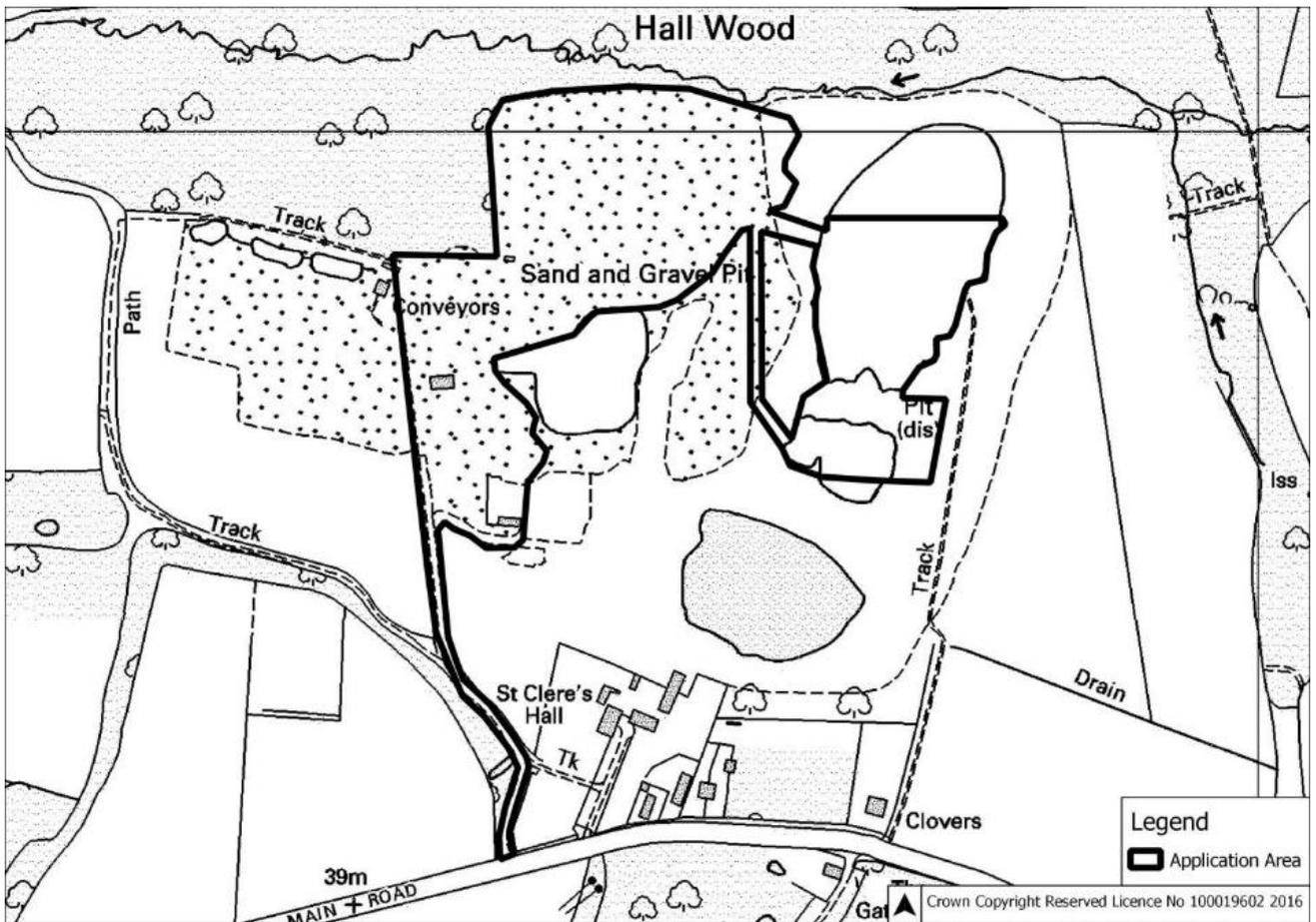
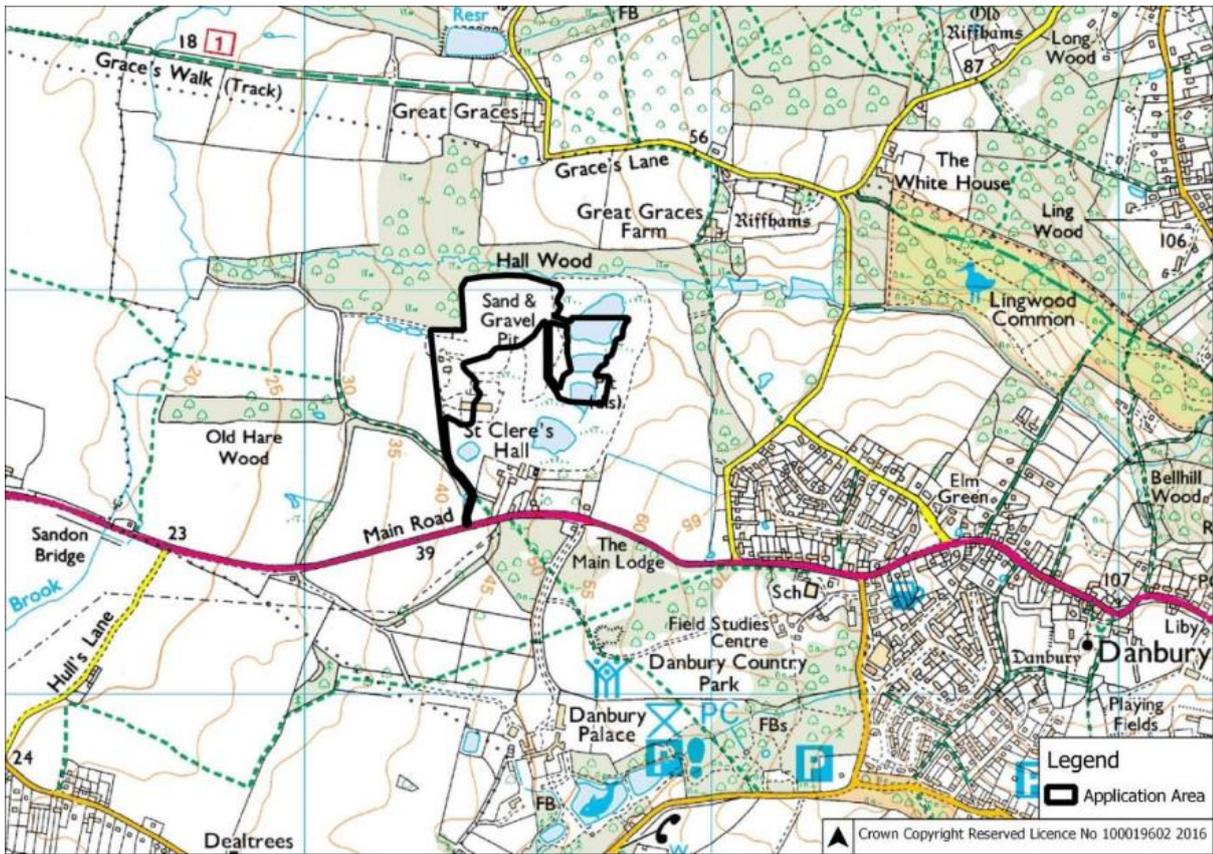


