



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 18 December 2020</b>	<b>Online Meeting</b>
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

**For information about the meeting please ask for:**

Sophie Campion, Democratic Services Officer

**Telephone:** 033301 31642

**Email:** democratic.services@essex.gov.uk

### Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

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

#### How to take part in/watch the meeting:

**Participants:** (Officers and Members) will have received a personal email with their login details for the meeting. Contact the Democratic Services Officer if you have not received your login.

#### Members of the public:

##### Online:

You will need to visit the ECC Democracy YouTube Channel

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If you wish to address the Committee, you should contact the Democratic Services Officer preferably by email at [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting. If you cannot email then you can telephone 033301 31642 or 033301 39825, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

## **Accessing Documents**

If you have a need for documents in, large print, Braille, on disk or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, [www.essex.gov.uk](http://www.essex.gov.uk). From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

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

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes</b>	<b>6 - 75</b>
	To approve the minutes of the meeting held on 27 November 2020.	
<b>3</b>	<b>Identification of Items Involving Public Speaking</b>	
	To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email <a href="mailto:democratic.services@essex.gov.uk">democratic.services@essex.gov.uk</a> no later than 5pm on Tuesday before the meeting.	
<b>4</b>	<b>Minerals and Waste</b>	

<b>4.1</b>	<b>Highwood Quarry, Great Dunmow</b>	<b>76 - 108</b>
	<p>To consider report DR/42/20, relating to the:</p> <ul style="list-style-type: none"> <li>• Continuation of planning permission ref. ESS/20/18/UTT without compliance with Conditions 4, 67 and 69 (Hours of operation) to allow heavy goods vehicles to travel off site between the hours 0600 and 0700 Monday to Saturday. Ref: ESS/16/20/UTT</li> <li>• Continuation of planning permission ref. ESS/21/18UTT without compliance with condition 4, 6, 17 and 19 (Hours of operation) to allow heavy goods vehicles to travel offsite between the hours 0600 and 0700 Monday to Saturday. Ref: ESS/17/20/UTT</li> </ul> <p><b>Location:</b> Highwood Quarry, Stortford Road, Great Dunmow, Essex, CM6 1SL  <b>Ref:</b> ESS/16/20/UTT &amp; ESS/17/20/UTT</p>	
<b>5</b>	<b>County Council Development</b>	
<b>5.1</b>	<b>Dunton Fields Early Years Centre, Laindon</b>	<b>109 - 137</b>
	<p>To consider report DR/43/20, relating to the construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure.</p> <p><b>Location:</b> Dunton Fields Early Years Centre, Land off Warwick Crescent, Laindon, Basildon, SS15 6LW  <b>Ref:</b> CC/BAS/33/20</p>	
<b>6</b>	<b>Enforcement</b>	
<b>6.1</b>	<b>Enforcement Service Update</b>	<b>138 - 140</b>
	<p>To consider report DR/44/20, relating to temporary relaxation of response target times to respond to complaints/carry out site investigations.</p>	
<b>7</b>	<b>Information Items</b>	
<b>7.1</b>	<b>Applications, Enforcement and Appeals Statistics</b>	<b>141 - 142</b>
	<p>To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.  Report DR/45/20</p>	

**8 Date of Next Meeting**

To note that the next meeting is scheduled for Friday 22 January 2021.

**9 Urgent Business**

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

**Exempt Items**

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

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

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

**10 Urgent Exempt Business**

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

## Agenda item 1

**Committee:** Development and Regulation Committee

**Enquiries to:** Sophie Campion, Democratic Services Officer

### **Membership, Apologies, Substitutions and Declarations of Interest**

#### **Recommendations:**

To note

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

#### **Membership**

(Quorum: 3)

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

## Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 27 November 2020

### Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr J Aldridge	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe
Cllr S Hillier	Cllr A Wood

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

Apologies were received from Cllr M Mackrory, Cllr D Blackwell and Cllr B Aspinell, substituted by Cllr A Wood.

There were no declarations of interest.

### 2. Minutes

The minutes of the meeting held on 23 October 2020 were agreed as a correct record.

### 3. Identification of Items Involving Public Speaking

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

#### 1) Land at St Cleres Hall Pit, Danbury

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

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

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

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

Public speakers: Mr Simon Chaffe, speaking for

#### 4. Land at St Cleres Hall Pit, Danbury

The Committee considered report DR/34/20 by the Chief Planning Officer.

Members noted the addendum to the agenda. In particular relating to the Chelmsford Local Plan having been adopted in May 2020, amendments to the proposed conditions and that no objection had been raised by the Environment Agency.

Policies relevant to the application were detailed in the report and Addendum.

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

The Committee noted the key issues:

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

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

- Clarified that to their knowledge less than 100,000 tonnes of minerals remained at the site.
- The processing plant would be retained at St Clere's Hall Pit rather than relocate to Royal Oak Quarry for reasons explained in the report.
- The current and separate planning permission for infilling the void granted in 2011 required development to start within 5 years and last for a further 12 years with the latest date for completion of operations being 2028. However development under the terms of the planning permission in the form of recycling started in 2013 therefore making the latest date for completion of operations 2025.
- Upon grant of the 2011 planning permission, work commenced on the licence required to translocate Great Crested Newts (GCN), but not on the permit to infill the void as it was not known how long it would take to gain the GCN Licence. The annual subsistence costs for holding an infill permit that could not be operated were prohibitive.
- The time taken to gain the permit from the Environment Agency (EA) to infill the void had taken far longer than expected.
- The key dates for the infill permit process were summarised with two significant alterations to information requirements. The second of which had raised technical concerns which were the subject of discussions with the EA. If these concerns could be resolved to meet the submission deadline of the end of January 2021, it was hoped that the necessary EA permit would be issued in 2021 and infilling could commence with restoration being completed during 2033.

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

- The amount of waste generated for infill was less due to recycling. The material has to be bid for and purchased and brought on site.
- Any issues reported relating to noise would be taken up with the operator.

- Concern was raised regarding the debris on the road from the site. It was confirmed that a wheel wash had been fully installed at the Royal Oak site and the concreted track was being monitored over the winter. Any reported issues would be taken up with the operator.
- The GCNs had already been translocated with fencing around. The ecologists had been on site to monitor and the EA licence was in place.
- Historically the void had not been infilled during the extraction process for various reasons. Infilling along the way sterilises access to the existing minerals on the site. It can be done on some types of site. The GCNs have to be translocated and kept away from the site and the licence renewed. The permitting legislation coming in had also had a delaying effect.
- It was hoped that pressure could come from representative organisations such as the Minerals Planning Association to approach the EA concerning the time being taken to issue permits and the implications this had on the land use planning through such delay.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed and seconded. Following a unanimous vote of ten in favour, it was

### **Resolved**

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

- (1) For Planning permission ESS/49/19/CHL and ESS/50/19CHL the prior completion of an appropriate Section 106 legal agreement/Deed of Variation under the Town and Country Planning Act 1990 (as amended) to provide for the carry-over of the extant provision requiring the applicant to:
  - (i) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing No 2500/DT/MPB/1 entitled "St Cleres Hall Pit Overarching Restoration Plan" dated June 2016 and to ensure that this will apply for a minimum period of 15 years beyond the statutory five year aftercare period i.e. a minimum total of 20 years

And

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

### **For ESS/49/19/CHL**

#### **Commencement and Duration**

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



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

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

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site having regard to Policy DM1 of the Essex Minerals Local Plan (Adopted July 2014).

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 4<sup>th</sup> 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 5<sup>th</sup> 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.

#### 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 DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 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 4<sup>th</sup> March 2013 under planning permission ref ESS/63/10/CHL dated 16<sup>th</sup> 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 Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### 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 19 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
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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 12 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 DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) 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 40 - 43 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/50/19/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).

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 16<sup>th</sup> 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.

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 Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### 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 Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017)

#### 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.

### 5. Bradwell Quarry, Bradwell

The Committee considered report DR/35/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted in May 2020 to vary the conditions of planning permission ESS/03/18/BTE to allow amended operational hours for the dry silo mortar plant at Bradwell Quarry, subject to a legal agreement and conditions.

The Committee noted the current position as set out in the Addendum that ECC and the applicant have agreed the form of the proposed deed of variation but further progress is dependent on any comments from other various parties and whether they give rise to any issues.

The Committee noted that an extension of time was sought to allow sufficient time for completion of the legal agreement. A period of 12 months was recommended which is a longer period than the planning authority would normally recommend, however such a period reflects the uncertainty of disruption continuing to be caused by the Covid19 pandemic and the number of parties involved in signing the agreement.

The resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

#### Resolved

That planning permission be granted subject to:

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

#### Conditions for ESS/35/20/BTE

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
  - Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
  - Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
  - Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
  - Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
  - Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
  - Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM
  - Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Ste A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
  - Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
  - Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
  - Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
  - Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
  - Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS\_03\_18\_BTE Additional Info Noise Response\_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative
  - Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
  - Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance

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

together with drawing numbers as follows:

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

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

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

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

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

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

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

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

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1*

and DM4 and BDLPR policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84 and RLP 86 and RLP 101 and BCS policies CS5, CS8 and CS9.

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

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

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

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

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

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

**Reason:** To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5, CS8 and CS9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and at no other times.

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

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

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

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

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

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

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

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

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

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

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



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

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

294 movements (147 in and 147 out) per day Saturdays

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

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

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

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

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

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

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

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

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

19. The development hereby permitted shall be implemented in accordance with the details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from

Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the haul road for the duration of the development hereby permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) During periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring,
- b) During periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring,
- c) During periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring, and
- d) During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 noise levels shall be monitored 3 monthly intervals at noise sensitive properties as listed in Condition 21 and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34. Advanced hedgerow and woodland planting shall be in accordance with Drawing A5 - 22 Rev B and in accordance with planting details set out in letter from Honace dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow

and Woodland Planting. The advanced planting shall be carried out in the first available planting season following the date of this planning permission.

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

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

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

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

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

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

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

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

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

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

38. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) for Site A5 approved on 12 August 2019 under condition 38 of planning permission ESS/03/18/BTE. The

approved Construction Environmental Management Plan (CEMP) for Site A5 is set out in the application for approval of details reserved by condition (ESS/03/18/BTE/38/1) dated 3 September 2018 and the following documents and drawings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44. The seeding and maintenance of soil bunds established around Sites A3 and A4 shall continue to be maintained in accordance with the details approved on 19 February 2018 under condition 40 of planning permission ESS/07/16/BTE. The approved seeding and maintenance of soil bund details are set out in the application for approval of details reserved by condition dated 2 February 2018 and statement entitled "Condition 40: Bund Seeding and Maintenance". Following the establishment of new bunds around the perimeter of Site A5, bund seeding and maintenance shall



be carried out in accordance with the details within the Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance.

