body, but would be happy to keep this under review via a Management Plan condition, which is proposed below.

The Highway Authority (PROW team) has raised no objection, subject to appropriate provision for and maintenance of Footpath 24, including the design of the proposed cutting under the footpath and the temporary diversion of the route during construction. These measures could be controlled via conditions and legal obligations in the event of approval.

The proposed development would therefore be considered to comply with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

D IMPACT ON ECOLOGY AND TREES

MLP Policy S12 (Mineral Site Restoration and After-Use) states:

'Proposals for minerals 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.'

Mineral extraction sites shall:

1. *Be restored using phased, progressive working and restoration techniques,*
2. *Provide biodiversity gain following restoration, demonstrating their contribution to priority habitat creation and integration with local ecological networks,*
3. *Be restored in the following order of preference,*
 - (i) At low level with no landfill (including restoration to water bodies),*
 - (ii) If (i) above is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,*
 - (iii) If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.*
4. *Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,*
5. *Where appropriate, proposals shall demonstrate the best available techniques to ensure that:*
 - a) Soil resources are retained, conserved and handled appropriately during operations and restoration,*
 - b) In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most versatile land,*

- c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,*
- d) Flood risk is not increased,*
- e) Important geological features are maintained and preserved,*
- f) Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided.*

Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface Water or Shoreline Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate and the implementation and completion of restoration is feasible.'

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage of areas of ecological value, and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN4 (Protection of the Best and Most Versatile Agricultural Land) states:

'Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.'

TDLP Policy EN6 (Biodiversity) states:

'Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.

In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.

Where appropriate, conditions or planning obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.'

TDLP Policy EN6a (Protected Species) states:

'Planning permission will not normally be granted for development which would have an adverse impact on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.'

TDLP Policy EN6b (Habitat Creation) states:

‘Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.’

Natural England has provided a standard response and stated that the development has triggered an Impact Risk Zone and comments that there should be net gain for biodiversity.

The application proposes extraction of mineral over 7 phases. The existing layout of field boundaries are such that there would need to be 6 vehicular crossing points, necessitating the removal of some hedgerows and trees.

The applicant has given careful consideration to the location and size of each crossing point. In consultation with ECC Place Services, the locations have been revised since the original submission and located to avoid the highest category tree specimens and to remove only the minimum length of hedgerow. In particular, the length of retained hedgerow between phases 2 and 3 and between phases 6 and 7, has been increased. The extraction of phase 6 and 7 would require the removal of one veteran tree.

As stated, Cockaynes Wood is an ancient woodland. The original stand off distance between the extraction area and Cockaynes Wood has been doubled to 30m, with the additional benefit of increasing the stand off distance to Heath Farm. To the east of Cockaynes Wood, the extraction area has been entirely removed from the application. Overall, this would have the effect of reducing the total proposed mineral output to 3.8 million tonnes (from an originally proposed 4 million tonnes).

The supporting text to MLP Policy S12 requires, in summary, that all mineral site restoration should provide a net-gain in biodiversity and create ‘priority habitat’. The MLP proposes to create a minimum of 200ha of priority habitat through its Preferred and Reserve Site allocations. The application site is noted to provide particular opportunities for new habitat creation.

Accordingly, the application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow among others.

The site would not be returned to arable cultivation; however grassland meadows can be used for grazing/pasture, and as such the agricultural link would be maintained.

In this respect, it is considered that a 25 year aftercare scheme (the initial standard 5 years plus a further 20 years) could be required via legal agreement in the event of approval, to ensure the appropriate implementation, delivery and maintenance of biodiversity within the site. This is consistent with the Essex Mineral Site Restoration for Biodiversity SPG.

In terms of soil resource, a detailed soil resource and agricultural quality survey was carried out in January 2011. The agricultural land quality across the site has been assessed as Grade 3a and 3b with some Grade 4 in the west. Grade 3a is included within the definition of Best and Most Versatile agricultural land.

An Annual Soils Management Audit is proposed, as well as controls over soils handling such as only moving when dry and friable and using appropriate machinery and storage. These proposals could be controlled via condition in the event of approval.

The County Council's Ecologist and Tree Officer have raised no objection to the proposals, subject to the imposition of several conditions.

The site has been assessed as being of County importance due to the quality of the habitat, the species using it - including Barbastelle and Nathusius Pipistrelle Bat – and the type of activity. In order to retain connectivity of hedgerows, the applicant is proposing to trial a 'bat bridge' across one of the sections where hedgerow would be removed to allow access for machinery.

The development's impact on the Essex Estuaries SAC, Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site and Abberton Reservoir SPA and Ramsar site has been assessed. A Habitats Regulations Assessment screening report has been produced by Place Services, which concludes that the proposal is not predicted to have any likely significant effects on any Habitats Sites, either alone or in combination with other plans and projects. The requirement for the Minerals Planning Authority to undertake further assessment of this Project under the Habitats Regulations 2017 is therefore screened out.

It is therefore considered that the proposals would comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

E LANDSCAPE AND VISUAL IMPACT

MLP Policy S10 states:

'Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,*
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and*
- c) No unacceptable adverse impacts would arise and;*
- d) Opportunities have been taken to improve/ enhance the environment and amenity.'*

WLP Policy 10 (Development Management Criteria) has similar wording.

MLP Policy S12, as set out earlier in the report, requires appropriate restoration and aftercare, among other requirements.

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it being demonstrated that the development would not have unacceptable impact, including cumulative impact, on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness. It also requires no unacceptable impact on local amenity, including light pollution.

MLP Policy DM3 (Primary Processing Plant), in summary, requires primary processing plant to be located within the site boundary and to not have any unacceptable impact on local amenity and/or the surrounding environment, among other requirements.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should be of a scale and nature that is appropriate to the locality and should not lead to material loss or damage of areas of landscape value. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN1 (Landscape Character) requires:

'The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted...'

The policy goes on to state that development control will seek in particular to conserve ancient woodlands, and other important woodland, hedgerows and trees, among other requirements.

The Tendring District Council Landscape Character Assessment defines the application area as mainly within the Bromley Heaths Landscape Character Area and partly within the Alresford Valley System Landscape Character Area.

The applicant has submitted a Landscape and Visual Impact Assessment in order to assess the impact on local landscape character. The application concludes that the land is capable of being restored to a mixture of subgrade 3b and subgrade 3a agricultural land and proposes a 5 year aftercare scheme, which could be required by condition.

The proposed restoration plan is considered acceptable and in keeping with the area. It would provide a beneficial resource for local people through inclusion of a permissive route which would link the existing Public Footpath 20 and Public Footpath 24. It would also have a long-term positive impact on views from surrounding properties into the site.

The proposed lagoon would ensure that only the minimum necessary amount of infill material would be imported. The remaining levels across the site would be broadly as pre-existing, with the site gently sloping up from west to east.

Throughout the 7 operational phases, soil bunds are proposed to visually screen

the operations from the surrounding area. In this respect, the property at Rosedene would be approximately 100m from the proposed extraction area, and 250m from any static plant in the plant site, but closer to the proposed bund. The bund has been proposed for amenity reasons, including visual screening. It is recognised that representations have raised concerns that the bund itself would visually impact the properties, and that increased landscaping would be welcomed to the rear.

The proposed bund would be a maximum of 5m in height. This, and the proposed treatment (i.e. seeding mix) could be controlled via condition in the event of approval.

Planting to the rear of the bunds for the duration of the operations has not been proposed as part of the application, and is not considered necessary for amenity; however, it is understood that the applicant has been in discussion with the occupier to agree a suitable scheme outside of the planning application. It would be possible to impose a condition requiring a scheme for litter control and general maintenance of this bund and land to the rear of it.

Properties along the eastern boundary on the B1027 Colchester Main Road would be a similar distance from the extraction area and bund. A similar condition could also be imposed here.

Advance woodland planting is proposed to the north of Heath Farm. Broadview Cottages, Willow Lodge and White Lodge (in the south east) would be located increasing distances from the extraction area due to the proposal to retain more land to the east of Cockyanes Wood. Furzedown (in the south west) would be slightly closer than 100m.

ECC Place Services has recommended that the connectivity of hedgerows to the south of phase 2 and west of Cockyanes Wood is enhanced, as well as a new hedge along the eastern boundary of the site, for the protection of amenity and ecological connectivity. This is proposed to be required via condition.

A low level modular processing system is proposed in the base of the quarry, at approximately 25m AOD. The application suggests that the top of the plant would reach 7m above the quarry base. This should mean that the entire plant would be screened from view from Rosedene by the proposed 5m high bund. The plant site would include a weighbridge, site offices, parking, freshwater lagoons, material storage, wheel wash and the plant itself, the exact layout and details of which is proposed to be controlled via planning condition in the event of approval.

The application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval.

There are existing power lines crossing the site. The applicant proposes to divert and/or remove the lines as part of statutory provisions.

The access itself, as stated, would be a new feature not anticipated within the

Minerals or Waste Local Plans. In order to mitigate visual impact, a 30m length of new planting is proposed in advance of the removal of existing roadside hedgerow removal in the vicinity of the access point. The occupiers of Rosedene would be unlikely to experience significant adverse visual effects resulting from the use of the access due to the intervening buildings and topography of the land.

The County Council's Landscape Officer has raised no objection, subject to the imposition of conditions.

Overall, it is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access.