DR/34/20**Report to:** DEVELOPMENT & REGULATION (27th November 2020)**Proposal:** MINERALS AND WASTE DEVELOPMENT

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

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



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

1. BACKGROUND AND SITE

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

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

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

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

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

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

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

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

2. PROPOSAL

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

PLANNING HISTORY Royal Oak Quarry

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

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

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

St Clere's Hall Pit

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

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

Original Mineral Working Area

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

Western Quarry Extension

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

Infill

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

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

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

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

BACKGROUND AND DEVELOPMENT RATIONALE

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

Condition 2 – Cessation Dates

The following cessation dates shall apply:

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

Commentary:

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

Condition 3 – Cessation Date etc

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

Commentary:

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

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

Commentary:

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

Condition 14 - Site noise monitoring

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

Commentary:

A scheme is submitted as a part of this planning application

Condition 37 – Revised Restoration

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

Commentary:

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

Condition 40 – Amenity Aftercare

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

Commentary:

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

PROPOSAL

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

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

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

Condition 2 – Cessation Dates

The following cessation dates shall apply:

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

Condition 3 – Cessation Date etc

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

Condition 10 - HGV wheel and underside chassis cleaning facilities

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

Condition 14 - Site noise monitoring

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

Condition 37 – Revised Restoration

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

Condition 40 – Amenity Aftercare

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

FOR APPLICATION ESS/50/19/CHL –

The applicant states:

BACKGROUND AND DEVELOPMENT RATIONALE

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

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

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

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

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

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

PROPOSAL

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

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

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

3. POLICIES

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

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

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

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

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

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

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

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

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

iii) Policy S11 “Access and Transportation”

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

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

iv) Policy S12 “Mineral Site Restoration and Afteruse”

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

v) Policy DM1 “Development Management Criteria”

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

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

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

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

ii) Policy CP10 - Protection from Flooding

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

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

iii) Policy CP12 – Protecting and Enhancing Recreational Provision

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

iv) Policy CP13 - Minimising Environmental Impact

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

v) Policy CP14 – Environmental Quality and Landscape Character

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

vi) Policy DC4 - Protecting Existing Amenity

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

vii) Policy DC13 - Sites of Biodiversity and Geological Value

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

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

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

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

viii) Policy DC14 - Protected Trees and Hedges

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

ix) Policy DC16 - Development Adjacent to Watercourses

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

x) Policy DC18 - Listed Buildings

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

xi) Policy DC21 – Archaeology

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

xii) Policy DC22 - Areas of Flood Risk

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

xiii) Policy DC28 - Air Quality

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

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

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

xv) Policy DC29 - Amenity and Pollution

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

xvi) Policy DC41 - Traffic Management Measures

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

National Planning Policy Framework

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning

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

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

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

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

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

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

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

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

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

4. CONSULTATIONS

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

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

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

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

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

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

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

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

PLACE SERVICES (ABORICULTURE) – No objection.