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

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

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

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

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

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

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

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

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

- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in

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

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

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

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

50. a) Recording and publication of the archaeological investigation within site A2 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated August 2011.
- b) Recording and publication of archaeological investigation for Phase 1 of Site A4 shall be in accordance with "The Written Scheme of Investigation for Archaeological Excavation, Monitoring & Recording" (WSI) prepared by ECC Field Archaeological Unit dated July 2014 (Ref. 8237).
- c) The development hereby permitted shall be in accordance with the scheme and programme of archaeological investigation and recording for Site A4 Phases 2 to 4 and Site A3 Phases 1 and 2 approved on 10 August 2015 under condition 49c of planning permission ESS/24/14/BTE. The approved scheme and programme of archaeological investigation and recording is set out in the application for approval of details reserved by condition dated 3 August 2015 (reference ESS/24/14/BTE/49c/1) and the document "Project Design for Archaeological Strip, Map & Sample" prepared by Archaeology South East dated July 2015 Ref. ASE Project no. 8437 – Site Code: BDAF12.

***Reason:** To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy*

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*DM1 and BDLPR policies RLP 105 and RLP 106.*

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

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

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

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

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

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

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

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

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

Planning Authority with 14 days of a written request.

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

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

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

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

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

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

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

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

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

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

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning

Authority not later than two months prior to the annual Aftercare meeting.

- c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69. In the event that restoration of sites A3 and A4 is to be restored to the Higher Level Restoration scheme, the High Level Restoration Scheme shall be implemented in accordance with the details approved on 3 September 2020 under condition 69 of planning permission ESS/18/03/BTE. The approved Higher Level Restoration scheme details are set out in the application for approval of details reserved by condition (ESS/0318/BTE/69/01) dated 15 June 2020 and the following documents

- HL-0 Letter to Essex County Council dated 19 June 2020 - c69 Higher Level -

Statement 2020-06 A.1

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

And drawings

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

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

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

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

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

70. In the event that mineral extraction operations within Bradwell Quarry cease, prior to the 31 December 2021 a restoration and 5 year aftercare scheme for the processing plant area of Bradwell Quarry shall be submitted to the Mineral Planning Authority for approval in writing. The restoration scheme shall incorporate those features described with paragraph 3.11.8 of the Planning Application Supporting Statement for Site A5. The restoration and aftercare scheme shall be implemented in accordance with the approved details and the restoration completed by 31 December 2021.

*Reason: To ensure the site is restored in a timely manner to a beneficial afteruse incorporating areas for biodiversity. Also to minimise the impact on local amenity and*

*landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.*

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

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

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

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

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

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

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

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



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

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

## **6. Wivenhoe Quarry, Land to the South of Colchester, Main Road, Alresford**

The Committee considered report DR/36/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted on this application in November 2019, subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). There was a requirement for the legal agreement be finalised within six months of the resolution.

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

The Committee noted the current position as set out in the report and that a draft of the agreement had been circulated and was in its final form.

The resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

### **Resolved**

That planning permission be granted subject to:

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

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

And conditions covering the following matters:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
  - UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
  - W328-00062-13-D dated 21/10/19 – Cross Sections
  - W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
  - W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
  - W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
  - W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
  - W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
  - W328-00062-07-D dated 21/10/19 – Plant Site Elevations
  - W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
  - W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
  - W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
  - W328-00062-03-D dated 21/08/19 – Proposed Working Plan
  - W328-00062-02-D dated 21/10/19 – Existing Situation
  - W328-00062-01-D dated 21/10/19 – Location Plan
  - 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

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

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

- Economic Statement by David L Walker Limited dated June 2018;
- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4<sup>th</sup> December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;

- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
  - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
  - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
  - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
  - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

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

- 2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
- 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
- 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
- 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
- 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
- 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
- 8 – Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
- 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018
- 11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-0992-RP11-Final by Crestwood Environmental Ltd dated 23 May 2018

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

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals Planning Authority,

except as varied by the following conditions:

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Minerals Local Plan 2014*

*Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.*

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

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

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

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

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented in accordance with the approved revised scheme of restoration and aftercare.

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

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

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

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

or on Sundays or Bank or Public Holidays.

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

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

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

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

or on Sundays or Bank or Public Holidays.

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

0800 hours to 1600 hours Monday to Friday,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan*

*Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.*

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

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

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

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

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

12. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.
  - f) Timing and duration of monitoring.
  - g) Responsible persons and lines of communication.
  - h) Review, and where appropriate, publication of results and outcomes.
  - i) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19)).

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

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

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

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



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

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

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

The CEMP shall include the following:

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

The CEMP should take into account of the following:

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

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

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

15. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

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

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

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

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

*Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1,*

*Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

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

The content of the LEMP shall include the following:

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

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

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

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing

hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

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

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

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

20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Minerals Planning Authority.

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

21. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of

the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

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

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

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

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

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

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

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

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

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

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall

contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

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

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

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

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

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

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

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

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

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

30. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

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

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

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

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

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

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

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

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

approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

- e) Monitoring during typical working hours with the main items of plant and machinery in operation;
- f) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;
- g) Complaints procedures;
- h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
- i) Procedures for characterising extraneous versus site attributable noise if required;
- j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

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

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

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

42. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

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

43. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

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

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

44. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

*Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.*

45. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Minerals Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.*

46. No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

*Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

47. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

The development shall be implemented in accordance with the approved scheme.

*Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

48. No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

*Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

49. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

*Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

50. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

51. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

*Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

52. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

*Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:

- (a) During the months November to March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

*Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

*Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

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

*Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

55. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

*Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

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

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

*Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

57. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

*Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

58. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

*Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

59. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- a) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials;
- d) those areas from which it is proposed to strip soils in the following year; and
- e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

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

*Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

60. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

61. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

*Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

62. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

*Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

63. Unless otherwise agreed in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

*Reason: To disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

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

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.*

65. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

*Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.*

66. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

*Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

67. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to



and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

*Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

68. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.*

69. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

*Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.*

70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

*Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.*

#### **7. Report on the programme of Periodic Reviews of Mineral Planning Permissions**

The Committee considered report DR/37/20, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

#### **8. Land at Luxfield, Great Baddow**

The Committee considered report DR/38/20 by the Head of Legal to consider an application made by Great Baddow Parish Council under Section 15(8) of the Commons Act 2006 ("the 2006 Act") as amended, to register land at Luxfield, Great Baddow, Chelmsford as a Town or Village Green.

The Committee noted:

- The powers set out in section 15(8) of the 2006 Act allow an owner of land to voluntarily dedicate land as a town or village green by applying to have it included in the register of town or village green.
- The land is owned by Parish Council and the Council has resolved at one of its meetings to make the application to register the land as a village green.
- The application is compliant with the requirements of sections 15(8) and (9) of the 2006 Act. There is no reason for the application to be returned.

The resolution was proposed and seconded. Following a unanimous vote of 10 in favour, it was

#### **Resolved:**

That the application as amended be accepted and the land shown on the map at the front of report DR/38/20 be added to the Register of Town and Village Greens for the reasons set out in the report.

The new green will be VG 262.

#### **9. Enforcement of Planning Control – Quarterly Update**

The Committee considered report DR/39/20, updating members of enforcement matters for the period 1 July to 31 October 2020 (Quarterly Period 2).

The Committee NOTED the report.

#### **10. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/40/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

**11. Dates of Future Meetings**

The Committee considered DR/41/20, setting out the proposed meeting dates to the end of April 2022.

The Committee NOTED the report.

**12. Date of Next Meeting**

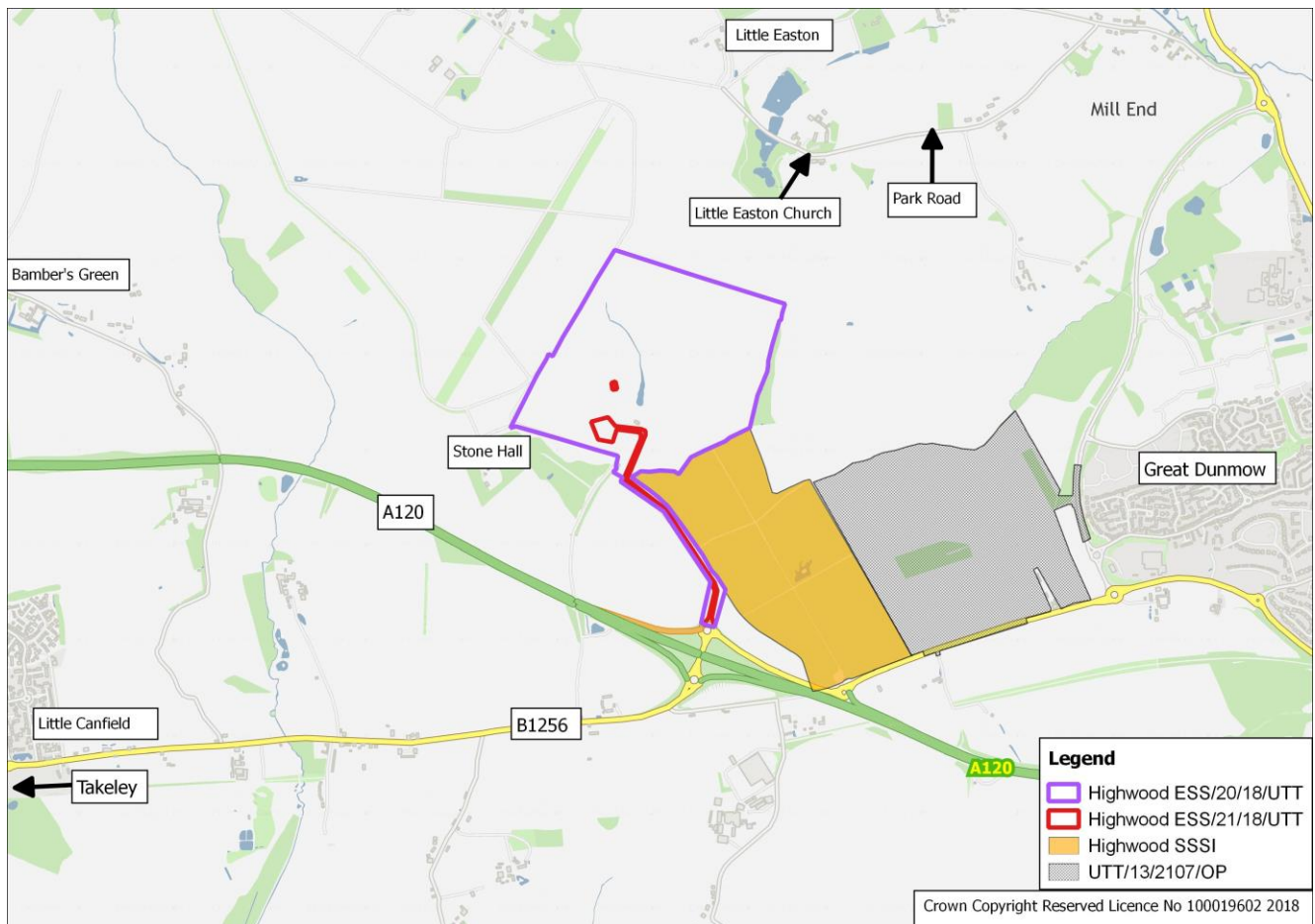
The Committee noted that the next meeting was scheduled for 10.30 am on Friday 18 December 2020, to be held as an online meeting.