The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

F Amenity and Health

MLP Policy S10 (Protecting and enhancing the environment and local amenity) states:

Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise and;
- d) Opportunities have been taken to improve/ enhance the environment and amenity.

WLP Policy 10 (Development Management Criteria) states, in summary, that:

'Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on:

Local amenity...' among other things.

The NPPF states:

'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

...ensure that any unavoidable noise, dust and particle emissions and any blasting

vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...'

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. The development, including any additional road traffic arising, should not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance. The health, safety or amenity of any occupants or users of the proposed development should not be materially harmed by any pollution. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy COM20 (Air Pollution/Air Quality) requires, in summary, that planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.

TDLP Policy COM21 (Light Pollution) states:

'Planning permission will not be granted for external lighting for any development if any of the following

apply:

a. its use would cause unacceptable visual intrusion;

b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife;

c. its use would cause a danger to highway or pedestrian safety.

Where permission is granted, lighting schemes will be required to minimise pollution from glare and light

spillage. This will be achieved through the use of good design, screening and deflection measures, and

the nature, intensity and hours of operation of the lighting will be carefully controlled.'

TDLP Policy COM22 (Noise Pollution) includes the following:

'Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.'

TDLP Policy COM23 (General Pollution) states:

'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.

Noise

The application includes baseline monitoring and noise modelling to show that appropriate noise limits would be adhered to throughout operations. The noise assessment includes assessment of the operation of the plant site.

An increased stand-off between mineral extraction limits and properties on Cockaynes Lane has been incorporated (now 160m).

Noise limits at surrounding properties are proposed as follows:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge/Willow Lodge, Cockaynes Lane 45 dB LAeq 1hr

It is noted that the proposed noise limits have been reduced throughout consideration of the application.

It is recognised that Rosedene would be affected for the longest period of time by the processing plant. The application seeks to address this by ensuring that an amenity bund would be erected as one of the first operations on site. Noise limits would be kept to appropriate levels, as above.

In addition to the above properties, the County Council's Noise Consultant has recommended that a noise limit of 45 dB LAeq 1hr is imposed for Furzedown unless a commitment can be secured that the property is to remain unoccupied for the duration of the proposed works.

No such commitment has been made, and as such, the County Council's Noise Consultant has no objection, subject to the imposition of several conditions, including specific requirements for the protection of amenity of occupiers of Furzedown.

The applicant proposes the use of a smaller excavator in the vicinity of Furzedown, the construction of a 5m barrier, the use of a dozer for a maximum of 45 minutes per hour. With these mitigation measures, it is considered that the limit of 45 dB LAeq 1hr could be met at Furzedown. It is proposed that the noise emissions for all plant on site is established via on-site measurements prior to commencement of phase 2. During phase 2, it is proposed that noise monitoring should be completed on a monthly basis, and this could be secured via condition, in the event of approval.

The applicant has confirmed that all temporary operations could be undertaken within 8 weeks, and as such, a temporary operations noise limit could be imposed to control such works.

It is also proposed that the operator is required to notify the MPA prior to commencement of any 'temporary' operations, to ensure they stay within the limit of 8 weeks per year.

A Noise Management Plan is proposed to be required via condition to confirm the

noise monitoring and management measures.

A representation has been received relating to the introduction of slow moving vehicles closer to residential properties by utilising the proposed access. The submitted noise assessment modelling takes account of HGVs on the site access road, and it is considered that this would be within proposed noise limits at residential properties. With regard to noise on the public highway itself, the ES states that the net impact on traffic movements would be nil, and traffic would continue to use the B1027 (albeit from a new access rather than from the existing Keelar's Lane). It is not envisaged that there would be any significant traffic noise impacts associated with the proposals. The County Council's Noise Consultant has commented that, since quarry HGVs would make up only a small component of the traffic using the B1027, it wouldn't be expected that the change in their speed associated with the different access location would be sufficient to result in a significant change in traffic noise (when compared to using the existing access).

Working hours are proposed as follows:

- 0700 hours to 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday.
- On Saturday hours, there would be no extraction or processing, but continued mineral distribution and restoration operations (Saturday working has been scaled back as a result of negotiation through the application);
- no working on Sundays or public bank holidays.
- Operations outside these hours would be restricted to pumping of water (to keep workings dry) and routine maintenance of plant/equipment.

The applicant has acknowledged that representations have requested that working hours are reduced. Accordingly, it is proposed by the applicant that there would be no extraction or processing on Saturdays. It is noted that there is no objection from the County Council's Noise Consultant to Saturday morning working; however, the proposed hours are considered to be appropriate for the protection of amenity.

Subject to the imposition of conditions, the proposals, including mineral extraction, waste importation, and operation of the plant site, are considered to be in compliance with MLP Policy S10, WLP Policy 10 and the NPPF.

Odour

The operations proposed are of a nature such that odour would not be considered to be an issue. The County Council's Air Quality Consultant is satisfied that odour is unlikely to be significant.

The development would therefore be considered to be in compliance with MLP Policy S10, WLP Policy 10 and TDLP Policy COM23.

Air Quality

An Air Quality Assessment has been submitted with the application. Dust would not normally be a major issue associated with mineral extraction sites, providing that appropriate mitigation is put in place.

As such, the application proposes measures such as extra vigilance when working within 250m of a sensitive property, and when the wind is blowing in the that direction. Other measures include the seeding of bunds, dampening of site access and vehicle speed controls.

The County Council's Air Quality Consultant has commented that it is unlikely that traffic related air quality impacts would be significant. It has been noted, however, that there would be properties within 100m with potential to experience impact from dust. It is therefore recommended that the proposed dust mitigation and monitoring measures are incorporated into a Dust Management Plan. This could be secured by condition in the event of approval.

It is therefore considered that, subject to the imposition of conditions, the proposals would comply with MLP Policy S10, WLP Policy 10, TDLP Policy QL11.

Litter

Litter would not normally be associated with the type of operation proposed. However, given that the scheme proposes landscaped areas to the north and east of soil bunds and adjacent to residential properties, it is proposed that a bund maintenance condition could include litter picking to ensure that the area is kept clear.

Light

As stated previously in the report, the application does not propose specific lighting; however, it is likely that operational safety lighting would be required within the plant site. This would be restricted to operational hours. The exact detail could be required through the submission of a lighting scheme required by condition, in the event of approval, and this would ensure compliance with MLP Policy S10, WLP Policy 10, TDLP Policy QL11 and TDLP Policy COM21.

Vibration

The NPPF states that vibration from blasting should be controlled. Sand and gravel extraction does not involve blasting. As such, vibration has not been specifically assessed as part of this application.

However, the County Council's consultant has commented that all rotating plant should be mounted with anti-vibration mounts where necessary to ensure that no receptors experience significant ground-borne vibration, which is not expected to be an issue in any case due to the distance proposed. The applicant has confirmed that there wouldn't be rotating components, but rather a log washer which would sit on rubber mats to reduce scope for ground-borne vibration.

Any ground-borne vibration associated with heavy plant movements would be very transient in nature. It is expected that the proposed minimum 100m stand-off would be more than sufficient mitigation for this.

As such, the proposals would be considered to comply with WLP Policy 10 and

Health

The social objective of the NPPF is defined as: ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’

The NPPF goes on to state that ‘planning...should aim to achieve health, inclusive and safe places...’. It is recognised that access to a network of high quality open spaces is important for health wellbeing.

A Health Impact Assessment screening report has been submitted with the application. It concludes that further assessment is not required, since the impacts primarily relate to the construction phase of the proposed scheme, to include soil stripping and replacement operations, which is relatively short term in nature. Soil handling operations are transitory and only likely to occur for a matter of weeks in any one year.

Public Health England has stated that it has no significant concerns with regard to risk to health from the proposed development. It recommends that conditions are imposed relating to particulate matter /dust from the excavation of sand and gravel and site restoration activities. It is considered that such a condition would be necessary and could be imposed, in the event of approval, as discussed previously in the report with regard to dust mitigation.

The proposed afteruse includes the proposed permissive right of way, which would create increased public access to an amenity space, would be beneficial for health and compliant with the aims of the NPPF.

Essex County Council Public Health has not raised objection and has commented mainly that liaison with the local community will be important going forward.

As is usual for the larger minerals and waste sites across Essex, it is suggested that the developer is required to commit to a regular liaison meeting via a legal agreement. This assists in ensuring that residents are included in the progress of the site and that amenity can continue to be protected through close liaison.

It is therefore considered that the proposed development would comply with MLP Policy S10, TDLP Policy QL11 and TDLP Policy COM23. The development also ensures no significant effects on amenity and health, as required by MLP Policy S2.

G Flood Risk and Water Pollution

MLP Policy DM1 (Development Management Criteria), in summary, permits minerals development subject to it not having unacceptable impact on the quality and quantity of water within water courses, groundwater and surface water, and on drainage systems, among other criteria.

WLP Policy 10 (Development Management Criteria), in summary, permits mineral development, subject to it not having unacceptable impact on water resources with particular regard to:

- the quality of water within water bodies:
- Preventing the deterioration of their existing status; or
- Failure to achieve the objective of 'good status' and
- the quantity of water for resource purposes within water bodies,

as well as the capacity of existing drainage systems.

TDLP Policy QL3 (Minimising and Managing Flood Risk), in summary, requires that flood risk is taken into account at all stages of the planning process. It is also relevant that the policy requires that a Flood Risk Assessment is submitted for sites of 1 hectare or more in Flood Zone 1.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to water courses, the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

As stated previously in the report, TDLP Policy COM23 (General Pollution) states:

'Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust'.