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

The County Ecologist also notes:

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

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

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

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

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

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

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

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

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

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

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

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

PLACE SERVICES (HISTORIC BUILDINGS) – No objection.

PLACE SERVICES (HISTORIC ENVIRONMENT) – No objection.

PLACE SERVICES (URBAN DESIGN) – No objection.

DANBURY PARISH COUNCIL – The Parish comment as follows;

ESS 49/19/CHL and ESS 50/19/CHL: *“The Parish Council strongly objects to applications ESS/50/19/CHL/SO and ESS/49/19/CHL/SO. It is unacceptable to postpone the restoration of the St Clere’s Site for a further eight years and extensions should not be approved, particularly without compliance to conditions. The continuation of pit traffic to 2029 is unacceptable.*

There are ongoing issues around large vehicle movements through Danbury including traffic, speed, noise, vibration and pollution, with debris being left on the highway and footways (particularly at the Royal Oak end). The traffic situation through Danbury has been further exacerbated since the previous application by the current and proposed major housing developments in Maldon. There is an Air Quality Management Area along the route and if the proposed transport routes for the early year’s phases of the construction of Bradwell B go ahead, there will be another increase in HGV traffic. If it is considered economically essential to continue working the Royal Oak pit, any necessary processing equipment should be provided on that site and the washing of debris from lorries etc before leaving the site must be more effective. Processing on the Royal Oak site would allow the long overdue restoration of the St Clere’s site.”

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

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

5. REPRESENTATIONS

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

Observation

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

Comment

See appraisal

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

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

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

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

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

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

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

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

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

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

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

See appraisal

See appraisal

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

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

See appraisal

6. APPRAISAL

The principal issues considered in respect of this proposal are:

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

A APPROPRIATENESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B LANDSCAPE AND VISUAL

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

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

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

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

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

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

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

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

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

C TRAFFIC/NOISE

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

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

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

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

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

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

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

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

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

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

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

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

D OTHER CONDITION AMENDMENTS

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

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

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

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

E GENERAL

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

7. CONCLUSION

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

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

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

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

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

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

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

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

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

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

8. RECOMMENDED

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

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

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

And

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

For ESS/49/19/CHL

Commencement and Duration

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

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

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

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

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

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

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

Approved Details

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

As amended by:

- (B) Planning Application ESS/01/14/CHL dated 19 December 2013 comprising:
- (i) Drawing reference Location Plan dated January 2009,
 - (ii) Proposals Plan dated January 2014,
 - (iii) Application Plan dated February 2012;
 - (iv) Letters from Matthew and Son LLP dated 19th December 2013 and 7th January 2014,
 - (v) Supporting Statement dated December 2013.

As amended by:

- (C) Planning Application ESS/32/16/CHL dated 22/07/16 comprising:
- (i) Covering letter from Matthews and Son LLP dated 22nd July 2016,
 - (ii) Planning Supporting Statement forming Section 2 of the supporting documentation entitled "St Cleres Hall Pit Planning Application to Vary Conditions to Planning Consent ESS/01/14/CHL" undated,

And accompanying drawing numbers:

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

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

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

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

As amended by:

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

And accompanying drawing numbers:

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

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

Availability of Plans

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

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

Importation

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

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

ECOLOGICAL MITIGATION AND ENHANCEMENT.

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

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

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

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

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

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

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

CONFIRMATION OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT
CRESTED NEWT

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

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

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

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

Environmental Protection
Hours of Operation

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

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

Highway Cleanliness

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

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

Wheel Cleaning

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

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

HGV Movements

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

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

Sundays and Bank/Public Holidays: none

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

Monitoring Vehicle Movements

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

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

Sheeting Vehicles

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

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

Noise – Monitoring

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

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

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

Noise – Temporary Operations

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

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

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

Noise - Normal Levels

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

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

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

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

Silencers

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

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

Reversing alarms

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

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

Dust Suppression

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

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

Lighting

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

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

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

Lighting Times

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

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

Fixed Plant and Buildings

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

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

Burning

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

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

Rubbish

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

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

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

Surface Water Drainage and Pollution Protection

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

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

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

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

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

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

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

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

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

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

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

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

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

Tipping Restrictions

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

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

Handling and Storage of Soil and Soil Forming Material

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

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

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

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

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

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

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

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

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

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

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

Local Plan Adopted July 2014 and the National Planning Policy Framework Technical Guidance on Restoration and Aftercare of mineral sites.

Restoration

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

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

Landscaping

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

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

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

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

Amenity Aftercare

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

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

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

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

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

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

Cessation

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

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

(ii) For ESS/32/16/CHL

Commencement and Duration

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

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

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

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

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

Approved Details

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

As amended by:

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

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

Availability of Plans

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

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

Environmental Protection Hours of Operation

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

between the following times: -

0700 – 1800 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

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

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

Highway Cleanliness

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

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

HGV Movements

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

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

Saturdays: 27 movements (13 in/13 out)

Sundays and Bank/Public Holidays: none

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

Monitoring Vehicle Movements

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

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

Sheeting Vehicles

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

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

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION
LOCAL MEMBER – CHELMER – DANBURY