There being no further business, the meeting closed at 11.27am

**DR/42/20****Report to:** DEVELOPMENT & REGULATION (18 December 2020)**Proposal:** MINERALS AND WASTE DEVELOPMENT

- 1) Continuation of the winning and working of sand and gravel, erection of a concrete plant, workshop and ancillary buildings, and the importation and treatment of inert material to produce secondary aggregate and reclamation material for progressive restoration to landscaped farmland originally permitted by planning permission ref. ESS/20/18/UTT without compliance with Conditions 4, 67 and 69 (Hours of operation) to allow heavy goods vehicles to travel off site between the hours 0600 and 0700 Monday to Saturday.  
Ref: ESS/16/20/UTT
- 2) Continuation of the Importation of 70,000m<sup>3</sup> per annum of inert waste and the installation and use of a soils washing plant for the recycling of waste, together with associated access onto the highway and a separate silt press as permitted by planning permission ref. ESS/21/18UTT without compliance with condition 4, 6, 17 and 19 (Hours of operation) to allow heavy goods vehicles to travel offsite between the hours 0600 and 0700 Monday to Saturday.

**Ref:** ESS/16/20/UTT & ESS/17/20/UTT**Applicant:** Sewells Reservoir Construction Limited**Location:** Highwood Quarry, Stortford Road, Great Dunmow, Essex, CM6 1SL**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND

In June 2020 the Committee previously considered a [report](#) with respect to two planning applications to vary the conditions of planning permissions ESS/18/20/UTT and ESS/21/18/UTT to allow loaded HGVs to leave the site between 6am and 7am at Highwood Quarry. The Committee resolved to grant planning permission for both applications, subject legal agreements and conditions.

## 2. SITE

Highwood Quarry is located south of Little Easton village on the redundant Easton Airfield, west of Great Dunmow. The site is accessed from the south by a purpose-built access road and access is directly onto the grade separated junction of the B1256 and A120(T).

The nearest residential property to the site is Stone Hall (Grade II Listed Building) located approximately 250m to the south west of the application site within woodland, currently unoccupied. B Lodge lies to the south of the extraction and is being used as office facilities for the mineral/waste operator. Little Easton village lies to the north, the church being approximately 1.2km from the minerals and waste processing yard. Properties on Stortford Road, Little Canfield south of the A120(T) are approximately 1km from the application site. Existing properties to the east in Great Dunmow are approximately 1.35km away from the site, although new housing is permitted such that once these properties are built the nearest property east of the site will be approximately 500m from the access road.

To the south east of the site and north east of the haul road is High Wood, an SSSI and an Ancient Woodland.

Little Easton Footpath 24 lies just south of the processing/extraction area and crosses the haul road.

The quarry/landfill and processing area lies within the parish of Little Easton, the access road and junction with the A1256 lie within Little Canfield Parish. The site does not lie within Gt Dunmow Town Council boundary, but the southern half of High Wood SSSI, is within the parish of Gt Dunmow

### **3. PROPOSAL**

The applications sought to allow HGVs to be able to leave the site between 6am and 7am Monday to Friday, but only for those deliveries being made west along the A120/M11 towards London. This is in addition to the normal operational hours.

A trial period of one year had originally been granted permission; these planning applications seek to make this change of hours permanent for the life of the mineral and waste development, currently 2026.

There would be no operation of mobile or fixed plant within the minerals/waste site until 7am. HGVs leaving the site would have been loaded the night before and parked in a forward facing direction to avoid the need for any reversing manoeuvres.

### **4. LATEST POSITION REGARDING THE LEGAL AGREEMENT**

The legal agreement associated with each permission is required for 2 reasons; firstly to ensure the previous legal obligations remain associated with the new planning permissions. Secondly to incorporate amendments to the previous obligations, namely clarifying that HGVs may only travel west on the A120 to the M11 and then onwards to London and when referring to London this is defined as anywhere within the M25.

To date the legal agreements/deed of variations have not been completed, although signed copies are expected to be received imminently.

Uttlesford District Council has commenced preparation of a new Local Plan with initial consultation on Issues and Options in October 2020, however the plan is at too early stage to have any weight. It is considered that there has not been any significant change in adopted planning policy and no new material planning considerations have arisen that would affect the June 2020 resolutions.

Until the deeds of variation are completed the planning permissions cannot be issued.

### **5. RECOMMENDED**

That planning permission be GRANTED subject to:

### **ESS/16/20/BTE**

1. The prior completion, within 3 months, of a deed of variation to the existing legal agreement to address the following:

1.1 To ensure the original legal agreement remains associated with new planning permission ESS16/20/UTT

1.2 To impose the following obligations:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. Planning permission subject to the conditions set out in Appendix A, updated if necessary where schemes are approved.

### **ESS/17/20/UTT**

1 The prior completion, within 3 months, of a Legal Agreement under the Planning to secure obligations covering the following matters:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. That planning permission subject to the conditions set out in Appendix B, updated if necessary where schemes are approved.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

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## **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**

UTTLESFORD - Dunmow  
UTTLESFORD - Thaxted



**Draft full conditions and reasons for ESS/16/20/UTT**

1. The development hereby permitted shall be begun before the expiry of 1 year from the date of this permission.

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

2. Written notification of the date of commencement of development under this planning permission shall be sent to the Mineral Planning Authority within 7 days of such commencement.

*Reason: To enable the Mineral Planning Authority to adequately control the development and to comply with Adopted Essex Minerals Local Plan 2014 (MLP) policies DM1 and S10 and Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).*

3. The development hereby permitted shall be carried out in accordance with the details of the application ESS/65/06/UTT dated 12 December 2006, together with:

<b><u>Description</u></b>	<b><u>Dated</u></b>
Environmental Statement – Non Technical Summary	Dec 2006
Environmental Statement – Volumes 1 & 2	Dec 2006
Email from Douglas Symes	20 Feb 2007 (07:36)
Letter & enclosures from Richard Jackson PLC	23 Feb 2007
Letter & enclosures from D K Symes Associates	9 Mar 2007
Air Quality Impact Assessment by RSK Environmental Ltd	Mar 2007
Hydro-geological risk assessment by Hafren Water Version 1.0	Mar 2007
Appraisal of Badger Activity	May 2007
Archaeological Evaluation by ECC Field Archaeology Unit	Jun 2007
Email from Douglas Symes with enclosures letter to Environment Agency dated 22/10/08 and letter to DK Symes from Hafren Water	11 Nov 2008 (10:50)
Additional Submission under Para. 19 from D K Symes Associates	Mar 2008
Additional Submission 2 from D K Symes Associates	15 September 2008
Additional Information from D K Symes Associates	June 2009
Email from Douglas Symes with letter to Environment Agency from C Leake	3 March 2009 (12:27)
Email from Douglas Symes	11 Nov 2009 (13:10)
Summary of investigation of the potential impacts of mineral	Feb 2010

extraction on the extant water regime, Little Easton (Version 1) Feb 2010	
Letter from D K Symes re application details, restoration proposals, RoW, S106, landscaping, plant and tonnage volumes	3 March 2010
Email from Douglas Symes	7 April 2010 (14:41)
Email from Douglas Symes with letter from Chris Leake dated 26 April 2010	27 April 2010 (10:30)
Email from Douglas Symes – re Stone Hall water supply	13 May 2010 (10:27)
Groundwater model refinement as amended by Email from Adam Taylor dated 28 July 2010 (18:52) with amended figures	26 July 2010
Letter from Chris Leake to D K Symes	9 September 2010

<b><u>Description</u></b>	<b><u>Reference</u></b>	<b><u>Dated</u></b>
Application Plan	Plan No. 89079/A	29-11-2006
Site Context	Plan No. 89079/SC/1	29-11-2006
Illustrative cross-sections looking across site from Little Easton	Plan No. 89079/SC/2	29-11-2006
Site Plan	Plan no. 89079/S	29-11-2006
Composite Operations Plan	Plan no. 89079/CO/1	29-11-2006
Illustrative Cross Sections showing Plant Site, Bunds & Access	Plan No. 89079/CO/2	29-11-2006
Illustrative Restoration Plan	Plan No. 89079/R/1	29-11-2006
Proposed Access Road Preliminary Layout	Drawing No. 33496-01	21-06-2006
Composite Operations Plan	Plan no. 89079/CO/1a	28-03-2008
Location of Cross Section A-A'	Plan No. 89079/CS/1a	01-05-2009
Illustrative cross section showing sight line from tower	Plan No. 89079/CS/2	28-03-2008
Construction of 'Picture Frame' & Recharge Drain – Year 1	Plan No 89079/RD/1	01-05-2009
Construction of 'Picture Frame' & Recharge Drain – Year 2	Plan No 89079/RD/2	01-05-2009
Construction of 'Picture Frame' & Recharge Drain (to year 5)	Plan No 89079/P/1a	01-05-2009
Illustrative Progressive Operations Plans (years 5-9)	Plan No 89079/P/2a	01-05-2009
Illustrative Progressive Operations Plans (year 9 to completion)	Plan No 89079/P/3a	01-05-2009
Off-Site Planting	Plan no. 89079/OS/1	02-03-2010

And

As amended by non-material amendment Ref ESS/65/06/NMA1 approved by the Mineral Planning Authority on 7 January 2015,

And

As amended by planning application ESS/52/13/UTT dated 12 September 2013, Supporting statement by D K Symes Associates September 2013 and drawings Application Plan 89079/A dated 29-11-2006 and Composite Operations Plan 89079/CO/1e dated 04 -09-2013,

And

As amended by planning application ESS/20/18/UTT dated 18 July 2018 and supporting statement by PDE Consulting dated July 2018,

And

As amended by planning application ESS/16/20/UTT dated 11 February 2020 and supporting statement by PDE Consulting dated February 2020

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, P2, S5, S6, S10, S11, S12, DM1, DM3 and DM4 and WLP policies 9 and 10 and Adopted Uttlesford District Local Plan 2005 (UDLP) policies S7, S8, GEN1, GEN2, GEN4, GEN5, ENV2, ENV5, ENV7, ENV8, ENV9, ENV11, ENV12, ENV13.*

4. Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -
  - (a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday  
07:00 to 13:00 hours Saturdays
  - (b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies DM1 and S10 and WLP policy 10.*

5. The developer shall notify the Mineral Planning Authority in writing 7 days in advance of the following:
  - i) intention to start stripping soils from any part of the site or new phase of working
  - ii) commencement of construction of the "picture framing" in each phase
  - iii) completion of the "picture framing" ("picture framing" shall mean the creation of a below ground clay wall as described in the "Additional Information" dated June 2009 prepared by D K Symes")
  - iv) cessation of mineral extraction
  - v) completion of inert landfilling
  - vi) Commencement of the subsoil placement on each phase, or part phase, to allow a site inspection to take place.
  - vii) completion of final restoration under this planning permission;

The following dates have been submitted and approved by the Mineral Planning Authority.