TDLP Policy COM31a (Sewerage and Sewage Disposal), in summary, requires satisfactory provision to be made for the proper disposal of sewage waste. It has an order of preference for the provision of sewerage facilities, from the use of existing foul sewerage systems first, through modern private sewerage treatment facilities, down to (private) septic tanks and cesspools as the least favoured option. This approach is similar to that advocated by the NPPG, which states that *'Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible... Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.'*

The application is silent on the proposed method of sewage disposal for site offices. As such, a condition is proposed requiring full details, in the event of approval.

MLP Policy S3 requires that applications for minerals development shall demonstrate how they have incorporated effective measures to minimise greenhouse gas emissions and to ensure effective adaptation and resilience to

future climatic changes. In summary, developments should have regard to several factors, including siting, location, design and transport arrangements and the potential benefits from site restoration and after-use schemes for biodiversity and habitat creation.

WLP Policy 11 (Mitigating and Adapting to Climate Change), in summary, has similar aims for waste development.

The site is located within the River Colne catchment and approximately 20m to the east of the Six Penny Brook at its closest point. There are no major watercourses or waterbodies within the site. The site is located with Flood Zone 1. This zone is very low risk of flooding and suitable for water-compatible development, including sand and gravel workings.

The application proposes to dewater the site to keep the workings dry. Dewatered water would be discharged to the Six Penny Brook during active operations. It also proposes the construction of a lake and attenuation pond to control surface water runoff and flood risk.

The application includes a hydrological and hydrogeological impact assessment, as well as a flood risk assessment and drainage strategy. The reports note that a drawdown would be likely due to the proximity of the closest groundwater abstractions to the site. They also note that, without mitigation, there is potential for water quality impacts. As such, the application proposes that the applicant would agree appropriate mitigation with the abstracters prior to commencement of development. Additionally, monitoring is proposed in the Sunnymead Farm and Cockaynes boreholes, again to be agreed with the abstractor.

The Environment Agency has raised no objection, subject to a condition for groundwater protection, as outlined above.

A water monitoring and action plan is proposed to be secured via condition to monitor and act on any changes to water bodies at Cockaynes wildlife site and Alresford Angling Club.

It is proposed that fuel and chemical storage would be within a bunded compound and controlled by condition.

An environmental permit and discharge licence would be required.

A representation has been received which comments that the potential for the proposed lagoon to present flood risk to surrounding properties should be investigated further.

The Environment Agency has also provided advice to the applicant that there have been sites where lakes have acted as a recharge dome and caused flooding to properties in close proximity to sites. The applicant has therefore been advised of the need to investigate this further prior to obtaining the appropriate licence for any water abstraction and dewatering activities. The Environment Agency is satisfied that this information is not required prior to determination of the planning application.

It is therefore considered that, subject to the imposition of conditions, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11.

H Historic Environment

MLP Policy S10 (Protecting and enhancing the environment and local amenity) requires, in summary, that minerals development shall demonstrate that appropriate consideration has been given to the historic environment, among other criteria.

MLP Policy DM1 and WLP Policy 10 (Development Management Criteria), in summary, permit mineral development, subject to it not having an unacceptable impact on the historic environment including heritage and archaeological assets.

TDLP Policy QL11 (Environmental Impacts and Compatibility of Uses) requires, in summary and among other criteria, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. It should not lead to material loss or damage to the historic environment or important archaeological sites. Compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.

TDLP Policy EN29 (Archaeology), in summary, requires that permission is refused where development does not protect archaeological remains.

With regard to surrounding heritage, Wivenhoe Park, which is on the Register of Parks and Gardens of Special Historic Interest at Grade II, is located to the north west of Wivenhoe. Furthermore, the remains of St Peters Church is a Scheduled Monument, located over 1km to the south east, beyond Wivenhoe Road. Additionally, there are several Grade II Listed Buildings in the vicinity, the closest being 'Milestone on Western Verge', located approximately 500m to the east of the site boundary. All other listed buildings are further distance away.

The ECC Historic Buildings Advisor has commented that the site does not form part of the setting of any listed buildings, and the proposals would not result in harm to their significance.

With regard to archaeology, the submitted assessment is not up to date and does not fully take account of available information. There is evidence of prehistoric and Roman activity and the potential for nearby settlement is considered to be high, although not likely to be of national significance. The Historic Environment Advisor is therefore able to support the application, subject to conditions relating to a Written Scheme of Investigation, a Mitigation Strategy, the prior completion of fieldwork and submission of a post-excavation assessment.

Therefore, subject to the imposition of conditions, the proposals would be considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

7. CONCLUSION

It is therefore acknowledged that the proposal site does not completely comply with the development principles of the site allocation at MLP Policy P1 as the existing vehicular access at Wivenhoe Quarry would not be used.

The proposal site is considered to be compliant with the WLP Policy 3 site L(i)5 allocation for inert landfill, aside from the proposed access.

However, the use of the proposed access off the B1027 Brightlingsea Road is considered to be a minor departure from the development principles. The traffic and highway impact of the use of the access by vehicles associated with the development has been assessed as having no material impact on safety or operation of the network. The applicant has agreed to incorporate a right-turn lane into the site, which is proposed to be secured through the use of planning conditions and legal obligations. Amenity and environmental impacts are not considered to be significant, providing that conditions are imposed as set out in the report, and including a legal obligation for a lorry routeing scheme. The Highway Authority has raised no objection and the development is considered to comply with MLP Policies S11 and DM1, WLP Policies 12 and 10, and TDLP Policies TR1, TR1a and TR9.

In addition to this, the impact on the Public Rights of Way network is considered to be minimal providing that it is controlled. Footpath 24 would be impacted through the construction of a tunnel to allow access for vehicles and would require a temporary diversion. This is proposed to be controlled through conditions and legal obligations, together with provision of an additional permissive route once the site is restored, in compliance with MLP Policy DM1, WLP Policy 10 and TDLP Policy TR4.

In terms of ecology impact, the development has been fully screened for Habitats Regulations Assessment and it has been concluded that an Appropriate Assessment is not required.

There have been several changes to the scheme since the original submission of the application, in order to clarify and accommodate ecological factors. The application site proposes over 50 hectares of priority habitat, including Lowland Acid Grassland and Lowland Meadow. It is considered that the scheme would have minimal impact with the imposition of conditions. The development would therefore comply with MLP Policy S12 and TDLP Policies QL11, EN4, EN6, EN6a, EN6b.

It is considered that the proposals present a suitable option in terms of restoration, which would bring long term benefits for landscape and visual impact. In the short to medium term during operations, there would be some adverse impact on the nearest residential receptors. However, this has been minimised as much as possible by appropriate stand-off distances and screening bunds. The proposed advanced planting would be of significant benefit in mitigation of visual impact, particularly in the vicinity of residential receptors and of the site access. The proposals would therefore be considered to comply with MLP Policy S10, S12, DM1, DM3 and S2 and WLP Policy 10.

There have also been amendments to the scheme in relation to amenity impact, particularly in relation to noise limits, which have been lowered, and a significant reduction in the original extraction area in order to avoid significant impact on surrounding properties and existing hedgerows. The impact on amenity and health has been very carefully considered, and it is concluded that, with the imposition of conditions, the impacts would not be significant. The development is considered to comply with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

It is considered that, subject to the imposition of conditions and a legal obligation for groundwater monitoring, the development would not present unacceptable impact on quality or quantity of water and would appropriately mitigate for flood risk, in compliance with MLP Policies DM1, S2 and S3 and WLP Policy 10 and Policy 11. A condition is proposed to control sewage disposal, for compliance with TDLP Policies COM23 and COM31a.

There is considered to be no harm to historic buildings. In terms of historic remains, the Historic Environment Advisor has raised no objection, subject to conditions, and the development is therefore considered to have no unacceptable impact on the historic environment, compliant with MLP Policies S10 and DM1 and WLP Policy 10.

The provision of the primary processing plant has been considered under MLP Policy DM3, as well as the relevant criteria for inert waste recycling plants under WLP Policy 3. The plant has been carefully considered as a new site and the amenity and environmental impacts have required particular attention. It is considered that, with the imposition of conditions, it would be appropriate to locate the processing plant in the vicinity of the mineral extraction area itself, and that the proposals would not have any significant amenity or environmental impacts, compliant with MLP Policies S10 and S2, TDLP Policies QL11, COM20, COM21, COM22 and COM23 and WLP Policy 10.

Finally, it is considered that the proposed development would meet the environmental aims of the NPPF in its requirement to achieve sustainable development. This would therefore comply with MLP Policies S1 and S2 and, on balance, there is a presumption in favour of granting planning permission for the proposals.

8. RECOMMENDED

That planning permission be granted subject to:

Within 6 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routeing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;

- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters.

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

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

72. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4th December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
 - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
 - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
 - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
 - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

- 2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
- 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
- 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
- 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
- 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
- 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
- 8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
- 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018
- 11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals 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 Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.

73. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

74. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

Reason: To enable the Minerals Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

75. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals 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, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.

76. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take place outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

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

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

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.

77. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

The development shall take place in accordance with the approved scheme.

Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.

78. The public's rights and ease of passage over Public Footpath 24 shall be maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

79. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan

80. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.

81. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)², including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information shall be given well in advance and in writing. The use of a site

contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;

- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.

82. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- j) Aims and objectives of monitoring to match the stated purpose.
- k) Identification of adequate baseline conditions prior to the start of development.
- l) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- m) Methods for data gathering and analysis.
- n) Location of monitoring.
- o) Timing and duration of monitoring.
- p) Responsible persons and lines of communication.
- q) Review, and where appropriate, publication of results and outcomes.
- r) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

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

biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

83. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EcIA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: *To conserve and enhance Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

84. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP shall include the following:

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

The CEMP should take into account the following:

- The site will be worked in a phased approach over a long period of time.

Additional surveys will be required prior to each phase;

- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;
- Incorporation of the information from surveys as required by condition 15 as it becomes available;
- Arrangements for accessing 'Bund B' as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

Reason: To conserve Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

85. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

86. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20th December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect the local tree species present in the locality and the landscape officer's advice.
- i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

87. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.

88. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

89. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

90. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development 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 Minerals Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

91. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

92. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.

93. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

94. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

Reason: To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.

95. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.

96. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

97. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

4. The type of waste or restoration material deposited at the site during the year;
5. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;
6. The volume in cubic metres (m³) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply

with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.

98. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

99. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

100. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, 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 Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

101. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

102. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION:

VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

103. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.

104. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

105. No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.

106. No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

107. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.

108. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

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

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

109. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

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

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with

confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

110. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:
- k) Attended measurements by a competent person of L_{Aeq} 5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
 - l) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
 - m) Details of equipment and calibration proposed to be used for monitoring;
 - n) Details of noise monitoring staff qualifications and experience;
 - o) Monitoring during typical working hours with the main items of plant and machinery in operation;
 - p) 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;
 - q) Complaints procedures;
 - r) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
 - s) Procedures for characterising extraneous versus site attributable noise if required;
 - t) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

112. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

113. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

114. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.

115. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Minerals Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a

justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.

116. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

117. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

118. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

119. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

120. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.

121. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

122. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

123. No topsoil, subsoil and/or soil making material shall be stripped or

handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (d) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (e) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (f) When there are pools of water on the soil surface.

Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

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

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

125. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

126. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils and overburden;

- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

127. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

128. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

129. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- b) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds together with details of the type of plant used to strip/store

- those materials;
- d) those areas from which it is proposed to strip soils in the following year; and
- e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

130. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

131. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

132. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

133. Unless otherwise agreed in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological

fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.

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

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.

135. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.

136. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.

137. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

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

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.

- 138. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.

- 139. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.

- 140. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.

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

The proposed development would be located 'adjacent' to a European site, namely:

- Essex Estuaries SAC
- Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site
- Abberton Reservoir SPA and Ramsar site

The proposed development would not be directly connected with or necessary for the management of those sites for nature conservation.

Essex County Council, as the competent authority, has carried out a full Habitats Regulations Assessment screening report (Dated 1st May 2019) and, 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 sites, either individually or in combination with other plans or projects.

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

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

LOCAL MEMBER NOTIFICATION

TENDRING - Tendring Rural West

TENDRING – Brightlingsea

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR: LAND TO THE SOUTH OF COLCHESTER MAIN ROAD (APPLICATION REF ESS/17/18/TEN)

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Statement (ES) has been submitted to describe the existing situation, explain the proposals, assess the potential impact (and any significant affects) and propose mitigation where necessary. The ES also considers alternatives.

The ES refers to the Scoping Opinion (ref ESS/28/17/TEN/SPO) issued by the Minerals Planning Authority in June 2017.

Additionally, the applicant has submitted a Supplementary Statement which updates each of the headings below to take account of amendments made to the scheme throughout consideration of the planning application.

The ES has been split into the following sections:

- 1) Landscape and visual;
- 2) Soils and agricultural land quality;
- 3) Air quality;
- 4) Hydrology/hydrogeology/flooding/water pollution;
- 5) Traffic/transport and public access;
- 6) Archaeology and cultural heritage;
- 7) Ecology;
- 8) Noise;
- 9) Alternatives; and
- 10) Cumulative Effects.

Landscape and Visual

A Landscape and Visual Impact Assessment has been submitted. The development would take place within the Bromley Heaths Local Character Area. Landscape characteristics would be temporarily lost as agricultural fields would be removed and replaced with mineral extraction activities. This would be limited by the phased nature of the operations; however the effect on landscape characteristics during operations would be of moderate-slight significance and adverse, although highly localised.

There would be a loss of two agricultural fields to the east of the site and replacement with acid grassland and open water and new hedgerow and tree planting.

The application proposes the removal of one veteran tree.

The effects on the local landscape character would be of slight significance in the long term after restoration. The long-term landscape and visual effect would be beneficial due to the creation of nature conservation and new landscape elements. Further afield, the effects would be negligible.

The significance of visual effects on occupiers of White Lodge and Willow Lodge, and users

of the permissive path in Cockaynes Wood, would be reduced by the updated proposals to increase the buffer to the woodland.

Soils and Agricultural Land Quality

A soils assessment has identified the existing soil resource available across the site.

A third of the land has been assessed as 'Best and Most Versatile', being largely Grade 3a, and this resource is concentrated to the east of Footpath 24. The proposal is to re-establish this soil in the north of the site and west of Footpath 24, increasing the land quality of those areas.

A handling strategy is proposed to ensure the integrity and quality of the soil resource would not be compromised.

The lesser quality resource is proposed to be utilised for nature conservation habitats.

Soils can therefore be safely stripped and handled without damage, and are proposed to be put into beneficial use in the restoration scheme.

Air Quality

Guidance indicates that dust impacts from sand and gravel quarries are not common at distances greater than 100m from the source.

Dust (particulate matter in the size range 1-75 micrometers (μm) in diameter) may be generated at mineral sites from a range of activities including preparation, excavation, transportation and processing. The greatest risk is likely during soil stripping and replacement.

The potential for wind to lift and carry dust is reduced through surface wetting.

Five receptors have been assessed for their potential to be affected by dust with and without mitigation.

Fine particulate emissions (PM₁₀) have been assessed, given that they have the largest travel distance. There is scope for slight adverse impact at the closest receptors without mitigation, but with the proposed mitigation there would be negligible increase.

HGV impacts and health impacts have been assessed as negligible significance which would not present a health risk.

Potential interaction effects with any ecological assets in the vicinity of the site are unlikely owing to the context of the site and the nature of the proposals.

A Dust Action Plan would ensure extra vigilance when working within 250m of an occupied residential property. If the wind is blowing in the direction of the sensitive property, operations would be modified or ceased.

Overall, with the maintained application of standard good practice, the residual risk of adverse effects outside the site due to dust will be slight at all receptors. Daily observations

and inspections by site management will be implemented in order to minimise these risks. Similar risks are considered to be present in any case as a result of the intensive arable farming taking place in the area, and potentially dry dusty conditions that are likely to exist in the area during warm dry weather.

Hydrology/hydrogeology/flooding/water pollution

The site lies within Flood Zone 1 and is a water compatible development according to the NPPF.

Mean groundwater levels across the site vary from 21.3 m AOD (1.3 m bgl) to 28.6 m AOD (2.6m bgl).

It is proposed to work each phase dry – meaning that the site would need to be dewatered. Groundwater and surface water would be pumped from a sump in each phase to the silt lagoons under the provision of a Transfer Licence. Water is proposed to be discharged to the Sixpenny Brook at a rate not exceeding the greenfield runoff rate, under the terms of a discharge consent.

There will be a requirement for consumptive water usage for the purposes of wheel washing, dust suppression and mineral processing. This water would be abstracted from the clean water lagoon and would be governed by an abstraction licence.

At restoration stage, an outlet is proposed to the restored lake, and this will drain through a small watercourse to two ponds in the Phase 7 area. An outlet is proposed from these ponds to a further watercourse conveying flow south of the site.

A Water Management Plan is proposed under a planning condition.

The effects on known neighbouring private and licensed abstractions within 600m of the proposed extraction area have been assessed.

The ponds at Cockaynes Wood and the fishing lakes further south are likely to be in hydraulic continuity with the sand and gravel aquifer. This means that the water levels could be affected, and mitigation is proposed through monitoring of gauge boards and direction of dewatered water to the water bodies if necessary.

The Sixpenny Brook is also in hydraulic continuity, however depletion in flow is proposed to be compensated by discharge of dewatered water to the Brook.

Accidental spillages are unlikely, but could occur and are proposed to be mitigated through the use of oil absorbent materials and cessation of discharge during mitigation. A bunded compound for fuel storage is a usual planning condition.

Overall, the impacts on neighbouring abstractions and water quality have the potential to be major during operation, but are reduced to negligible with mitigation. This is to be agreed between the developer and the abstracter prior to operations. The impacts from quarry discharge and on ground settlement are negligible during operations.

The long term impacts have been assessed as negligible. A groundwater monitoring and action plan is proposed.

The impact on Cockaynes Wood and other designated sites is assessed as negligible.

Traffic/Transport and Public Access

The application proposes a new access/egress to/from the site, directly onto the B1027 Colchester Main Road.

Vehicle movements associated with mineral extraction (now 3.8 million tonnes over 19 years) and waste importation (1.2 million m³) have been assessed for around 200,000 tonnes per annum, as follows:

- sand and gravel extraction based at 200,000 tpa – 72 movements (36 in and 36 out); and
- inert materials importation based at 100,000 tpa – 640 movements (20 in and 20 out).

