

**DR/35/20**

**Report to:** DEVELOPMENT & REGULATION (27 November 2020)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Continuation of development permitted by ESS/03/18/BTE without compliance with condition 9d (operational hours for the dry silo plant mortar [DSM]) to allow extended week day hours for the DSM between 06:00 to 07:00 and 18:30 to 22:00 Monday to Friday for the life of the development following the 12 month trial period originally granted under planning permission ESS/20/17/BTE. ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)"

**Ref:** ESS/35/20/BTE

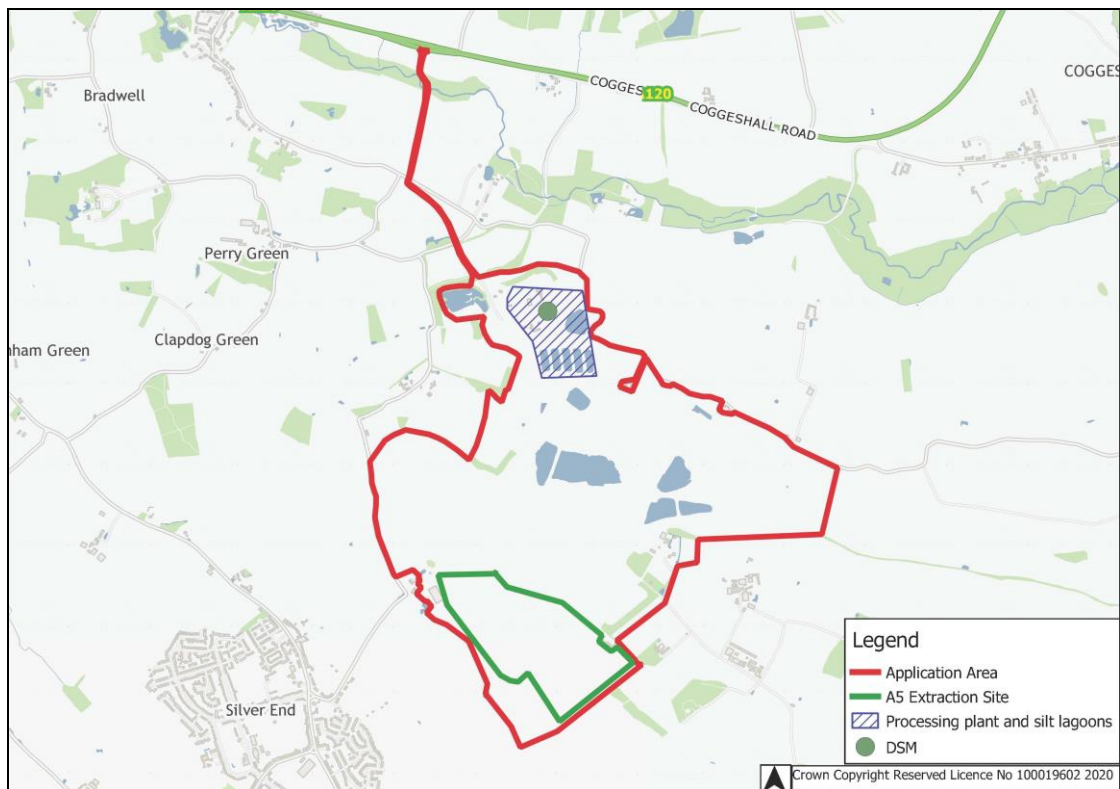
**Applicant:** Blackwater Aggregates

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

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

**Enquiries to:** Claire Tomalin Tel: 03330 136821

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



## 1. BACKGROUND

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

## 2. SITE

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

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

## 3. PROPOSAL

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

## 4. LATEST POSITION REGARDING THE LEGAL AGREEMENT

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

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

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

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

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

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

## **5. RECOMMENDED**

That planning permission be granted subject to:

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

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE - Braintree Eastern  
BRAINTREE - Witham Northern