Commencement of the development	26 March 2012	Approved by MPA on 21 November 2012
Commencement of "picture framing" north of B Lodge (phase A/B)	1 September 2012	Approved by MPA on 4 July 2014
Commencement of soil stripping in phases A and B	9 May 2012	Approved by MPA on 21 November 2012
Commencement of exportation of mineral from the site	2 October 2012	Approved by MPA on 21 November 2012.
Commencement of inert landfilling	5 March 2014	Approved by MPA on 4 July 2014
Commencement of inert recycling	5 March 2014	Approved by MPA on 4 July 2014

*Reason: To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

6. All vehicular access and egress to and from the site shall be from B1256, as indicated on Plan No. 89079/S dated 29/11/06. No other access shall be used by vehicles entering or exiting the site.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

7. The access road shall be maintained with a concreted surface from 'B' Lodge to the junction with the B1256 for the life of the mineral and landfill development and shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. The development hereby permitted shall be implemented in accordance with the road cleaning details approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved road cleaning details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/8/1) dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and set out on pages 1 and 2 paragraphs 8.1 and 8.3 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1 dated December 2011.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

9. No loaded vehicles shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 6 metres from the nearside edge of the carriageway.

*Reason: In the interests of highway safety and to comply with MLP policies DM1 and S10 and WLP policy 10.*

11. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

12. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as set out in condition 11 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period. 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 amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

13. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 11 and condition 68. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

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

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

15. All plant, equipment and machinery shall only operate during the hours permitted under condition 4. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

16. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum. No installation of the processing

plant and/or extraction of mineral except that associated with the "picture framing" and no installation of the processing plant associated with inert recycling shall take place until such time as all the screening bunds numbered 2, 5, 6 and 7 as identified on Plan 89079/CO/1 have been completed in full.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

17. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the sand plant which shall not exceed 98m Above Ordnance Datum.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

18. Prior to the installation of any mineral processing plant, concrete batching plant, inert waste processing plant and equipment and buildings details of such shall be submitted to the Mineral Planning Authority for approval. The installation of such plant, equipment and buildings shall be in accordance with the approved details.

The details of the mineral processing plant and buildings were approved on 21 November 2012 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 18 dated 3 September 2012, supporting statements entitled "Condition 18 – Details of Plant & Buildings" and the following plans

Plan No.	Date	Title
Gen./ISO/1	3/9/12	Elevations of ISO container
Gen./OM/1	3/9/12	Elevations of office/messroom
Gen./OW/1	3/9/12	Details of office & weighbridge
890079/LP/1 also SP548-LAY-01	22/9/11 amended 3/9/12	Existing washing plant aggmax installation
89079/RP/1	30/8/12	Revised plant details
89079/P/1	3/9/12	Illustrative details of plant and operation area

and emails from D K Symes Associates dated 13 September 2012 (12:09) and email dated 3 October 2012 (17:35). The plant and buildings shall be implemented in accordance with the approved details.

The details for the workshop were approved on 4 July 2014 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014, Plan No. 89079/MB/S, plan of Illustrative elevations of workshop.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

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

Details of lighting for the processing plant and buildings were approved on 21 November 2012 under condition 19 of Planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 3 September 2012, supporting statements entitled "condition 19 – Details of lighting" and the following plans:

Date	Plan No.	Title
22/9/11 (amended 3/9/12) 3/9/12	890079/LP/1 also SP548-LAY-01 89079/P/1	Existing washing plant aggrmax installation Illustrative details of plant and operation area

The details of lighting for the workshop were approved on 4 July 2014 under condition 19 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014 and External Lighting Proposals (Project number 3283 RKW) prepared by Coco Lighting Ltd dated 28 April 2014 and email from SRC dated 8 May 2014.

The lighting shall be implemented in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to safeguard Stansted airport and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.*

20. Floodlights/fixed lighting shall not be illuminated outside the hours as set out in condition 4 save for security lighting activated by unauthorised entry by persons or vehicles, unless otherwise agreed in writing by the Mineral Planning Authority.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.*

21. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

- (a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, without prior planning permission from the Mineral Planning Authority;



- (b) No mineral waste shall be deposited except silt at the site complex without prior planning permission from the Mineral Planning Authority.

*Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon landscape and safeguard Stansted Airport and to comply with MLP policies DM4, S10 and DM1 and WLP policy 10.*

22. No as raised mineral and/or primary aggregates shall be imported to the site for processing.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed in the application details and to comply with MLP policies DM3, S10 and DM1.*

23. No extraction of sand and gravel shall take place below 77m Above Ordnance Datum.

*Reason: To ensure that there are no adverse impacts on the local amenity and groundwater from the development not assessed in the application details and to comply with MLP policies S10, S12 and DM1, WLP policy 10 and UDLP policy ENV12*

24. There shall be no extraction of mineral in each phase prior to the completion of the groundwater mitigation measures (picture framing, use of dewatered water into surface ditch and compensatory borehole) in that phase, except that mineral extraction necessary to implement the "picture framing".

*Reason: To ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

25. No dewatering shall take place at the site until there is provision in place for settlement of sediment from dewatered water; this settled dewatered water shall be available for recharge via the surface water ditch to the Little Easton Ponds.

*Reason: To ensure that there are no adverse impacts on surface water and the local amenity from the development and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

26. The development hereby permitted shall be implemented in accordance with the details of the engineering, construction, phasing and a timetable for implementation of the "picture framing" including the associated "recharge trench" approved on 29 April 2020 under condition 26 of planning permission ESS/20/18/UTT (ref ESS/20/18/UTT/26/01). The approved details are set out in the application for approval of details reserved by condition dated 11 November 2019, the Statement of Support, by DK Symes Associates dated November 2019, letter from Hafren Water dated 20 November 2019, Drawing no. 89079/CO/1e entitled "Composite Operations Plan" dated 05-01-2019 and drawing no. 89079/TR/3 entitled "Cross Section showing Recharge Facility" dated 07-10-2019.

*Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

27. Prior to the restoration of phases B, D or E construction and engineering details of the seasonal pond and its connection to the "recharge trench" shall be submitted to the Mineral Planning Authority for approval. The seasonal pond and connection to the recharge trench shall be implemented in accordance with the approved details.

*Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

28. The development hereby permitted shall be implemented in accordance with the details of seed mix for screening bunds and programme of maintenance approved on 12 March 2012 under condition 28 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition dated 9 November 2011 and set out on page 4 paragraphs 28.1 and 28.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

*Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

29. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/29/1) dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.*

30. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.*

31. The development hereby permitted shall be implemented in accordance with the planting scheme for Bund 7, the buffer zone between the access road and Highwood SSSI and management plan approved 17 August 2018 under condition 31 of planning permission ESS/65/06/UTT. The approved planting scheme as set out in the application for approval of details reserved by condition dated 9 November

2011, including

- Email from D K Symes dated 22 March 2012
- Drawing 89079-OS-1c
- Drawing 89079-CO-1c
- Drawing 89079/CO/1d August 2013
- High Wood SSSI Buffer Zone - Strategy for Woodland Planting, Regeneration and Management Dated August 2013

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in the interest of visual amenity and to ensure the planting has the maximum period to establish and minimise the impact of the development on High Wood SSSI to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies S7 and ENV7.*

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

*Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

33. No development or any preliminary groundworks shall take place until:

- a. All retained trees (Retained trees shall be those show on Plan No 89079/P/1a – Site Preparation) have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
- b. The fencing shall be maintained throughout the life of the development
- c. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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

*Reason: In the interest of visual amenity and to ensure protection of the existing natural environment and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7 and ENV8.*

34. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 12 March 2012 under condition 34 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011

and on pages 5 and 6 paragraphs 34.1 to 34.5 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and plans reference

Drawing No.	Dated	Title
89079/P/1b	20-06-2011	Illustrative Progressive Operations Plans (to year 5)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (years 5 - 9)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (year 9 to completion).

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

35. The development hereby permitted shall be implemented in accordance with the scheme of machine movements for the stripping and replacement of soils approved on 12 March 2012 under condition 35 of planning permission ESS/65/06/UTT. The scheme is set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 from D K Symes Associates as set out on page 7 paragraph 35.1 to 35.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and MAFF 2000 Good Practice Guide for handling soils sheets 3, 4 and 15.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

36. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [except for the purpose of stripping that part or stacking of topsoil in that part] unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 34 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

37. All topsoil, subsoil and soil making material shall be retained on the site and used in restoration scheme as indicated on Plan No. 89079/R/1.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy 10.

38. 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'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field 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 minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy W10E.*

39. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse. When subsoil is to be retained for use in the restoration process, subsoil shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

*Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

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

*Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

41. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils or such other method as submitted and approved in writing by the Mineral Planning Authority. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

*Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

42. The development hereby permitted shall be implemented in accordance with the scheme to accommodate all surface and foul water drainage approved on 23 March 2012 under condition 42 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (Ref ESS/65/06/UTT/42/1) dated 9 December 2011 and set out on page 7 paragraphs 42.1 to 42.7 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and accompanying drawing by Intermodal IT1099HD/038 and email from Douglas Symes dated 29 February 2012 (11:21).

