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**Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 28 January 2022 at 10:30.**

Present:

Cllr C Guglielmi (Chairman)	Cllr S Kane
Cllr J Henry	Cllr I Grundy
Cllr B Aspinell	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware

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

Apologies were received from Cllr M Steptoe, for whom Cllr J Henry substituted. Apologies were also received from Cllr J Jowers and Cllr J Fleming.

Councillor C Guglielmi declared an interest in item 4.1 of the agenda (Minute 2) concerning Elmstead Hall, Elmstead, Colchester as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

**2. Minutes**

The minutes of the meeting held on 26 November 2021 were agreed as a correct record and signed by the Chairman.

**3. Identification of Items Involved in Public Speaking**

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

- 1) Elmstead Hall, Elmstead, Colchester  
To consider report DR/01/22 relating to the:
  - (i) Continuation of Construction of an irrigation reservoir without compliance with Condition 2 (Duration) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to extend the time period for completion of site operations including restoration on land at Elmstead Hall, Elmstead, Colchester".
  - (ii) Continuation of construction of an irrigation reservoir without compliance with Condition 3 (Approved Details) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to now provide for retrospective revisions to the location and design of the peripheral environmental bund, aggregate processing plant, mineral stockpile and storage areas, the site entrance, the internal access road and site water management and the addition of a

mobile soil screening plant.

**Location:** Elmstead Hall, Elmstead, Colchester

**Ref:** ESS/97/21/TEN and ESS/105/21/TEN

Public speakers:

- Agent on behalf of the applicant: Mr Simon Chaffe.

#### **4. Elmstead Hall, Elmstead, Colchester**

The Committee considered report DR/01/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the time extension.
- Traffic
- Implications for the amended details

In accordance with the protocol on public speaking the Committee was addressed by Mr Simon Chaffe, speaking as the agent on behalf of the applicant. Mr Chaffe made several points:

- The duration of the extension of operations recommended in the report was approximately one year shorter than was sought by the applicant.
- The original planning application for the site allowed for a period of four years for construction, rather than site preparatory works in addition to construction. The permission had required the four-year period to include site preparatory works, as well as restricting the rate of removal of sand and gravel.
- The site operator had frequently been unable to comply with the HGV routing scheme due to the public highway between the site access and the A133 being closed due to the construction of a residential development.
- The applicant considered that under the recommendations it was highly likely they would be required to submit a further application in due course to further extend the duration of construction operations.
- The applicant requested that the extension be approved to the 5 November 2025.

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

- Preparation works on the site began in November 2017. Since then, roughly one quarter of the site has been worked.

There being no further points raised, the resolution, was proposed by Councillor Garnett and seconded by Councillor Hardware. Following a vote of 9 in favour, with 1 abstention, it was

**Resolved**

That for **ESS/97/21/TEN** planning permission be granted subject to the following conditions:

#### Duration

1. 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, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in accordance with the conditions of this permission not later than 30<sup>th</sup> November 2024.

#### Approved Details

2. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as set out in the application letter from D. K. Symes Associates dated 19<sup>th</sup> March 2015 and accompanying:
  - a) Planning Application form dated 19<sup>th</sup> March 2015
  - b) Planning Statement and Environmental Statement Volumes 1 and 2 dated March 2015.
  - c) Drwg Nos: 1003/A/1 entitled "Application Plan" dated 12-03-2015
  - d) Drwg Nos: 1003/AD/1 entitled "Proposed Access Detail" dated 13-03-2015
  - e) Drwg Nos: 1003/PP/1 entitled "Proposed Processing Plant" dated 27-02-2015
  - f) Drwg Nos: 1003/SB/1 entitled "Illustrative Details of Typical Site Buildings" dated 27-02-2015as amended by:
  - g) The e-mail from Douglas Symes dated 2<sup>nd</sup> June 2015 and accompanying:
    - I. Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015. For clarity this plan only in respect of depicting the extraction depth in the depecited cross section. Drwg no: 1003/0/1v10 below supercedes this plan in all other respects.
    - II. Drwg no: 1003/CS/1 entitled "Illustrative Crosss Sections – During Operations" dated 12-05-2015.
    - III. Drwg No: 1003/CS/2 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12-05-2015.
    - IV Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015.