Staff and LGV movements will amount to 20 movements per day (10 in and 10 out).

There would be no material impact on the safety or operation of the adjacent highway network.

Footpath 24 is proposed to be retained on its current alignment. Mineral would be located on both sides of the footpath, hence a cutting is proposed to allow vehicular access under the footpath. During construction of the cutting, the footpath would need to be temporarily diverted on a circular route around the site.

There would therefore be a short term negative impact, mitigated by its temporary nature.

In the long term, there would be a beneficial effect of slight significance due to the proposed permissive route across the site.

Archaeology and Cultural Heritage

It is recognised that the site is located within an area of medium archaeological sensitivity. However, the reports and investigations, prepared and undertaken in support of this application, suggest that there are limited archaeological remains which would justify preservation the extension area.

Accordingly, it is proposed to implement a mitigation strategy in order that any archaeological deposits (conventional or Palaeolithic) that could possibly be affected by the mineral extraction are preserved by record in accordance with local and central government guidance.

There are listed buildings in the wider locality, none of which have any scope to be affected by the proposals, to any high level or significance.

Ecology

There are no designated sites within the application site, but there are designated ecological assets in proximity, including the Colne Estuary RAMSAR, SPA and SSSI. The faunal surveys identified suitable habitat for a range of protected species and confirmed Reptiles, Breeding and Wintering Birds, foraging Bats and Great Crested Newt and identified Bats are using the site.

No other protected species were identified at the site and, overall the protected species recorded and the suitability of the habitat present indicates that the proposed extension is of Local Level of ecological Importance.

The primary aim of the proposed scheme is to provide valuable contributions to local biodiversity objectives with low level water based nature conservation habitats, including open water; wetland and lowland meadow/grassland establishment; woodland planting; and hedgerow enhancement

The scheme will make a significant contribution of over 50 ha of "Priority Habitat", and has been identified as a flagship site by the County of Essex, meaning that it is key in achieving biodiversity objectives within the County.

Wherever possible the scheme has been designed to retain important hedgerow and mature/veteran tree specimens. One single tree may possibly be of veteran status and is proposed to be removed.

The scheme has been altered to retain some elements of hedgerow between phases 2 and 3, 6 and 7. Additionally, the stand off from the extraction area to Cockaynes Wood has been increased to 30m. East of the woodland, the scheme has been significantly reduced so that no extraction is proposed to the east.

During operations, a Construction Environment Management Plan is proposed to carefully control the scheme over 19 years. The establishment and long term maintenance of the scheme of restoration will be secured by a Biodiversity Enhancement Plan (BEP) and an Ecological Monitoring Framework (EMF)

In terms of impacts, habitat change is considered to be the largest direct impact of the proposed development. This impact was considered to be Negative (Significant) for arable and single veteran tree and Negative (Not Significant) for other habitats prior to any mitigation, but after completion of restoration will result in a Positive (Significant) effect.

Noise

A noise assessment has been undertaken to establish background noise levels in respect of the closest dwellings to the site. Calculated noise levels have been set against calculated noise limits.

Following an updated baseline noise survey, the south-east corner of the proposed extension was revised and the extraction boundary was moved further from the properties on Cockaynes Lane.

Appropriate noise limits can be achieved at all properties, including Furzedown if operations are managed as proposed.

Night time noise would be generated from a pump only, and would be less than the suggested site noise limit for night time.

Temporary operations are proposed as per relevant guidance.

Mitigation measures would be in the form of stand-off distances and screening bunds, as well as use of modern and silenced machinery, which is proposed to be controlled by conditions.

The impact on ecology and public rights of way has been assessed as within required limits.

Overall, it is concluded that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

CONSISTENCY EXERCISE
TENDRING DISTRICT LOCAL PLAN ADOPTED 2007

It is noted that Tendring District Council already acknowledges on its website that aspects of this Plan are considered to be out of date and not in accordance with national planning policy

Tendring District Local Plan 2007	NPPF	Comments
<p>Policy QL3 (Minimising and Managing Flood Risk)</p> <p>The Council will ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.</p> <p>Therefore for all proposed sites within Flood Zones 2 and 3, the sequential test (as outlined in Annex D of PPS25) must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area. The flood vulnerability of the proposed use must match the flood risk probability of the site. Higher vulnerability uses (defined in Table D2 of PPS25), must be located on the part of the site of the lowest probability of flooding. Following the application of the sequential test, where development is shown to be required in Flood Zone 2 or 3, compliance with the exception test (as outlined in Annex D of PPS25) should</p>	<p>Paragraph 163 states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. <p>Paragraph 165 requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.</p>	<p>PPS25 has been superseded by the NPPG; however the principles are the same.</p>

<p>be demonstrated for the required development types. PPS25 Table D3 specifies when the exception test will be required. Only where the exception test is passed will planning permission be exceptionally granted. A Flood Risk Assessment is required to be submitted with all planning applications for new development on land within Flood Zones 2 and 3 as shown on the proposals map. Within Flood Zone 1 proposals on sites of 1 hectare or more will be required to submit a Flood Risk Assessment to consider drainage and flooding from other sources.</p>		
<p>QL11 (Environmental Impacts and Compatibility of Uses) All new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if the following criteria are met:</p> <ul style="list-style-type: none"> i. the scale and nature of the development is appropriate to the locality; ii. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties; iii. the development will not lead to material loss or damage to important environmental assets such as buildings of architectural interest, the historic environment, water courses, important 	<p>Paragraph 127 states: Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of 	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>archaeological sites and monuments and areas of conservation, recreation, ecological or landscape value;</p> <p>iv. the development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance; and</p> <p>v. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use.</p> <p>Where appropriate, compensatory and/or mitigation measures will be required to resolve or limit environmental impacts.</p>	<p>development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	
<p>COM20 (Air Pollution/Air Quality)</p> <p>i. Planning permission will not be granted for developments that have the potential to contribute significantly to levels of air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>ii. Planning permission will not be granted for sensitive development in areas identified as suffering from high levels of existing air pollution unless adequate mitigating measures against the adverse effects on air quality are proposed.</p> <p>iii. Planning permission will not be granted for</p>	<p>The NPPG refers to the 2008 Ambient Air Quality Directives for setting legally binding limits for particulate matter and nitrogen dioxide.</p> <p>It requires Air Quality Management Areas to be taken into account in plan making and states there may be a need to consider cumulative impacts.</p> <p>Air quality is a consideration in Environmental Impact Assessment and Habitats Regulations Assessment.</p>	<p>The NPPG goes further than Policy COM20.</p>

development which leads to the making of an Air Quality Management Area.		
<p>COM21 (Light Pollution)</p> <p>Planning permission will not be granted for external lighting for any development if any of the following apply:</p> <ul style="list-style-type: none"> a. its use would cause unacceptable visual intrusion; b. its use would cause an unacceptable disturbance to the surrounding area or to the local wildlife; c. its use would cause a danger to highway or pedestrian safety. <p>Where permission is granted, lighting schemes will be required to minimise pollution from glare and light spillage. This will be achieved through the use of good design, screening and deflection measures, and the nature, intensity and hours of operation of the lighting will be carefully controlled.</p>	<p>The NPPG states that light is beneficial but not always necessary. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.</p> <p>The NPPG suggests that local planning authorities and applicants should think about:</p> <ul style="list-style-type: none"> • where the light shines; • when the light shines; • how much light shines; and • possible ecological impact. 	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p>Policy COM22 (Noise Pollution)</p> <p>Planning permission will not be granted for noise sensitive developments such as hospitals, schools and housing unless one of the following conditions is met:</p> <ul style="list-style-type: none"> i. the development is located away from existing sources of noise; or ii. mitigation measures are proposed which will adequately mitigate the adverse effects of noise at all times and in all circumstances. 	<p>The NPPF states, at paragraph 170 that:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>They should also mitigate and reduce to a minimum potential adverse impacts resulting from</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>Noisy developments should be located away from sensitive developments unless adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.</p>	<p>noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.</p>	
<p>Policy COM23 (General Pollution)</p> <p>Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity by reason of releases of pollutants to surface or ground water, land or air including smell and odours, fumes, smoke, soot, ash, grit or dust.</p>	<p>The NPPF has a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. There is an environmental objective including minimising waste and pollution. Planning policies and decisions should aim to achieve healthy places Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; Paragraph 183 states that the</p>	<p>The NPPF supports the Policy stance, but makes it clear that policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>

	<p>focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p>	
<p>Policy COM31a (Sewerage and Sewage Disposal)</p> <p>Satisfactory provision must be made for the proper disposal of sewage waste and effluent from new development to avoid the risk of environmental, amenity or public health problems. Occupation of development will not be permitted until such adequate facilities are operational.</p> <p>b. Private sewage treatment facilities, in particular septic tanks and cesspools, will not be permitted if there is an existing public foul sewerage system. Wherever possible the provision or adoption of a new or extended foul sewer by the local sewerage undertaker will be sought. Where private sewage disposal facilities are proposed they will only be permitted where:</p> <p>i. ground conditions are satisfactory;</p> <p>ii. the plot is of sufficient size to provide an adequate</p>	<p>The NPPG states:</p> <p>Applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment.</p> <p>When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.</p> <p>The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until</p>	<p>DETR Circular 3/99 was replaced by the NPPG in March 2014.</p>