*Reason: To minimise the risk of pollution of water courses, aquifers and High Wood SSSI and minimise the risk of flooding to comply with MLP policies DM1 and S10 and WLP policy 10.*

43. The development hereby permitted shall be implemented in accordance with the details of petrol/oil/grit interception facilities approved on 23 March 2012 under condition 43 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (ref ESS/65/06/UTT/43/1) dated 9 December 2011 and on pages 7 & 8 paragraphs 43.1 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and email from D K Symes Associates dated 29 February 2012 (11:21).

*Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy and 10.*

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

*Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy 10.*

45. No works or excavation shall take place within 10 metres from the boundary adjoining High Wood SSSI as shown on drawing 89079/A and dated 29/11/06.

*Reason: To minimise the impact of the development on High Wood SSSI and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7.*

46. No waste shall be received at the site from outside the administrative boundaries of Essex or Southend-on-Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.

- A) No waste shall be received at the site from outside the administrative boundaries of Essex or Southend-on-Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.
- B) The development hereby permitted shall be implemented in accordance with the origin of waste details approved on 4 August 2017 under condition 46 of planning permission ESS/6506/UTT. The approved waste origin details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/46/1) dated 9 November 2011 and set out in the statement 'Details Pursuant to Planning Permission ESS/65/06/UTT' prepared by D.K. Symes Associates dated December 2011.

*Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become net sufficient for managing its own waste ensuing that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity.*

47. No waste other than those waste materials defined in the application details, that is, inert construction, demolition and excavation waste shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policy 10.*

48. Prior to the use of skips as part of the waste operation details of skips storage, including the maximum number of skips, purpose and a location area within the Site shall be submitted to and approved in writing by the Waste Planning Authority. Skips shall be stored in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with WLP policy 10.*

49. No development shall take place other than the construction of the access road, until signs have been erected on both sides of the access road at the point where Footpaths Little Canfield 5 and 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

*Reason: In the interest of the safety of all users of both the Public Right of Way and the access road and to comply with MLP policies DM1 and S10 and WLP policy 10.*

50. Any temporary alternative rights of way shall be a minimum of 2m wide with grassed margins of not less than 3 m from the toe of any bund.

*Reason: In the interest of the safety of all users of both the Right of Way and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy LC2*

51. Extraction of minerals shall cease by 25 March 2026. All buildings, structures, hard standings, foundations, plant and machinery used in connection with the mineral extraction and stockpiles of unprocessed and processed primary mineral shall be removed within 6 months of the date of cessation of mineral extraction as defined by condition 4vi. Landfilling and processing of inert waste materials shall cease by 25 March 2027. The site shall be progressively restored as set out within the application (as defined by condition 3). All buildings, structures, hard standings, foundations, plant and machinery used in connection with the landfilling and stockpiles of processed and unprocessed material shall be removed within 12 months of the date of cessation of landfilling as defined by condition 5v or the 25 March 2027 whichever is the sooner. Each phase of the development shall be restored within 12 months of the cessation of landfilling in that phase and the last phase shall be restored no later than 25 March 2027 and restoration in all phases shall be in accordance with the restoration scheme approved under condition 56 of this permission.

*Reason: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

52. In the event of a cessation of winning and working of mineral and/or the deposit of waste for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme, as referred to under condition 56, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. The revised scheme of restoration and aftercare, with a timetable for implementation shall be submitted to the Mineral Planning Authority within 6 months of the cessation of mineral extraction and or landfilling, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

*Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

53. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

*Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

54. Prior to the commencement of landfilling details of pre-settlement levels shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include land topography shown in contours at not less than 1 metre intervals and shall show existing contours 250m outside the Site and show calculations



demonstrating the anticipated settlement to achieve 'Illustrative Restoration Plan' Plan No 89079/R/1. The development shall be implemented in accordance with the approved details.

*Reason: To ensure proper restoration of the site and compliance with MLP policies DM1, S10 and S12 and WLP policy 10.*

55. Prior to the placement of overburden and/or subsoil, the reinstated area shall be covered with a low permeability capping layer sufficient to prevent the ingress of surface water into the deposited waste. The low permeability capping layer shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence.

*Reason: To prevent ingress of water to the landfill and a build up of leachate within the site to minimise potential of pollution to groundwater and to comply with MLP policy S12 and WLP policy 10.*

56. Prior to commencement of landfilling within Phase D a restoration scheme for the site shall be submitted, including details of the following

- Progressive restoration of the site, such that Phase C shall be restored prior to mineral extraction in Phase E, Phase D shall be restored prior to mineral extraction in Phase F, Phase E shall be restored prior to mineral extraction in Phase G, Phase F shall be restored prior to mineral extraction in Phase H and Phase G shall be restored prior to mineral extraction in Phase 1.
- Hedgerow planting, including species, spacing, protection
- Woodland planting, including species, spacing protection
- Rough grassland, seed mix
- Seasonal pond, construction details with link to recharge trench, levels, at 0.5m contours and cross sections. Details to exclude birds, likely to cause a bird strike hazard
- Phased programme and timetable for implementation
- Advance approval of a scheme for

All restoration works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved scheme.

*Reason: To ensure proper restoration of the site make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV8.*

57. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agriculture, nature conservation and woodland use shall be submitted to and approved in writing by the Mineral Planning Authority prior to replacement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 of the Planning

Policy Guide for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.

- b. Provide for a detailed annual programme, in accordance with Paragraph 50 of the Planning Policy Guide to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

*Reason: To ensure the satisfactory restoration of the site for agriculture, nature conservation and woodland and in accordance with MLP policy S12 and WLP policy 10.*

58. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority for each phase of the development. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

The written scheme and programme of archaeological investigation for areas 1-5 was approved on 12 March 2012 under condition 58 of planning permission ESS/65/06/UTT. The approved written scheme and programme of archaeological investigation for areas 1-5 are set out in the "Written Scheme of Investigation for Archaeological Excavation – Archaeological Areas 1 -5" dated October 2011 received with email dated 20 January 2012.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy S6, WLP policy 10 and UDLP policy ENV4.*

59. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed. Any such written confirmation or ecological assessment shall be submitted to the Mineral Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8*

60. The development hereby permitted shall be implemented in accordance with the ecological survey and mitigation/compensation strategy approved on 23 March 2012 under condition 60 and 61 of planning permission ESS/65/06/UTT. The approved survey and strategy are set out in the Application for Approval of Details Reserved by Condition dated 13 February 2012 including the Environmental Statement dated December 2006, and specialist surveys for badgers by Susan Deakin of Liz Lake Associates, May 2007, for bats by John Dobson of Essex Mammal Surveys July 2006 and herpetological survey by Patrick Mckenna of Eco- Planning UK July 2006 and report by Susan Deakin Ecology dated January 2012 entitled "Update appraisal of ecological interests and mitigation/compensation strategy pursuant to conditions 60 and 61 of the planning approval".

*Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.*

61. The development hereby permitted shall be implemented in accordance with the Bird Hazard Management Plan approved on 4 April 2012 under condition 62 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 November 2011 and in paragraphs 62.1 to 62.18 of "Details Pursuant to Planning Permission ESS/65/06/UTT - Submission" dated December 2011". No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Mineral Planning Authority.

*Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application and to comply with MLP policies DM1 and S10 and WLP policy 10.*

62. Upon completion of the restoration of the Site "B" Lodge shall be reinstated as a dwelling house

*Reason: To ensure that the "B" Lodge does not remain in office use upon completion of the development in the interests of local amenity and to comply with policies MLP policies DM1, S10, WLP policy 10 and S12 and UDLP policy S7.*

63. From the date of this permission the operators shall maintain records of their quarterly output production for minerals and shall make them available to the Mineral Planning Authority within 14 days of a written request.

*Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policies DM1, S10 and S12.*

64. Details of the tonnage of waste imported to the site during each year (1 Jan to 31 Dec), the tonnage of exported recovered materials for each year and remaining void space in cubic metres at the site as at 31 December shall be submitted to the Waste

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

*Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to ensure the development is operating in accordance with the submitted details as set out in condition 3 and ensure compliance with approved restoration timetable and to comply WLP policy 10.*

65. Prior to the removal of the oak tree as shown on Plan No. 89079/P/1a – Site Preparation details of its felling and the relocation of the tree and/or wood to an alternative location shall be submitted to and approved in writing by the Mineral Planning Authority. The oak tree shall be removed in accordance with the approved details.

*Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV7 and ENV8.*

66. Prior to the 31 March of each year following the date of this planning permission a working and reclamation scheme for the site shall be submitted for the site detailing the following:

- Areas to be stripped of topsoil, subsoil, or overburden,
- Areas to be used for storage of topsoil, subsoil and overburden,
- Areas to be restored that year
- Areas to be worked for mineral
- Location of water storage
- Location of internal haul roads

*Reason: To ensure working and reclamation is in accordance with approved details and to minimise the impact of local amenity in accordance with MLP policies DM1 and S10 and WLP policy 10.*

67. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday  
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

*Reason: In the interest of safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

68. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

69. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

*Reason: To allow the Mineral Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

70. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)  
156 movements (78 in and 78 out) per day (Saturdays)

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and WLP policy 10.*

71. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

*Reason: To make appropriate provision for conserving and enhancing the natural*

*environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8*

### Draft conditions and reasons for ESS/17/20/UTT

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

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended) and to enable the Waste Planning Authority to adequately control the development and to comply with Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 7 October 2014, together with supporting statement dated 7 October 2014, noise report dated September 2014, Essex Biodiversity Validation Checklist dated 17 November 2014, letter dated 3 November 2014, emails dated 4 November 2014 (15:34), 10 November 2014 (15:12) and 27 February 2015 (12:48), together with plan numbers:

Plan No.	Title	Date
M14.103.D.001	Site Location Plan	Sep 2014
M14.103.D.002	Existing Situation	Sep 2014
M14.103.D.003	Indicative Site Layout	Sep 2014
M14.103.D.004	Indicative Elevations	Sep 2014

And

As amended by planning application ESS/36/15/UTT dated 12 August 2016, Supporting Statement by PDE Consulting dated August 2016,

Essex Biodiversity Validation Checklist dated 12 August 2016 and Drawing M14.103.D.001 Site Location Plan dated Sept 2014

And

As amended by planning application ESS/21/18/UTT dated 27 July 2018 and the supporting documents:

Supporting statement by PDE Consulting dated 27 July 2018,  
Essex Biodiversity Validation Checklist dated 30 July 2018  
Letter from LF Acoustics dated 13 July 2018,  
Letter from Wilkinson Associates (Ref: A1408) dated 18 July 2018,  
Email from PDE Consulting dated 12 September 2018  
Letter from LF Acoustics dated 10 September 2018 and accompanying Figure 1  
Letter from PDE Consulting dated 16 October 2018

And

As amended by planning application ESS/17/20/UTT dated 11 February 2020 and Supporting Statement by PDE Consulting dated February 2020

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies: S1, S10, S11 and DM1, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4, ENV11 and S7.*

3. All plant, buildings, machinery, foundations, hardstanding, used in connection with this permission shall have been removed within 3 months of cessation of mineral extraction or by the 25 March 2026 whichever is the sooner. The site shall be restored to agriculture in accordance with planning permission ESS/20/18/UTT or any subsequent approved restoration scheme.