- h) The e-mail from Douglas Symes dated 27<sup>th</sup> January 2016 and accompanying Archaeological Solutions Ltd Historic Buildings Impact Assessment entitled “Proposed agricultural Reservoir, Elmstead Hall, Elmstead, Essex Historic Building Impact Assessment” dated 21<sup>st</sup> December 2015.
- i) BLacoustics Environmental Noise Survey dated February 2016 ref no: BDL3519tr2 as amended by letter from LFAcoustics dated 23<sup>rd</sup> May 2016.
- j) The e-mail from Douglas Symes dated 12<sup>th</sup> September 2016 and accompanying Drwg no: 1003/0/1v10 entitled “Illustrative Operations Plan”, dated 01/09/2016.

For Condition 1 (Commencement) the start date for the development is the 06/11/17 as set out in the email from Terry Burns to Simon Chaffe dated 17/05/21.

For Condition 6 (Tree Protection) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 6.

For Condition 9 (Ecological Interest) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

For Condition 11 (Archaeology) those details in so far as they relate to the Written Scheme of Investigation as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

For Condition 15 (Vehicle Routeing) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 15.

For Condition 17 (Vehicle Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 17.

For Condition 23 (Construction Environmental Management Plan (Biodiversity) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 23.
- c) Appendix 2 entitled “Construction Equipment Management Plan” REV .1 October 2019 dated October 2019.

For Condition 24 (Scheme of Working) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
- c) Appendix 4 entitled “Processing Plant/Screening Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
- d) Appendix 5 entitled “Water Pump details”

- e) Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

For Condition 30 (Lighting) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
- c) Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

For Condition 31 (Noise Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

For Condition 36 (Dust Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 36.
- c) E-mail from Douglas Symes to Terry Burns dated 16th October 2017 at 13:29.

For Condition 37 (Groundwater Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.
- c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;

d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and

e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

For Condition 49 (Soil Handling and Storage) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.
- c) Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.

For Condition 51 (Soil Movement and Storage Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.

For Condition 55 (Revised Restoration Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 55.
- c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
- d) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils,

engineering works and ancillary buildings, Details Pursuant – 2” dated November 2019 as it relates to Condition 55.

e) Plan No: 1003/CS/2 V1 entitled “Illustrative Cross Sections – Completed Reservoir” dated 12/05/15.

f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled “Proposed Access” dated 27/03/21.

For Condition 56 (Landscaping) those details set out in:

a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 56.

c) E mail from Douglas Symes to Terry Burns dated 9th April 2018 at 12:41 and accompanying “Elmstead Hall Reservoir Landscape Management Plan” Version: Doc\_601\_005 dated 29th March 2018.

d) E mail from Susan Deakin to Terry Burns dated 21st April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

For Condition 57 (Biodiversity Management Plan) those details set out in:

a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

b) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester,

c) Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 58.

d) Appendix 3 entitled “Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019”.

As amended by Planning permission ESS/97/21/TEN and accompanying:

a) Planning application form from R. W. Mitchell and Sons dated 05/11/21.

b) Letter from Matthews and Son LLP dated 05/11/21.

c) Susan Deakin Ecology report entitled “Appendix 1, Elmstead Hall Irrigation Reservoir, Elmstead, Planning Permission Ess/24/715/Ten 1.11.2016; Application For Variation Of Planning Condition, Planning Considerations And Approved Schemes, Statement Concerning Ecological Considerations” dated 03/11/21.



d) Drwg No: 1003/L entitled "Location Plan" dated 05/11/14.

#### Availability of Plans

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

#### Protection of Existing Trees and Perimeter Vegetation

4. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
5. The protection of trees on the site shall be carried out in accordance with the details of the Tree Protection scheme approved on 23<sup>rd</sup> April 2018 under Condition 6 of planning permission reference ESS/23/14/TEN. The approved details of the Tree Protection scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 6.

#### Boundaries and Site Security

6. The operator shall maintain and make stock proof the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing for the duration of the development and aftercare period.
7. No soil stripping shall take place until the footprint of the excavation area and those areas to be disturbed in the course of the reservoir construction have been physically pegged out. Those markers that can be retained during the course of the development to maintain demarcation boundaries shall be retained for that period.