<p>subsoil drainage system; and</p> <p>iii. all of the requirements of DETR Circular 3/99 (or subsequently amended) on their installation can be met.</p>	<p>any necessary improvements to the public sewage system have been carried out. Read further information on conditions.</p> <p>Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated by a sewerage undertaker appointed under a new appointment or variation. The package sewage treatment plant must comply with the general binding rules, or a permit will be required. A package sewage treatment plant must be used if the treated effluent is being discharged to surface water.</p> <p>A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant. There may also be effects on amenity and traffic to be considered because of the need for sludge to be removed by tankers. Where a system will rely on the use of a drainage field consideration may be given to the need to periodically replace that drainage field in a new area of land in order for the sewerage system to continue to function properly.</p> <p>Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved</p>	
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	Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.	
<p>Policy EN1 (Landscape Character)</p> <p>The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following natural and manmade features which contribute to local distinctiveness:</p> <ul style="list-style-type: none"> a. estuaries and rivers, and the undeveloped coast; b. skylines and prominent views, including those of ridge tops and plateau edges; c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape; d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; e. native species of landscape planting and local building materials; and f. the traditional character of protected lanes, other rural lanes, bridleways and footpaths. <p>Where a local landscape is capable of accommodating</p>	<p>One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. Where appropriate, landscape character assessments should be prepared to complement Natural England's National Character Area profiles.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>development, any proposals shall include suitable measures for landscape conservation and enhancement.</p>		
<p>Policy EN4 (Protection of the Best and Most Versatile Agricultural Land)</p> <p>Where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown.</p>	<p>The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>
<p>Policy EN6 (Biodiversity)</p> <p>Development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced.</p> <p>In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided.</p> <p>Where appropriate, conditions or planning</p>	<p>Paragraph 170 requires: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>obligations will be sought to protect the biodiversity interest of the site and to provide appropriate compensatory or mitigation measures and long term site management, as necessary.</p>	<p>wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p>	
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	<p>and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the</p>	
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	<p>features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	
<p>Policy EN6a (Protected Species)</p> <p>Planning permission will not normally be granted for development which would have an adverse impact</p>	<p>The NPPG states that Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

<p>on badgers, seals or species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended.</p>	<p>applications. Natural England has issued standing advice on protected species.</p>	
<p>Policy EN6b (Habitat Creation)</p> <p>Consideration will be given to the potential for new wildlife habitats in new development. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the Essex Biodiversity Action Plan.</p>	<p>Paragraph 175 of the NPPF cites the following hierarchy:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 58 and a suitable compensation strategy exists; and</p> <p>(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.	
<p>EN29 (Archaeology)</p> <p>i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.</p> <p>ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.</p> <p>Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define:</p> <p>a. the nature and condition of any archaeological remains within the application site;</p> <p>b. the likely impact of the proposed development on such features; and</p> <p>c. the means of mitigating the impact of the proposed development in order to achieve preservation “in situ” or, where this is not merited, the method of recording such remains prior to development.</p> <p>Where development is permitted on sites containing archaeological remains, any planning permission will</p>	<p>Para 189 states:</p> <p>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.		
Policy TR1a (Development Affecting Highways) Proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.	Paragraph 110 states: Applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	The policy is considered to be consistent with the aims of the NPPF.
Policy TR1 (Transport Assessment)	Paragraph 111 of the National Planning Policy Framework sets	The policy is considered to be consistent with

<p>Transport Assessment will be required for all major developments. In addition a transport assessment will be required for all smaller developments, which are considered likely to have transport implications. Where the Transport Assessment indicates that the development will have materially adverse impacts on the transport system, planning permission will be refused unless measures to reduce the impacts to acceptable levels are provided.</p>	<p>out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.</p> <p>Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).</p> <p>Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>	<p>the aims of the NPPF.</p>
<p>Policy TR4 (Safeguarding and Improving Public Rights of Way)</p> <p>Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.</p> <p>Where opportunities exist the improvement of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.</p>	<p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	<p>high quality public space, which encourage the active and continual use of public areas; and</p> <p>(c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p>	
<p>Policy TR9 (Access of Freight to Transport Networks)</p> <p>Development likely to generate significant freight or goods movements should wherever possible be located where there is (or the potential exists to create) good access onto the railway network or through existing ports, without causing adverse effects on environmentally sensitive areas or existing communities. Where this is not possible, such proposals should be located where there is good access to suitable routes based on the Tendring District Local Plan 2007 Road Hierarchy, without causing adverse effects on environmentally sensitive areas or existing communities.</p>	<p>Paragraph 110 states:</p> <p>Applications for development should:</p> <p>(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</p> <p>(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;</p> <p>(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;</p> <p>(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and</p>	<p>The policy is considered to be consistent with the aims of the NPPF.</p>

	(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	
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DR/37/20**Report to:** DEVELOPMENT & REGULATION (27 November 2020)**INFORMATION ITEM: Report on the programme of Periodic Review of Mineral Planning Permissions****Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821**1. PURPOSE OF THE REPORT**

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

2. BACKGROUND

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

The Planning Practice Guidance (PPG) outlines the manner in which Periodic Reviews are undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also subject to a provision that the interval between any two reviews not being less than 15 years.

It is not the case that all old mineral planning permission will require review. The PPG advises "*Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware and has not been able to address*"

3. PERIODIC REVIEWS

Under the Environment Act 1995 the MPA is required to review mineral planning permissions issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This report addresses the permissions to be 15 years old between February 2022 and February 2023 i.e. permissions issued from 22 February 2007 to 21 February 2008. This gives the authority the necessary 12 months prior notification.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site by the applicant. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

The Periodic Review programme in Essex

Mineral Permissions Previously Identified for Review

For permissions issued between Feb 2006 and Feb 2007 mineral sites had either been completed and satisfactorily restored or the site was operating without issues and the conditions considered adequate. Thus no ROMP applications were required.

Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2007 and 21 February 2008 and has assessed them for the need for Periodic Review.

Mineral planning permissions have been identified as issued in the relevant period, but all have either been completed or superseded by subsequent permissions. See Appendix 1

4 THE FUTURE PERIODIC REVIEW PROGRAMME

A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in late 2021.

BACKGROUND PAPERS

70.421.50

Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

none

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2007 to 21 February 2008 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2021 and February 2022

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
14 421 25	Fen Farm, Fen Chase, Elmstead Market, Colchester, CO7 7HA TENDRING – Rural west	ESS/64/06/TEN	Continuation of sand and gravel extraction to facilitate construction of an agricultural reservoir without compliance with Condition 2 (compliance with submitted details) of ESS/25/01/TEN to allow for a revised phasing scheme	28/02/2007	No Superseded by ESS/08/10/TEN Site restored and aftercare period completed
23 421 16	St Clere's Hall Pit, Main Road, Danbury, Chelmsford, CM3 4AR CHELMSFORD - Chelmer	ESS/59/06/CHL	To continue minerals extraction and progressive restoration of a western extension at St Clere's Hall Pit without complying with Condition 7 of planning permission ESS/44/05/CHL in order to increase the maximum permitted number of daily movements of vehicles over 7.5 tonnes gvw to 240 (120 in and 120 out) Monday to Friday and 114 (57 in and 57 out) on Saturdays	31/07/2007	No Superseded by ESS/12/13/CHL Mineral extraction ceased and site restored

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
23 421 16	St Clere's Hall Pit, Main Road, Danbury, Chelmsford, CM3 4AR CHELMSFORD - Chelmer	ESS/58/06/CHL	To continue to operate St Clere's Hall Farm Quarry and to continue importing aggregates for processing, manufacture as aggregate and ready mixed concrete and subsequent sale, to 30 March 2012 without complying with Condition 4 of planning permission ESS/23/03/CHL in order to increase the maximum permitted number of daily movements of vehicles over 7.5 tonnes gvw to 240 (120 in and 120 out) Monday to Friday and 114 (57 in and 57 out) on Saturdays	31/07/2007	No Superseded by ESS/31/16/CHL and subject of a further pending application (ESS/49/19/CHL) which if granted would further supersede the original permission
11 421 05	Crumps Farm, Stortford Rd, Little Canfield, Great Dunmow, CM6 1SR UTTLESFORD - Dunmow	ESS/50/06/UTT	Retention of sand and gravel processing facilities including sand and gravel processing plant, stockpiles of minerals and restoration materials, silt lagoons, weighbridges, ancillary buildings, portalos and car parking facilities until 31 October 2033. Also continued use of haul road and access onto the B1256 (Stortford Road). The sand	13/08/2007	No Superseded by ESS/46/08/UTT

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
			and gravel processing facilities, haul road and access for use only in conjunction with the winning and working of minerals as approved under ID2054		
11 421 05	Crumps Farm, Stortford Rd, Little Canfield, Great Dunmow, CM6 1SR UTTLESFORD - Dunmow	ESS/01/07/UTT/R	Review of Old Minerals Permission reference UTT/509/89	30/03/2007	No Superseded by ESS/46/08/UTT
14 421 34	Hill Farm Reservoir, Crown Lane, Tendring, Clacton-on-Sea, CO16 0BJ TENDRING – Rural West	ESS/35/07/TEN	The continuation of the removal of minerals & surplus soils associated with the construction of an agricultural reservoir permission ESS/66/04/TEN, without complying with Cond 9 (completion 31 Dec 2007) to allow extension of the completion to 30 Sep 2008 for reprofiling and restoration of the reservoir	16/08/2007	No Site restored and aftercare period completed
14 421 34	Hill Farm Reservoir, Crown Lane, Tendring, Clacton-on-Sea,	ESS/34/07/TEN	The continuation of the removal of minerals and surplus soils associated with the construction of an	16/08/2007	No Site restored and aftercare period completed