*Reason: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with MLP policy S12, WLP policy 6 and 10.*

4. The development hereby permitted shall only be carried out during the following times:

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

and at no other times, including no other times on Sundays, Bank or Public Holidays.

Except as amended by condition 17.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies: DM1 and S10, WLP policy 10.*

5. All vehicular access and egress to and from the site shall be from the B1256, as indicated on Plan No M14.103.D.001, dated September 2014. No other access shall be used by vehicles entering or exiting the site.

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: DM1, S10 and S11, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4 and ENV13.*

6. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted (when combined with the vehicle maximum permitted vehicle movements under planning permission ESS/65/06/UTT) shall not



exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 4 and 17 of this permission.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: S1, S11, DM1, WLP policy 12.*

7. The development hereby permitted shall be implemented in accordance with the measures to ensure no mud, dust or deleterious material is carried out onto the public highway approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved measures as set out in the application for approval of details reserved by condition 8 dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and on pages 1 and 2 paragraphs 8.1 to 8.3 in "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

9. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 8 and 18. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

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

*Reason: In the interests of local amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

11. All plant, equipment and machinery shall only operate during the hours permitted under condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

12. No waste other than those waste materials specified in the application reference ESS/45/14/UTT shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policies W3A, W9B and W10E and RWLP policy 10.*

13. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.*

14. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.*

15. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

16. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the soil washing plant which shall not exceed a height of 97m Above Ordnance Datum, as shown on drawing no. 14.103.D.004 entitled "Indicative Elevations of Proposed Plant" dated Sept 2014.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

17. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday  
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

*Reason: To allow a trial period of one year to allow it to be demonstrated that HGVs leaving between 6am and 7am does not give rise to unacceptable impacts, in the interest of safeguarding local amenity and to comply with, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

18. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

19. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

*Reason: To allow the Waste Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

20. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.*

**DR/43/20**

**Report to:** DEVELOPMENT & REGULATION (18 December 2020)

**Proposal:** COUNTY COUNCIL DEVELOPMENT - The construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure

**Ref:** CC/BAS/33/20

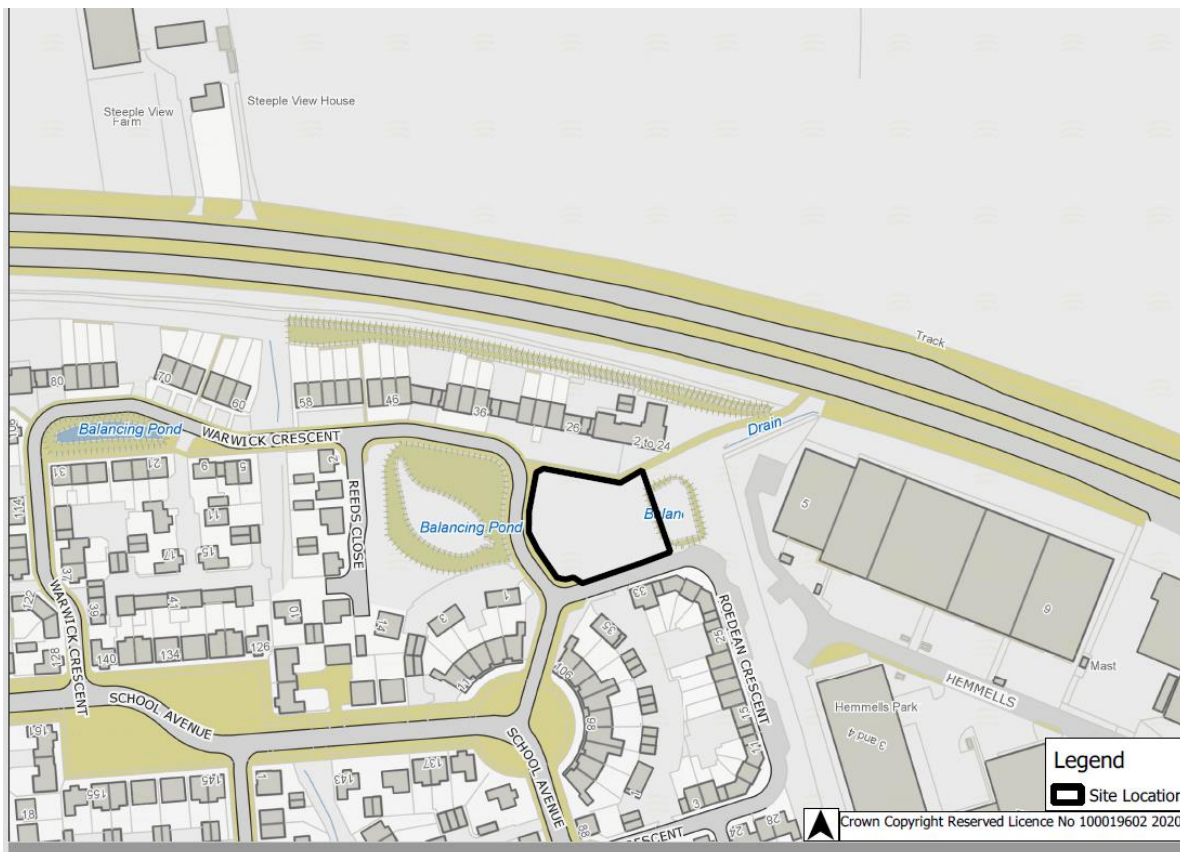
**Applicant:** Essex County Council

**Location:** Dunton Fields Early Years Centre, Land off Warwick Crescent, Laindon, Basildon, SS15 6LW

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

**Enquiries to:** Rachel Edney Tel: 03330 136815

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



## **1. BACKGROUND**

The site was originally identified as employment land for the Ford Research and Development Centre. However, following the granting of planning permission for residential development in 2013 the site was removed from the employment zone designation in the emerging local plan.

The application was first considered by Development & Regulation Committee in May 2020. A number of issues and concerns were raised by Members and as a result it was resolved to defer a decision on the application to allow the applicant the opportunity to review certain aspects of the proposals, namely:

- The overall design of the building
- The appropriateness of a flat roofline
- The use of wooden cladding
- The health and safety aspects of the site relating to the proximity of the culverts and attenuation pond.

Additional information has been submitted by the applicant to address these issues.

## **2. SITE**

Dunton Fields is a new housing estate (granted planning permission by Basildon Council in March 2013 Ref: 12/00951/FULL) of 450 residential dwellings, new roads and open space, including an extension to Victoria Park. Within this site is an area reserved for the development of an 'early years centre'.

The site of the proposed facility is currently an area of undeveloped grassed open space in the centre of the Dunton Fields estate. There are residential properties to the north and south west in Warwick Crescent and south in Roedean Crescent. To the east of the site is an industrial estate with the A127 Southend Arterial Road beyond. Adjacent to the eastern boundary of the site is a storm overflow attenuation pond.

## **3. PROPOSAL**

The application is for a new 56 place nursery facility. It would include outdoor play areas for the different age groups, 14 car parking spaces for staff plus one disabled space, an on-site drop off/pick up zone, 8 cycle parking spaces and hard and soft landscaping.

The single storey building, approximately 5.2 in height (pitch of monopitch roof), would be located to the north west of the site with play areas extending towards the northern and western boundaries. The car parking area would be located to the eastern boundary. A drop off/pick up zone would be created close to the front entrance of the building.



Vehicular access would be from Warwick Crescent to the south west corner of the site. There would be an 'in' gate and an 'out gate', effectively forming a one-way system for vehicles accessing/exiting the site. The pedestrian access would also be from Warwick Crescent adjacent to the vehicular access.

#### 4. POLICIES

The following policies of the Basildon District Local Plan Saved Policies 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

##### Basildon District Local Plan Saved Policies 2007

Policy BAS BE12 – Development Control

##### NEIGHBOURHOOD PLAN

There is not an adopted neighbourhood plan for the area.

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission

unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan Saved Policies 2007 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

The Revised Publication Local Plan October 2018 was submitted to the Secretary of State on 28 March 2019. On 18 June 2019 the Council received a Direction from the Minister for the Environment requiring it to improve air quality in locations around the A127 in the shortest possible time consistent with the requirements of the European Air Quality Directive. On 27 June 2019, the Council agreed to ask the Planning Inspectorate and the appointed Inspector for a short suspension of the Local Plan Examination in Public to investigate any implications this Direction may have for the Local Plan.

A letter requesting this suspension was sent to the Inspector on 28 June 2019. The Inspector agreed to suspend the Examination for a period of 3 months but requested confirmation of the main requirements of the Direction and an indication of the potential impacts the Direction might have on the Plan's sustainable development strategy.

Basildon Council responded to the Inspector's request for additional information on 24 July 2019.

On 6 November 2019, the Council was advised by the Department for the Environment, Food and Rural Affairs (Defra) that no decisions would be issued in respect of the information provided in accordance with the Ministerial Direction on Air Quality until January 2020. A letter requesting a further pause in the Examination in Public in respect of the Local Plan, until those decisions were issued, was therefore sent to the Inspector on 8 November 2019. The Inspector responded he was content to further pause the examination until 31 January 2020.



On 7 February 2020, the Council wrote to the Inspector regarding the progress the Council had made in addressing the requirements of the Air Quality Direction issued by Defra and to advise how the transport evidence for the Local Plan had been updated in light of the air quality challenge and other matters arising. The letter requested that, on the basis of the progress made and in agreement with those at Essex County Council and Essex Highways working on the Air Quality Direction, it proceed towards establishing a programme for examination of the Basildon Borough Revised Publication Local Plan.

The hearings for the Local Plan examination are not expected to be held until early 2021.

It is therefore considered that the emerging Plan holds limited weight in decision making.