#### Ecological Interest

8. The protection of Ecological Interest on the site shall be carried out in accordance with the details of the Ecological Interest scheme approved on 23<sup>rd</sup> April 2018 under Condition 9 of planning permission reference

ESS/23/14/TEN. The approved details of the Ecological Interest scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

#### Bird Nesting

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

#### Archaeology

10. The protection of Archaeological Interests on the site shall be carried out in accordance with the details of the Archaeological scheme approved on 23<sup>rd</sup> April 2018 under Condition 11 of planning permission reference ESS/23/14/TEN. The approved details of the Archaeological scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

#### Processing Plant

11. No processing plant shall be brought onto the application land until the "Plant Area" as shown on Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016, has been prepared and is available to accommodate the processing plant.

#### Limits of Extraction

12. No excavation shall be carried out deeper than 8 metres below existing ground level as provided for in paragraph 3.11.6 of the Environmental Statement and as shown on Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015.

#### Topographical surveys

13. A survey of site levels shall be carried out at intervals of not less than every 12 months, starting from the date on which soil stripping commences. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

#### Vehicle Routeing

14. The Vehicle Routeing scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 15 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Routeing comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 15.
15. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.
16. The Vehicle Monitoring scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 17 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Monitoring comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 17.

#### Highway Cleanliness

17. No mud or dirt shall be carried out onto Tye Road by vehicles using the site.

#### Haul Road maintenance

18. The internal haul road shall be maintained with a compacted bound surface/or tarmaced and maintained in good condition throughout the reservoir construction period as provided for in para 3.6.3 of section 3.6 on Access of Volume 1 of the Environmental Statement.

#### HGV Movements

19. 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 Saturdays: 80 movements (40 in/40 out)

Sundays and Bank/Public Holidays: none

#### Sheeting Vehicles

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

#### Vehicle Maintenance

21. No servicing, maintenance or testing of vehicles or plant shall take place other than within the excavation void area. (For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

#### Construction Environmental Management Plan (CEMP): Biodiversity

22. The Construction Environmental Management Plan (CEMP): Biodiversity scheme for the site shall be carried out in accordance with the details of the CEMP approved on 12<sup>TH</sup> May 2020 under Condition 23 of planning permission reference ESS/23/14/TEN. The approved details of the CEMP comprise:
- a. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 23.
  - c. Appendix 2 entitled "Construction Equipment Management Plan" REV .1 October 2019 dated October 2019.
23. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of biodiversity protection zones;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
  - h) Use of protective fences, exclusion barriers and warning signs.

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

#### Scheme of Working

24. The Scheme of Working for the site shall be carried out in accordance with the details of the scheme of working approved on 26<sup>th</sup> September 2019 under Condition 24 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- d. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- e. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
- f. Appendix 4 entitled “Processing Plant/Screening Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
- g. Appendix 5 entitled “Water Pump details”
- h. Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

#### Sale of Aggregate

25. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the quarry.

#### ENVIRONMENTAL PROTECTION

##### Hours of Operation

26. 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.

#### Importation

27. No materials for infilling or excavated materials, including minerals, shall be imported to the site other than clays for site lining purposes.

#### Rubbish

28. 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.

#### Burning

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

#### Lighting

30. The Lighting scheme for the site shall be carried out in accordance with the details of the lighting scheme approved on 12<sup>th</sup> May 2020 under Condition 30 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- i. The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - j. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 30.
  - k. Drwg No: 1003/0/1 entitled "Illustrative Operations Plan" dated 05/03/19 version 11.

#### Noise – Monitoring

31. The Noise Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 31 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

#### Noise – Temporary Operations

32. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 33 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.

#### Noise – Normal Operating Levels

33. 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/24/15/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Holly way	49 dB
Parsonage Farm	48 dB
Elmstead Hall & Cottages	48 dB
Mount Pleasant Cottages	47 dB
Allen's Farm	47 dB
Balls Farm	48 dB
Fen Farm	55 dB
Fern Villa	54 dB
Edwinstone	48 dB
Friars Hall	48 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.

#### Loudspeakers

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

#### Reversing alarms

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

Dust

36. The Dust Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 36 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 36.
  - c) E-mail from Douglas Symes to Terry Burns dated 16th October 2017 at 13:29.

Groundwater monitoring

37. The Groundwater Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 37 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 37.
  - c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;
  - d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and
  - e) Figure 1897/HIA/08 entitled "Mineral borehole and piezometer locations" dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due".

Surface Water Drainage and Pollution Protection

38. 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.
39. 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
    - I. 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.)
40. 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).
41. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.
42. 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.

#### Fixed Plant and Buildings

43. 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.