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
	CO16 0BJ TENDRING – Rural West		agricultural reservoir permitted under reference ESS/65/04/TEN, without complying with Condition 2 (completion date 31 December 2007) to allow the extension of the completion date to 30 September 2008 for reprofiling and restoration of the reservoir		
13 421 14	Inworth Grange Farm Pit, Grange Road, Tiptree, Colchester, CO5 0QQ COLCHESTER – Mersea & Tiptree	ESS/32/07/COL	Variation of Condition 2 (submitted details) of planning permission ESS/36/00/COL to vary the order of mineral extraction and the phasing of restoration	13/11/2007	No Superseded by ESS/28/11/COL Site completed
13 421 14	Inworth Grange Farm Pit, Grange Road, Tiptree, Colchester, CO5 0QQ COLCHESTER – Mersea & Tiptree	ESS/29/07/COL	Replacement mineral processing plant to wash and grade remaining unprocessed reserves for a maximum period not exceeding three months	17/09/2007	No Plant removed and area completed

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham BRAINTREE – Witham Northern	ESS/24/07/BTE	Continuation of use as a processing plant site (planning permission ESS/06/06/BTE) without complying with condition 2 (accordance with approved plans) to allow a revised layout including additional sub soil store fuel tank and refuelling area, revised internal haul road layout, addition of hard core adjacent to the haul road and erection of a building to house electrical switch gear	31/08/2007	No Site restored and aftercare period completed
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham BRAINTREE – Witham Northern	ESS/23/07/BTE	Retrospective application for the extraction of sand and gravel to construct an extended silt pond	31/08/2007	No Site restored and aftercare period completed
14 421 35	Lodge Farm, Lodge Farm Lane, St Osyth, Clacton-On-Sea, CO16 8SA TENDRING - Brightlingsea	ESS/13/07/TEN	Completion and extension of an agricultural irrigation reservoir by the extraction of sand and gravel and its removal from the site	08/10/2007	No Site restored and aftercare period completed

DR/38/20

Report title: APPLICATION TO REGISTER LAND AT LUXFIELD, VICARAGE LANE, GREAT BADDOW, CHELMSFORD, ESSEX CM2 7SU AS A TOWN OR VILLAGE GREEN

Report to: Development & Regulation Committee

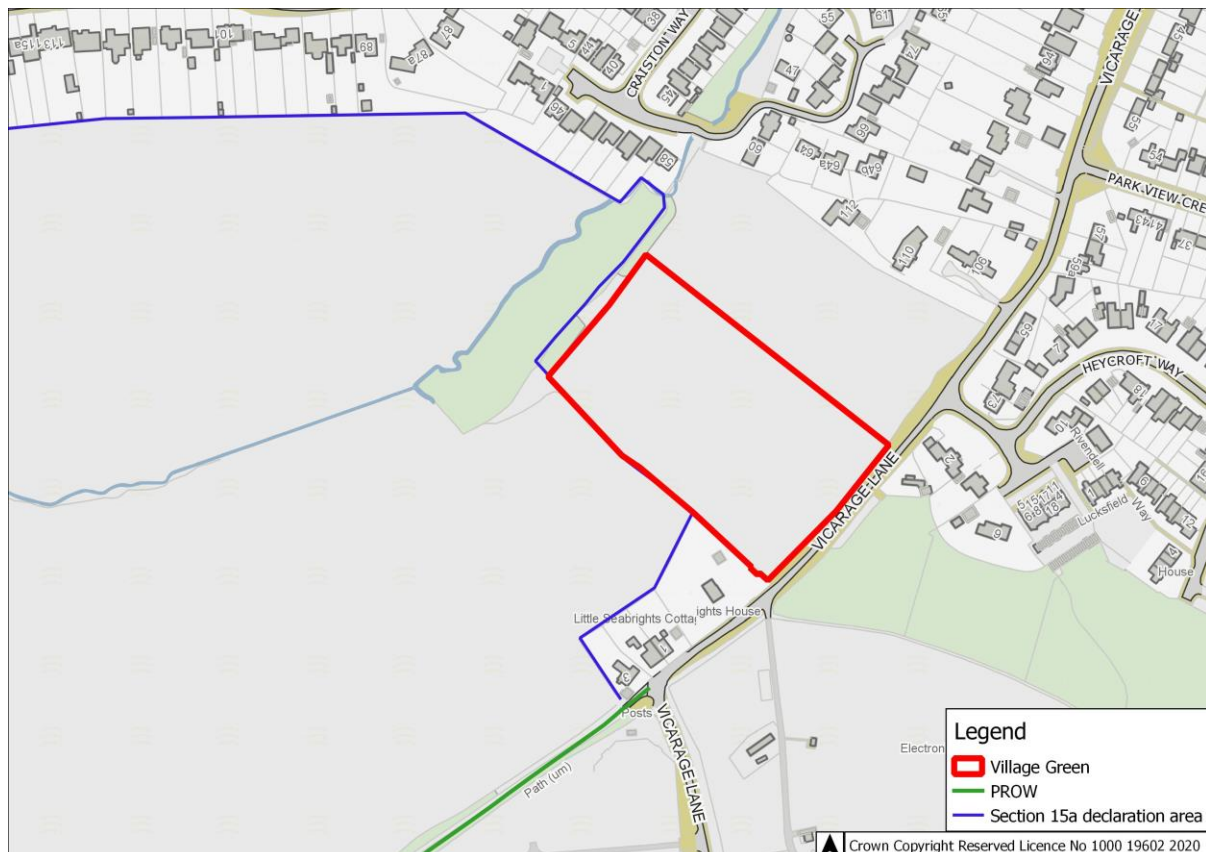
Date: 27 November 2020

For: Decision

Report by: Head of Legal

Enquiries to: Jacqueline Millward 033301 39671

County Divisions affected: Great Baddow



1. PURPOSE OF REPORT

To consider an application made by Great Baddow Parish Council under Section 15(8) of the Commons Act 2006 ("the 2006 Act") as amended, to register land at Luxfield, Great Baddow, Chelmsford as a Town or Village Green.

For the Essex area, Regulation 7 of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ('the 2007

Regulations') states that 'where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that – (a) the applicant is the owner of the land; and (b) any consents which are required by section 15(9) of the 2006 Act have been obtained.'

2. BACKGROUND

The County Council has a duty to maintain the Registers of Commons and Town and Village Greens.

The powers set out in section 15(8) of the Commons Act 2006 allow an owner of land, to voluntarily dedicate land as a town or village green by applying to have it included in the register of town or village greens.

This provision departs from the customary law usually applying to the registration of Town and Village Greens but Defra's guidance indicates that once a green has been registered voluntarily it will be subject to the same statutory protections as all other registered greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Subject to certain statutory exceptions for compulsory purchase or exchange of land, once registered, land cannot be removed from the register.

Section 15 of the 2006 Act changes the legal definition of a town or village green and sets out the qualifying circumstances in which land may be newly registered. Anyone can apply to have land registered as a green if it has been used by local people for recreation 'as of right' (*i.e.* without permission, force or secrecy) for at least 20 years. But under section 15(8) a landowner can apply to register without meeting these criteria.

The 2007 Regulations set out how voluntary registration applications can be made, and how they are dealt with and determined by the commons registration authority. The 2007 Regulations prescribe a new application form and are accompanied by detailed non-statutory guidance notes for applicants.

The application process for voluntary dedication is made on Form 44 and includes a map and description of the land claimed for registration as a town or village green. It also needs to identify the locality or neighbourhood within a locality where local people live who will have a right to use the green and it is up to the applicant to decide what locality or neighbourhood should have recreational rights over the land. Defra's view is that, in relation to any land registered as a green, only the inhabitants of the defined locality or neighbourhood will have the legal right to indulge in sports and pastimes over the green. Consent needs to be obtained from any lease or charge holder of the land, including a tenant or mortgagee.

The commons registration authority is not required to advertise the application and does not have to examine the merits of registering the land; it need only be satisfied that the landowner is legally entitled to apply to register.

A statutory declaration is required to confirm that the applicant is the owner of the land, is applying to register it as a green and, if required, that the applicant has obtained all the necessary consents. In some cases the registration authority may decide to ask for further evidence of ownership before it accepts the application. If the authority is satisfied that the application is properly made, the land will be registered as a town or village green.

An application cannot be rejected, but it may be returned if there is any doubt about the ownership of the land or if the applicant has not obtained the necessary consents.

There is a separate pending application (both for public rights of way and village green status) by a different person which will need to be decided separately and does not form part of this decision. That is at an early stage and awaiting action from the applicant in that case.

3. THE APPLICATION SITE

The application form indicated the land is known as Luxfield. The location of the land is to the north west side of Vicarage Lane. The applicant confirms that the land is open to Vicarage Lane and access is available along the boundary with it

The nature of the land is largely wooded but with some more open areas for recreation and some informal pedestrian paths through it.

The Form 44 application referred to a plan on which the application site is marked and is transposed onto a map of the area on the front page of this report.