#### Revised Publication Local Plan October 2018

Policy SD4 – Presumption in Favour of Sustainable Development

Policy T1 – Transport Strategy

Policy T8 – Parking Standards

Policy DES1 – Achieving Good Design

Policy DES4 – High Quality Buildings

Policy HC3 – Strategic Approach to Education, Skills learning

Policy HC10 – New and Enhanced Community Facilities

Policy NE5 – Development Impacts on Landscape and Landscape Features

Policy NE6 – Pollution Control and Residential Amenity

## **5. CONSULTATIONS**

BASILDON BOROUGH COUNCIL – Any comments received will be reported

BASILDON BOROUGH COUNCIL (Environmental Health) – Area should be assessed with respect to noise and air quality impacts. Due to close proximity of residential receptors recommend standard conditions with respect to construction hours, dust and burning.

ESSEX COUNTY FIRE & RESCUE – No objection

ESSEX POLICE – Recommends a condition requiring the developer to seek the Secured by Design Award

ANGLIAN WATER - The pre-development team provides comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. The applicant should check for any Anglian Water assets which cross or are in close proximity to the site. Any encroachment zones should be reflected in the site layout. They can do this by accessing our infrastructure maps on Digdat  
<https://www.anglianwater.co.uk/developers/developmentservices/locating-our-assets/>

HIGHWAY AUTHORITY – No objection subject to conditions including a

Construction Management Plan, provision of visibility splays, inward opening gates, construction of the vehicular access, prevention of surface water on the highway, provision of car parking spaces and the provision of secure cycle parking

PLACE SERVICES (Urban Design) - Any comments received will be reported

PLACE SERVICES (Landscape) – Any comments received will be reported

LOCAL MEMBER – BASILDON – Basildon Laindon Park and Fryerns – Any comments received will be reported

LOCAL MEMBER – BASILDON – Basildon Laindon Park and Fryerns – Any comments received will be reported

## 6. REPRESENTATIONS

23 properties were directly notified of the application. 8 letters of representation have been received. These relate to planning issues, summarised as follows:

pr	<u>Observation</u>	<u>Comment</u>
	Surrounding area insufficient to accommodate this	Noted. See appraisal
	The surrounding roads are already insufficient to service the residents of this estate adding a school to this would cause even more congestion cause by people picking up and dropping off their kids during peak times.	Noted. See appraisal
	There are already a number of early learner centre in the surrounding area, there is no need for more especially in area that would be crippled by the extra traffic that would be caused by this building.	Noted. See appraisal
	Where are customers to the building going to park when pick up and dropping off their kids? We already have issues with residents parking.	See appraisal
	The land there should be continued to be used for kids to play and people to walk their dogs.	The land has been allocated for an early years centre as part of the residential development application.
	I fully object to this plan unless new access just for this build and parking for customers can be defined to not effect residents of the estate.	Noted

Parking for residents is challenging at the best of times, so I would like to know how you plan to accommodate 56 car park spaces for parents, plus staff and professionals. This vast increase of cars will undoubtedly cause traffic in the area and how will this be addressed.	See appraisal
Will the nursery spaces be offered only to the residents or will it be opened to the borough?	Spaces will be available for residents of the Dunton Fields development
Can you provide us with the details with regards to building work, ie, length or time, working hours.	This would form part of the contract phase of the development and is not part of the planning application
The main reason I moved to the area was due to the surrounding and how peaceful it is.	Noted
I feel the nursery is very unnecessary and is just another way to make money and have ignored how it will affect the residents that live there. In my opinion it should have been built when the properties were first built and not 6 years later.	Noted. See appraisal
The Radford Park Residents Association support the plans for the EYCC at Dunton Fields. It is important that infrastructure such as this complements the building of new houses and we are pleased that the project is coming to fruition.	Noted
We provided a response to Essex County Council's original consultation however regrettably there has been no significant change to our areas of concern in the revised plans.	Noted. Comments were made as part of the public consultation process.
We do have significant concerns about the impact upon parking and traffic flows on the estate, which is already very congested. These views reflect both the committee and the majority of residents whom we represent:	Noted. See appraisal

1. The potential for congestion on all

surrounding roads during peak times of drop-off and pick-up.

The imposition of double yellow lines on School Avenue (originally scheduled for September 2019 however approval has still not been finalised) which are fully supported by The Radford Park Residents Association may well exacerbate this problem if the parking of cars is shifted onto Warwick Crescent and Roedean Crescent. It has been our view that the answer to this issue should be a holistic one - i.e double yellow lines plus resident parking schemes plus land reclamation - but ECC are adopting solutions in a piecemeal fashion.

Noted. This is outside the scope of this application

We are concerned that users of the centre will use the private drive way and parking area behind the crescent houses on School Avenue to both park and cut through.

Noted. See appraisal

Having now seen more detailed plans relating to the visual aspects of the new building, we do hold concerns as to its fit with the current street scene. Our view is that the external design is not complimentary to the recently built housing in the immediate area and this must be addressed.

Noted. See appraisal

The increase of traffic along Warwick Crescent to serve the site will cause a huge inconvenience to the local residents. The parking throughout the estate is already heavily congested, so introducing a location by which 56 parents could be collecting their children plus a further 15 staff vehicles coming in and out on a daily basis is guaranteed to generate traffic and increase the likelihood of road traffic collisions.

Noted. See appraisal

I am also concerned regarding emergency services' access if this were to go ahead with the levels of congestion expected. I note the fire services have said vehicular access "appears sufficient", however this is

Essex Fire & Rescue has not raised an objection to the application. More details would be provided at Building Regulations stage

based on the planning drawings which do not account for any parked cars along Warwick Crescent or Roedean Crescent. Both of these roads have cars lined up on the curbs every single day. The Transport Assessment Appendix B shows the graphic for vehicular access in and out of the site. Even this illustration shows nearly a full cross-over for a vehicle's route, meaning there is simply not enough space for more than one car to access the site at any one time without congestion.

If planning were to then introduce parking restrictions to the entrance/exit routes, where would those residents vehicles then park instead?

Noted. However that is outside the scope of this application

I expect the time in which people will be collecting their children will all be relatively similar, so there would be a peak traffic time in the morning and evening and that's just in the estate, before the local residents have begun their commute to or from work. Most parents will not just quickly drop off their children as they will need to be settled at the ELC first. The simulation on the Transport Assessment does not take this 'loading time' in to account. With only two spaces at the ELC for 'Drop Off' and not a large enough access in and out of the development, I fail to see how this is feasible or if it has been realistically considered.

Noted

I would encourage any planners or supporters of the ELC to drive around the area so they can see the state of the parking on the development first-hand.

Noted

There are already a number of nurseries nearby to this development, is there really a requirement for an Early Learning Centre within this development? The development has been here for a number of years already with no requirement for an ELC to date. I think this area would be best used as a much needed community space,

Noted. See appraisal

residents already regularly use this space for walking their dogs and benches or picnic benches could be added so that residents can enjoy the outside space more.

I moved to this area as it is a nice quiet tranquil area. My property would be in close proximity to and overlook the northern corner of the 2-4years play area. I do not want to have to keep my windows closed in the summer or when working from home to eliminate the noise generated by the children. The plans show that a mesh fence will be used around the perimeter of the play areas and so this won't block out any of the noise generated. This development would also raise noise pollution to other residents surrounding the ELC, not just to myself.

Noted

I pay a maintenance fee annually for the upkeep of the area. With people coming to the ELC on a daily basis, this will bring with it litter and mess. Are we also expected to continue to pay the same level of maintenance upkeep for the area while losing some of it to the ELC?

Noted. This is outside the scope of this application

The air pollution down the stretch of A127 adjacent to the estate already exceeds EU limits and a study by King's College London showed that children living within a 50m radius of a major road had their lung growth stunted by up to 14% and a 10% increased risk of lung cancer. I don't feel it is healthy to introduce a development for children whereby they will be spending time outside in the play areas and breathing in the harmful gasses from the traffic emissions on the A127. Additionally, the location for cars waiting to drop off and collect children is also right next to a play area. Will this not be an unnecessary cause for young children to inhale further harmful gasses from the vehicles waiting?

Noted. Given the age of the children using the facility it is expected that parents would need to enter the building to drop off or pick up and therefore vehicles would not be left idling.

Early Years Centre was not originally on

Noted. See appraisal

the Dunton Field General Plan and no one has mentioned anything about it. I would have thought twice before committing to purchasing the property.

Currently the local traffic at the estate is unbearable and the new build centre will bring even more chaos to the existing one.

Noted. See appraisal

Visual aspects, peace and tranquillity of the area will be destroyed drastically by screaming and noise.

Noted. See appraisal

We believe this will create more of an issue than already exists with regards to through traffic, which is likely to result in accidents and vehicles of residents.

Noted

There is not enough space for parking as it stands and people are already forced to park on the pavement around Warwick Crescent.

Noted

The addition of 56 parents dropping and picking their children up every day are likely to want and indeed will park all over the streets in front of our houses, causing absolute chaos.

Noted. See appraisal

Do not believe the impact of this children's centre on the estate has been properly considered.

Noted. See appraisal

There is no public transport on the estate and the EYC centre is situated at the very back of the development.

Noted

The lack of a public transport route is purely down to the bus companies not wanting to take this due to a lack of yellow lines, a high amount of parked cars and the bends on the roads, buses are deemed unable to manoeuvre around the estate.

Noted. This is outside the scope of this application

How do you intend on minimising noise during construction?

See appraisal

How do you plan on stopping dirt and dust spreading to vehicles and house

The proposed building would be of modular construction thereby reducing

fronts on neighbouring properties?	the construction work and time required on site.
Both entrances to Warwick Crescent regularly have residents cars parked on it (because there are no parking restrictions) which would make it virtually impossible for construction vehicles to gain access	Noted
There is a bottle neck at the beginning of the development; one car in, one car out situation. I have no idea how construction vehicles would access the estate. Furthermore on a weekly basis we have lorries get stuck due to parked cars and they have to be helped out by residents	Noted
What are the proposed working hours for the construction of this development? I have seen other local developments where residents are having to suffer weekend and evening construction causing a huge amount of work	A condition is proposed restricting work Monday to Friday 08:00 to 18:00 hours and Saturdays 08:00 to 13:00 hours with no working on Sundays, Bank or Public Holidays
Your letter was dated 30 November yet arrived on 6 December with 14 days to lodge observations. Unfair to say the least	The delivering of post is outside the control of the Planning Authority
The 2-4 play area will be situated directly outside my house. I have huge concerns on the noise level when children are playing outside.	Noted. See appraisal
Our estate could not handle an extra 10 cars, let along any higher numbers. I would love you to drive on the estate at 8.15am and see how hard it is to get from the back to the front of the estate. It is dangerous. We need yellow lines implemented before this could even be considered and we as residents have been asking for this since 2015	Noted. However this is outside the scope of this application. The Highway Authority has no objection to the proposed development
It states in your documents that if there is a lack of parking spaces, there are no parking restrictions within the development. This is the reason there	Noted. However the lack of existing parking restrictions is outside the scope of this application. Users of the centre would be encouraged to use



are traffic issues on the estate and you are effectively inviting visitors to park where they can causing yet more restrictions on thoroughfare for vehicles as the roads are narrow and cars park on either side

sustainable modes of transport

You state most people would be walking to this facility as it would serve the local area. We have been informed that priority on spaces would not be given to residents on the estate. This facility would be used mainly by working parents who would be dropping their children off on their way to work so most definitely not walking if that was the case.