#### Handling and Storage of Soil and Soil Forming Material

44. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped (The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level).
45. 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.
46. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.
47. 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 soils 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.)

48. All suitable soils and soil-making material shall be recovered where practicable during the stripping or excavation operations and separately stored.
49. The Soil Handling and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 49 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
  - m. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - n. Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 49.
  - o. Appendix 7 entitled "Operations Plan showing soil storage bunds" and Drwg No: 1003/0/1 entitled "Illustrative Operations Plan" dated 05/03/2019.
50. The topsoil, subsoil, and soil-making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.
51. The Soil Movement and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 51 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
  - p. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - q. Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 51.
52. Such precautions unless as may be necessary to prevent the mixing of the soil types with any overlap of soil types in a storage mound be kept to the

minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan so that it can be easily located at mound removal stage.

53. All soil and soil forming material storage mounds, together with all areas that remain unworked, or have been restored, shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.
54. An annual report, together with plans at a scale to be agreed with the Mineral Planning Authority, setting out the previous year's soil movement and restoration shall be submitted by 31st December each year, or such other date as may be agreed in writing with the Mineral Planning Authority.

#### Restoration

55. The Revised Restoration scheme for the site shall be carried out in accordance with the details of the scheme approved on 6<sup>th</sup> April 2021 under Condition 55 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 07/03/19.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 55.
  - c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
  - d) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated November 2019 as it relates to Condition 55.
  - e) Plan No: 1003/CS/2 V1 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12/05/15.
  - f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled "Proposed Access" dated 27/03/21.

#### Landscaping

56. The Landscaping scheme for the site shall be carried out in accordance with the details of the landscaping scheme approved on 23<sup>rd</sup> April 2018 under Condition 56 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir

involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 56.

- c) E mail from Douglas Symes to Terry Burns dated 9th April 2018 at 12:41 and accompanying “Elmstead Hall Reservoir Landscape Management Plan” Version: Doc\_601\_005 dated 29th March 2018.
  - d) E mail from Susan Deakin to Terry Burns dated 21st April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.
57. 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.

#### Biodiversity Management Plan

58. The Biodiversity Management Plan for the site shall be carried out in accordance with the details of the Management Plan approved on 12<sup>th</sup> May 2020 under Condition 58 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a. The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b. Planning Statement entitled “Elmstead Hall, Elmstead, Colchester,
  - c. Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 58.
  - d. Appendix 3 entitled “Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019”.

#### Amenity Aftercare

59. Within one year of the date of the commencement of site preparation works as provided for by Condition 1 of this permission a wetland/woodland aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a reservoir and associated wetland/woodland habitat shall be submitted for the approval of the Mineral Planning Authority. The wetland/woodland 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 wetland 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 wetland 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.

#### Cessation

60. 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 extraction 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 55 - 59 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.

That for **ESS/105/21/TEN** planning permission be granted subject to the following conditions:

Duration

1. 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, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in accordance with the conditions of this permission not later than 30<sup>th</sup> November 2024.

Approved Details

2. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as set out in the application letter from D. K. Symes Associates dated 19<sup>th</sup> March 2015 and accompanying:
  - a) Planning Application form dated 19<sup>th</sup> March 2015
  - b) Planning Statement and Environmental Statement Volumes 1 and 2 dated March 2015.
  - c) Drwg Nos: 1003/A/1 entitled "Application Plan" dated 12-03-2015
  - d) Drwg Nos: 1003/AD/1 entitled "Proposed Access Detail" dated 13-03-2015
  - e) Drwg Nos: 1003/PP/1 entitled "Proposed Processing Plant" dated 27-02-2015
  - f) Drwg Nos: 1003/SB/1 entitled "Illustrative Details of Typical Site Buildings" dated 27-02-2015as amended by:
  - g) The e-mail from Douglas Symes dated 2<sup>nd</sup> June 2015 and accompanying:
    - I. Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015. For clarity this plan only in respect of depicting the extraction depth in the depecited cross section. Drwg no: 1003/0/1v10 below supercedes this plan in all other respects.
    - II. Drwg no: 1003/CS/1 entitled "Illustrative Crosss Sections – During Operations" dated 12-05-2015.
    - III. Drwg No: 1003/CS/2 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12-05-2015.
    - IV Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015.