4. THE APPLICATION

In June 2020 the Parish Council signed their application to register the land as Village Green application and emailed it to the County Council in July and the original documents were subsequently received in July 2020.

The application sets out the name and address of the applicant and a description of the land the subject of the application.

The land is registered at the Land Registry and a copy of the register was provided. It names the Applicant as the landowner. This complies with the requirements of section 61(3) of the 2006 Act which states that:

- (a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;
- (b) references to land registered in the register of title are references to land the fee simple of which is so registered.

The property contained in the registered title EX530433 solely consists of the land comprising the boundary of the application site. There are no charges applying to the Title or any other recorded interests. The Applicant has confirmed there are no access rights over the land.

The Applicant supplied a copy of their resolution of 13th January 2020 to make the application. This was in the following terms and there was no accompanying formal report to the meeting on which the resolution was based.

024/20 Luxfield

A member of the public is seeking support from the Parish Council to register land including Luxfield as a village green, thereby preserving the land and preventing it being sold for development. The Parish Council owns part of the land (91m) from Seabrights House along Vicarage Lane.

Cllr C Shaw proposed that the Parish Council should support the application to register Luxfield as a village green. The proposal was seconded by Cllr K Ronaldson. 10 Councillors were in favour, 1 abstained.

5. LOCALITY

In part 6 of the form, which asks the applicant to show the locality to which the claimed green relates either by writing the administrative area or geographical area by name or by attaching a map on which the area is clearly marked, the applicant stated "Great Baddow Parish" and "CK Great Baddow Village Ward". Great Baddow is a parish and is legally capable of satisfying the criteria for a locality.

6. CONCLUSION

The application as amended is compliant with the requirements of sections 15(8) and (9) of the 2006 Act.

There is no reason for the application to be returned.

7. RECOMMENDED

That the application as amended is accepted and the land shown on the map at the front of this report be added to the Register of Town and Village Greens for the reasons set out in this report.

The new green will be VG 262.

BACKGROUND PAPERS

Application by Great Baddow Parish Council with supporting papers.

Ref: Jacqueline Millward CAVG/120

DR/39/20**Report to:** DEVELOPMENT & REGULATION (27 November 2020)

INFORMATION ITEM – Enforcement of Planning control update

Report author: Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Suzanne Armstrong – Tel: 03330 136 823The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 July to 31 October 2020 (Quarterly Period 2).

2. DISCUSSION**A. Outstanding Cases**

As at 31 October 2020 there are 37 outstanding cases. Appendix 1 shows the details of sites (10) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

20 cases were resolved during the period 01 July to 31 October 2020.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

<u>Location</u>	Nature of problem	Remarks
Braintree		
Straits Mill Bocking, Braintree CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. The importation and processing of the waste has ceased and the operators have vacated the land, however the waste remains. Whilst the EA will continue to pursue the operators under their Legislation the WPA served an Enforcement Notice on the 7th January 2020. An appeal was lodged against the notice served. With regard to this, and in particular the extant Enforcement Notice, the appellant and the Council have negotiated revised terms of compliance to the effect that the previous Enforcement Notice issued by the Council has been withdrawn and a replacement Notice issued. The new Notice which takes effect on 29 July 2020 requires the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months.
Dig Rent Blackwell Yard Coggeshall Road Earls Colne	Inert recycling facility	This site is currently being used as an inert transfer/recycling facility. Construction and demolition waste is processed/screened on-site. These types of uses may have extant District permissions under (B2) general industrial use. I am currently looking at the site history to establish what permissions exist for the Land. It would appear that historically this was part of Old Blackwells yard and may have been used for storage and earth moving operations and we (ECC) are yet to confirm if there has been a material change of use of the Land. Dig Rent are occupying the Land and in discussions with the WPA.
Brentwood		
Land on the South Side of Church Road, (To the rear of Lizvale Farm), Church Road,	Importation of waste	A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials. An enforcement notice has been served for the removal of the waste. The land ownership

Navestock, Romford, RM4 1HB		has changed on numerous occasions and as the notice remains with the land any new owner is ultimately responsible for complying with the notice served. The Land has been sold and the new owner has commenced waste removal, due to COVID-19 Land remediation works may not complete until 2021.
Chelmsford		
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford CM1 7HG	Waste activities	The unauthorised Importation, deposition and spreading of waste, mainly soils and builders waste. A TSN was served on the 4th November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14th January 2020 for the removal of all waste material, full compliance with the notice served is due by the 11th September 2020. Compliance visit scheduled.
Colchester		
Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH	Early morning monitoring	Application ESS/15/19/COL as approved permits a specific number of vehicles to exit the site from 6:00am. These vehicle movements are controlled by planning conditions. During a visit in December 2019 it was noted that CSH were exceeding the limitations of this condition. On the 27th January 2020 ECC did serve a Breach of Condition Notice (BCN) on CSH in respect of the vehicle movements prior to 7:30am. The period for compliance with this notice is 30 days beginning with the day on which the notice is served on the company. In notifying the company of the breach of condition application ESS/04/20/COL was submitted to the Waste Planning Authority to vary the condition relating to the vehicle movements. This application was refused on the 12th March 2020. Further visits are to be carried out to ensure the company are complying with the BCN served.
Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford,	Breach of Condition	The development approved under reference ESS/09/18/COL has commenced. The approval is subject to a number of conditions which are required to have been submitted to and approved by

Colchester, CO6 3AH		the WPA prior to the commencement of the development. Details have now been submitted to the WPA
Maldon		
Bradwell Wicks Leisure Plots Maldon Road CM0 7HZ	Importation of waste	Importation, deposition, spreading and burning of waste in various locations on the Land. Multi Agency investigation, collected evidence including cataloguing the waste on site by type, volume and location. ECC as WPA did serve a TSN on the 25th June 2020 which required to cease the importation, spreading and burning of waste. The TSN expired on the 28th July 2020. Following any multi agency visit we have to consider the next steps and the best use of available powers to address any breaches of planning or environmental legislation disclosed by the site inspection. When it is apparent that enforcement action may be required by more than one body, ECC and the EA need to ensure there is no duplication of action and therefore a decision is made as to which authority has the appropriate powers to take the lead on a case. Due to the severity of the case as environmental waste crime, it is considered that the EA are the appropriate authority to lead any action in this case.
Rochford		
3 Murrels Lane (Off Church Road) Hockley	Importation of waste	The unauthorised Importation, deposition and spreading of waste, mainly mixed soils and builders waste, raising the levels of the Land. An Enforcement Notice was served on the 23rd October 2019 and took effect on the 5th December 2019. Full compliance with the EN served was required by the 5th July 2020. Works had commenced on the Land clearance, however due to COVID-19 works stopped. Remediation works to comply with the Notice served are once again continuing and a compliance visit will be carried out.
Uttlesford		
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste	Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The landowner and

		<p>tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice had not been complied with. The case remained with ELS due to new information that came to light. Following on from this the case was, once again, listed for prosecution in July 2020. Due to COVID-19 all matters that were provisionally listed for prosecution have now been put back to a holding court, ELS currently awaiting further information.</p>
Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN	Working outside of CLUED	<p>Waste soil stored outside the permitted area. Some material had been processed ready to be removed, in accordance with ECC and the EA's joint working protocol the EA have agreed a suitable timescale in order for the waste to be removed and the land remediated. A timeframe of 6 months was agreed by the EA as a realistic amount of time to remove the waste soil, taking into consideration the winter weather. Due to COVID-19 the EA have extended the timescale for the removal of the waste. A site meeting has been scheduled.</p>

DR/40/20**Report to:** DEVELOPMENT & REGULATION (27 November 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of September

41

Nº. Decisions issued in October

5

Nº. Decisions issued this financial year

17

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in October

3

Nº. applications where Section 106 Agreements pending at the end of October

6

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

100%

Nº. Pending at the end of September

10

Nº. Decisions issued in October

3

Nº. Decisions issued this financial year

25

Nº. Delegated Decisions issued in October

3

All Applications

Nº. Delegated Decisions issued in October

6

Nº. Committee determined applications issued in October

2

Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year

103

Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of October

77

Nº. of referrals to Secretary of State under delegated powers in October

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of October

0

Nº. of appeals allowed in the financial year

0

Nº. of appeals dismissed in the financial year

0

Enforcement

Nº. of active cases at end of last quarter

35

Nº. of cases cleared last quarter

13

Nº. of enforcement notices issued in October

0

Nº. of breach of condition notices issued in October

0

Nº. of planning contravention notices issued in October

0

Nº. of Temporary Stop Notices issued in October

0

Nº. of Stop Notices issued in October

0

DR/41/20

Report title: Committee Dates to April 2022	
Report to: Development & Regulation Committee	
Date: 27 November 2020	For: Information
Report by: Clerk to the Committee	
Enquiries to: Sophie Campion 033301 31642	

1. PURPOSE OF ITEM

To inform Members of the proposed meeting dates to the end of April 2022.

2. MEETING DATES**2021**

- Friday 22 January
- Friday 26 February
- Friday 26 March
- Friday 23 April
- Friday 28 May
- Friday 25 June
- Friday 23 July
- Friday 27 August
- Friday 24 September
- Friday 22 October
- Friday 26 November
- Friday 17 December*

2022

- Friday 28 January
- Friday 25 February
- Friday 25 March
- Friday 22 April

* Third Friday of the month

All meetings scheduled for 10:30 am, with Members' training at 9:30 am.