- h) The e-mail from Douglas Symes dated 27<sup>th</sup> January 2016 and accompanying Archaeological Solutions Ltd Historic Buildings Impact Assessment entitled “Proposed agricultural Reservoir, Elmstead Hall, Elmstead, Essex Historic Building Impact Assessment” dated 21<sup>st</sup> December 2015.
- i) BLacoustics Environmental Noise Survey dated February 2016 ref no: BDL3519tr2 as amended by letter from LFAcoustics dated 23<sup>rd</sup> May 2016.
- j) The e-mail from Douglas Symes dated 12<sup>th</sup> September 2016 and accompanying Drwg no: 1003/0/1v10 entitled “Illustrative Operations Plan”, dated 01/09/2016.

For Condition 1 (Commencement) the start date for the development is the 06/11/17 as set out in the email from Terry Burns to Simon Chaffe dated 17/05/21.

For Condition 6 (Tree Protection) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 6.

For Condition 9 (Ecological Interest) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

For Condition 11 (Archaeology) those details in so far as they relate to the Written Scheme of Investigation as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

For Condition 15 (Vehicle Routeing) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 15.

For Condition 17 (Vehicle Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 17.

For Condition 23 (Construction Environmental Management Plan (Biodiversity) those details set out in:

- d) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- e) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 23.
- f) Appendix 2 entitled “Construction Equipment Management Plan” REV .1 October 2019 dated October 2019.

For Condition 24 (Scheme of Working) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
- c) Appendix 4 entitled “Processing Plant/Screeners Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
- d) Appendix 5 entitled “Water Pump details”
- e) Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

For Condition 30 (Lighting) those details set out in:



- d) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- e) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
- f) Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

For Condition 31 (Noise Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

For Condition 36 (Dust Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 36.
- c) E-mail from Douglas Symes to Terry Burns dated 16th October 2017 at 13:29.

For Condition 37 (Groundwater Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.
- c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;
- d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and
- e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

For Condition 49 (Soil Handling and Storage) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.
- c) Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.

For Condition 51 (Soil Movement and Storage Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.

For Condition 55 (Revised Restoration Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 55.
- c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated November 2019 as it relates to Condition 55.
- d) Plan No: 1003/CS/2 V1 entitled “Illustrative Cross Sections – Completed Reservoir” dated 12/05/15.
- e) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled “Proposed Access” dated 27/03/21.

For Condition 56 (Landscaping) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 56.
- c) E mail from Douglas Symes to Terry Burns dated 9th April 2018 at 12:41 and accompanying "Elmstead Hall Reservoir Landscape Management Plan" Version: Doc\_601\_005 dated 29th March 2018.
- d) E mail from Susan Deakin to Terry Burns dated 21st April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

For Condition 57 (Biodiversity Management Plan) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
- c) Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
- d) Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

As amended by Planning permission ESS/97/21/TEN and accompanying:

- a) Planning application form from R. W. Mitchell and Sons dated 05/11/21.
- b) Letter from Matthews and Son LLP dated 05/11/21.
- c) Susan Deakin Ecology report entitled "Appendix 1, Elmstead Hall Irrigation Reservoir, Elmstead, Planning Permission Ess/24/715/Ten 1.11.2016; Application For Variation Of Planning Condition, Planning Considerations And Approved Schemes, Statement Concerning Ecological Considerations" dated 03/11/21.
- d) Drwg No: 1003/L entitled "Location Plan" dated 05/11/14.

As amended by Planning permission ESS/105/21/TEN and accompanying:

- a) Planning application form R. W. Mitchell and Sons dated 02/12/21.
- b) "Planning Application and Supporting Statement" dated 02/12/21.
- c) Drwg No: SP1174-LAYOUT-01D entitled "Elmstead Plant Upgrade Layout" dated 02/11/20.
- d) Drwg No: 1003/O/2 v1 entitled "Illustrative Operations Plan" dated 02/12/21.

#### Availability of Plans

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

#### Protection of Existing Trees and Perimeter Vegetation

4. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
5. The protection of trees on the site shall be carried out in accordance with the details of the Tree Protection scheme approved on 23<sup>rd</sup> April 2018 under Condition 6 of planning permission reference ESS/23/14/TEN. The approved details of the Tree Protection scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 6.

#### Boundaries and Site Security

6. The operator shall maintain and make stock proof the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing for the duration of the development and aftercare period.
7. No soil stripping shall take place until the footprint of the excavation area and those areas to be disturbed in the course of the reservoir construction have been physically pegged out. Those markers that can be retained during the course of the development to maintain demarcation boundaries shall be retained for that period.

#### Ecological Interest

8. The protection of Ecological Interest on the site shall be carried out in accordance with the details of the Ecological Interest scheme approved on 23<sup>rd</sup> April 2018 under Condition 9 of planning permission reference ESS/23/14/TEN. The approved details of the Ecological Interest scheme comprise:

a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

#### Bird Nesting

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

#### Archaeology

10. The protection of Archaeological Interests on the site shall be carried out in accordance with the details of the Archaeological scheme approved on 23<sup>rd</sup> April 2018 under Condition 11 of planning permission reference ESS/23/14/TEN. The approved details of the Archaeological scheme comprise:

a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

#### Processing Plant

11. No processing plant shall be brought onto the application land until the "Plant Area" as shown on Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016, has been prepared and is available to accommodate the processing plant.

#### Limits of Extraction

12. No excavation shall be carried out deeper than 8 metres below existing ground level as provided for in paragraph 3.11.6 of the Environmental Statement and as shown on Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015.

#### Topographical surveys

13. A survey of site levels shall be carried out at intervals of not less than every 12 months, starting from the date on which soil stripping commences. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

#### Vehicle Routeing

14. The Vehicle Routeing scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 15 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Routeing comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 15.

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

16. The Vehicle Monitoring scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 17 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Monitoring comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.

- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 17.

#### Highway Cleanliness

17. No mud or dirt shall be carried out onto Tye Road by vehicles using the site.

#### Haul Road maintenance

18. The internal haul road shall be maintained with a compacted bound surface/or tarmaced and maintained in good condition throughout the reservoir construction period as provided for in para 3.6.3 of section 3.6 on Access of Volume 1 of the Environmental Statement.

#### HGV Movements

19. 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 Saturdays: 80 movements (40 in/40 out)

Sundays and Bank/Public Holidays: none

#### Sheeting Vehicles

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

#### Vehicle Maintenance

21. No servicing, maintenance or testing of vehicles or plant shall take place other than within the excavation void area. (For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

#### Construction Environmental Management Plan (CEMP): Biodiversity

22. The Construction Environmental Management Plan (CEMP): Biodiversity scheme for the site shall be carried out in accordance with the details of the CEMP approved on 12<sup>TH</sup> May 2020 under Condition 23 of planning permission reference ESS/23/14/TEN. The approved details of the CEMP comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 23.
  - c) Appendix 2 entitled "Construction Equipment Management Plan" REV .1 October 2019 dated October 2019.
23. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of biodiversity protection zones;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the

- h) Use of protective fences, exclusion barriers and warning signs.

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

#### Scheme of Working

24. The Scheme of Working for the site shall be carried out in accordance with the details of the scheme of working approved on 26<sup>th</sup> September 2019 under Condition 24 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 24.
  - c) Appendix 4 entitled "Processing Plant/Screening Details and Lighting" as depicted on Drwg No: SP1044-Layout-01 entitled "Washing Plant Layout" dated 19/12/18.
  - d) Appendix 5 entitled "Water Pump details"
  - e) Appendix 6 entitled "Illustrative Cross -Sections" and Drwg No; 1003/CS/1 entitled "Illustrative Cross Sections – During Operations" dated 05/03/2019.

#### Sale of Aggregate

25. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the quarry.

### ENVIRONMENTAL PROTECTION

#### Hours of Operation

26. 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.

#### Importation

27. No materials for infilling or excavated materials, including minerals, shall be imported to the site other than clays for site lining purposes.



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Rubbish

28. 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.

Burning

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

Lighting

30. The Lighting scheme for the site shall be carried out in accordance with the details of the lighting scheme approved on 12<sup>th</sup> May 2020 under Condition 30 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
  - c) Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

Noise – Monitoring

31. The Noise Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 31 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

Noise – Temporary Operations

32. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 33 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.

#### Noise – Normal Operating Levels

33. 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/24/15/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Holly way	49 dB
Parsonage Farm	48 dB
Elmstead Hall & Cottages	48 dB
Mount Pleasant Cottages	47 dB
Allen's Farm	47 dB
Balls Farm	48 dB
Fen Farm	55 dB
Fern Villa	54 dB
Edwinstone	48 dB
Friars Hall	48 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.

#### Loudspeakers

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

#### Reversing alarms

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

#### Dust

36. The Dust Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under

Condition 36 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 36.
- c) E-mail from Douglas Symes to Terry Burns dated 16th October 2017 at 13:29.

#### Groundwater monitoring

37. The Groundwater Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 37 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.
- c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;
- d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and
- e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

#### Surface Water Drainage and Pollution Protection

38. 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.
39. 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;
- a) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;

- b) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and
  - c) 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.)
40. 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).
41. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.
42. 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.

#### Fixed Plant and Buildings

43. 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.

#### Handling and Storage of Soil and Soil Forming Material

44. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped (The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level).
45. 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.
46. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.
47. 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 soils 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.)

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48. All suitable soils and soil-making material shall be recovered where practicable during the stripping or excavation operations and separately stored.
49. The Soil Handling and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 49 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.
  - c) Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.
50. The topsoil, subsoil, and soil-making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.
51. The Soil Movement and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 51 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.
52. Such precautions unless as may be necessary to prevent the mixing of the soil types with any overlap of soil types in a storage mound be kept to the minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan so that it can be easily located at mound removal stage.
53. All soil and soil forming material storage mounds, together with all areas that remain unworked, or have been restored, shall be kept free of weeds and all

necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

54. An annual report, together with plans at a scale to be agreed with the Mineral Planning Authority, setting out the previous year's soil movement and restoration shall be submitted by 31st December each year, or such other date as may be agreed in writing with the Mineral Planning Authority.

#### Restoration

55. The Revised Restoration scheme for the site shall be carried out in accordance with the details of the scheme approved on 6<sup>th</sup> April 2021 under Condition 55 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 55.
  - c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
  - d) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated November 2019 as it relates to Condition 55.
  - e) Plan No: 1003/CS/2 V1 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12/05/15.
  - f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled "Proposed Access" dated 27/03/21.

#### Landscaping

56. The Landscaping scheme for the site shall be carried out in accordance with the details of the landscaping scheme approved on 23<sup>rd</sup> April 2018 under Condition 56 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 56.

- c) E mail from Douglas Symes to Terry Burns dated 9th April 2018 at 12:41 and accompanying "Elmstead Hall Reservoir Landscape Management Plan" Version: Doc\_601\_005 dated 29th March 2018.
  - d) E mail from Susan Deakin to Terry Burns dated 21st April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.
57. 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.

#### Biodiversity Management Plan

58. The Biodiversity Management Plan for the site shall be carried out in accordance with the details of the Management Plan approved on 12<sup>th</sup> May 2020 under Condition 58 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- e. The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - f. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
  - g. Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
  - h. Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

#### Amenity Aftercare

59. Within one year of the date of the commencement of site preparation works as provided for by Condition 1 of this permission a wetland/woodland aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a reservoir and associated wetland/woodland habitat shall be submitted for the approval of the Mineral Planning Authority. The wetland/woodland 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 wetland 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 wetland 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.

#### Cessation

60. 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 extraction 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 55 - 59 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.

#### **5. Dollymans Farm, Doublegate Lane, Rawreth, Wickford**



The Committee considered report DR/02/22, by the Chief Planning Officer, concerning Dollymans Farm, Doublegate Lane, Rawreth, Wickford.

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

- The Environment Agency had made an unannounced visit and discovered the void, then reported this to Essex County Council. The Environment Agency and Essex County Council maintained a close relationship on enforcement matters.
- The Enforcement Notice came into effect on Friday 28 January, and no appeal had been lodged, as far as officers were aware.
- The railway to the south of the site was not close to the void, therefore, there had been no impact upon the railway network.
- It was noted that the 12-month restoration period would run alongside the overarching 10-year planning permission, which included the requirement to restore the site.
- It was believed that the material removed was clay, and that the void would be restored using inert waste.

The Committee NOTED the report.

**6. Report on the Programme of Periodic Review of Mineral Planning Permissions**

The Committee considered report DR/03/22, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

Members noted the addendum to the agenda.

The Committee NOTED the report.

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

The Committee considered report DR/04/21; applications, enforcement and appeals statistics, as at the end of November 2021.

The Committee NOTED the report.

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

The Committee considered report DR/05/21; applications, enforcement and appeals statistics, as at the previous month.

The Committee NOTED the report.

**9. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 25 February 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:13am.