Noted. Spaces would be available for children who live in Dunton Fields.

This will make irreversible impact on the wellbeing of the local residents.

Noted See appraisal

## 7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design and Layout
- D. Impact on Natural Environment
- E. Impact on Residential Amenity
- F. Traffic & Highways

### A NEED

Emerging Policy HC3 (Strategic approach to education, skills and learning) states inter alia that *"the Council will work with Essex County Council and other education and skills development providers to provide new, continued and where appropriate, enhanced provisions of schools and other educational facilities which seek to improve the quality and choice of education and learning opportunities in the Borough. In particular, the Council will support in principle, proposals which:*

*Provide new or expanded early years and childcare, primary and secondary schools as required to accommodate residential growth."*

ECC has a statutory duty to ensure that there are sufficient childcare provisions within the local area, as well as a duty to secure free early years provision for pre-school children. The 'Free Early Education Entitlement' for 2 year olds (FEEE2) currently entitles 40% of the most disadvantaged 2 year olds to 15 hours free nursery entitlement per week. The recently introduced extended entitlement supports eligible working parents to access up to an additional 15 hours per week of nursery education on top of the universal 15 hours entitlement.

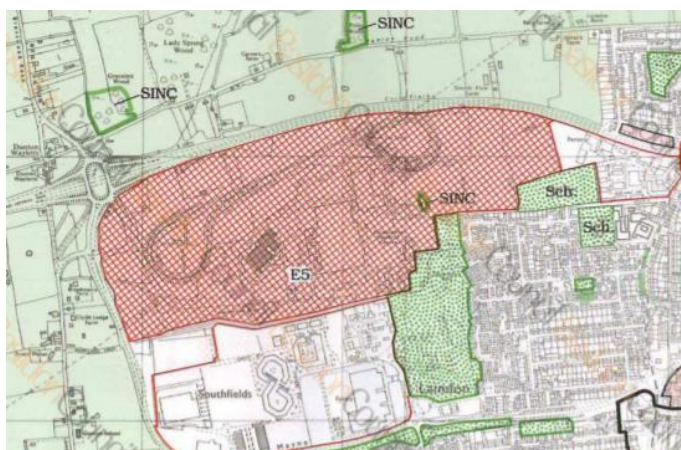
Dunton Fields is a new community on the outskirts of Basildon and as more

people move into the area it is considered there will be a greater demand for nursery provision. The proposed early years centre would be constructed on land transferred to Essex County Council as part of the S106 agreement attached to planning permission 12/00951/FUL granted by Basildon Borough Council in March 2013.

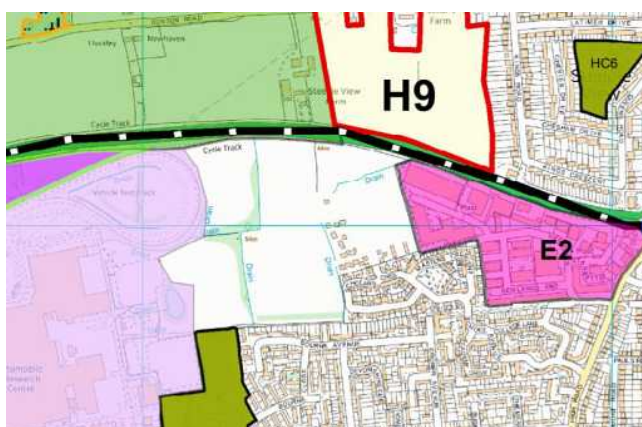
It is considered that there is an identified need for the proposed nursery facility on the application site and that this need should be given great weight in accordance with the provisions of the NPPF and that such provision would be in accordance with Policy HC3.

## B POLICY CONSIDERATIONS

In the Adopted Local Plan the land for the proposed nursery was originally identified as employment land for the Ford Research and Development Centre (see below).



However following the grant of planning permission for residential development in 2013, the site was removed from the employment zone designation in the emerging local plan.



Paragraph 92 of the NPPF states inter alia that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments”. It goes on to state that “planning

*policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

The NPPF states that the purpose of the planning system is to contribute to sustainable development. There are three overarching objectives to the achievement of sustainable development: economic, social and environmental. All are interdependent and should be pursued mutually.

Emerging Policy HC3 (Strategic Approach to Educations, Skills and Learning) states inter alia that *“the Council will support, in principle, proposals which provide new or expanded early years and childcare as required to accommodate residential growth.*

Emerging Policy SD4 (Presumption in Favour of Sustainable Development) states inter alia that *“when considering development proposals in the Borough, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

The proposed site for the early years centre was allocated as part of the larger residential development scheme determined by Basildon Borough Council in March 2013 and has been funded by S106 money.

As stated above there is a defined need for early years provision in the Basildon area and this proposed facility would help meet the increased demand for places in the area.

The proposed nursery would provide places for children living on the new Dunton Fields development.

The proposed nursery facility would provide employment for approximately 12 members of staff and would contribute to the social objective by providing the early years spaces required to help ECC meet its statutory duty by ensuring the provision of sufficient childcare provision in the local area.

The environmental objective will be considered throughout the report.

Basildon Borough Council has not raised any objection in principle to the proposed scheme.

It is considered that the need for the facility has been demonstrated by the requirement for additional early years provision in the Basildon area and the provisions of the NPPF and would be in accordance with Policy HC3.

## C DESIGN AND LAYOUT

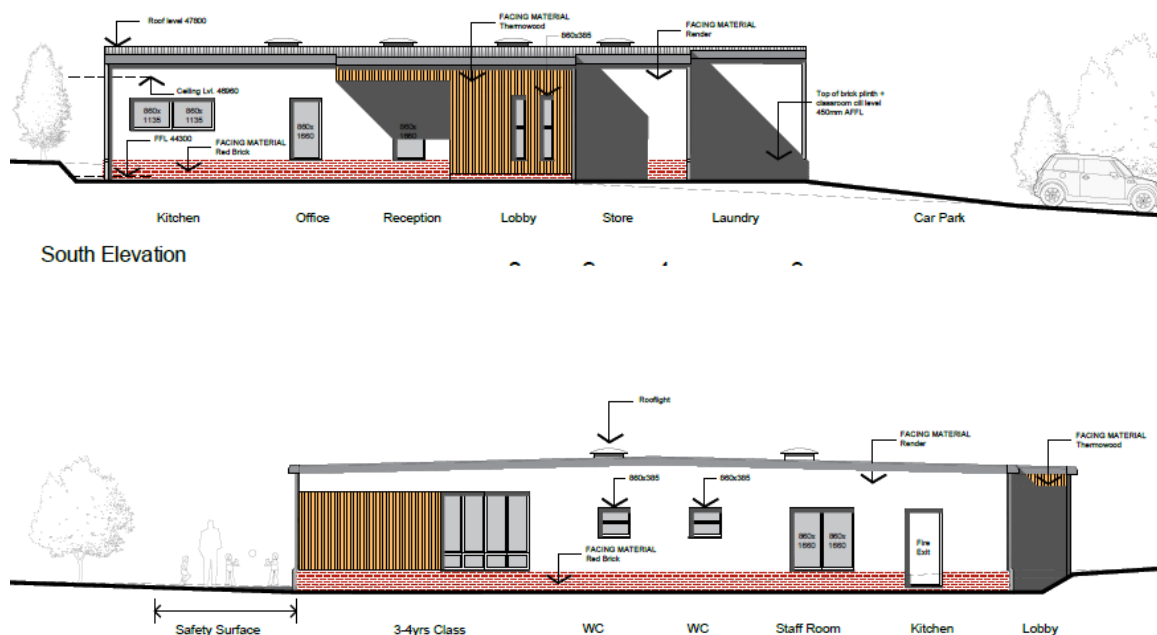
Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene.”*

Emerging Policy DES1 (Achieving Good Design) states inter alia that “*the Council will protect and enhance the quality and local distinctiveness of the Borough’s built environment through high quality and inclusive design that makes effective use of land, supports healthy lifestyles and creates better places for people.*”

Emerging Policy DES4 (High Quality Buildings) states inter alia that “*buildings should be designed to a high standard, responding appropriately to their location and reflecting their function and role in relation to the public realm. Proposals for new buildings will be expected to use good quality and durable building materials, that are appropriate to the context of the development.*” It goes on to say that “*buildings should be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate.*”

Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that “*new community facilities will be supported where it can be demonstrated that the facility and activities are of appropriate scale, design and intensity and would have no unacceptable impacts on the character, appearance or amenity of the surrounding area.*”

The previous scheme, considered and deferred by the Committee, was for a single storey building with shallow pitch roof to the west of the site on an area of undeveloped land. The proposed building would provide accommodation for twelve 0-2 year olds, twenty 2-3 year olds and twenty four 3-4 year olds.



The previously proposed elevations consisted of a mix of vertical timber ‘Thermowood’ weatherboarding and off-white/beige render. Windows would be white UPVC with aluminium framed doors. The timber cladding was proposed to the classroom facades and play areas where the applicant considered wear and tear would be greatest with render to the administrative areas of the building.

The Committee raised concerns with regards to:

- the appropriateness of a flat roofline in a residential area where residential properties consisted of pitched roofs;
- the use of wooden cladding which was considered could be a fire hazard;
- the overall design of the building; and
- health and safety aspects of the site, particularly with regards to the proximity of two culverts and an attenuation pond.

Amendments have been made to the overall design of the building, including the roofline and the proposed external materials.

The surrounding residential properties are traditional in appearance consisting of a mix of two and three storeys with pitched roofs and dormers. The external material palette consists of buff and red brick, cream coloured render and weatherboarding. Roof materials consist of artificial slate and red tiles. Pedestrian surfaces are tarmac with concrete kerbs and edgings.



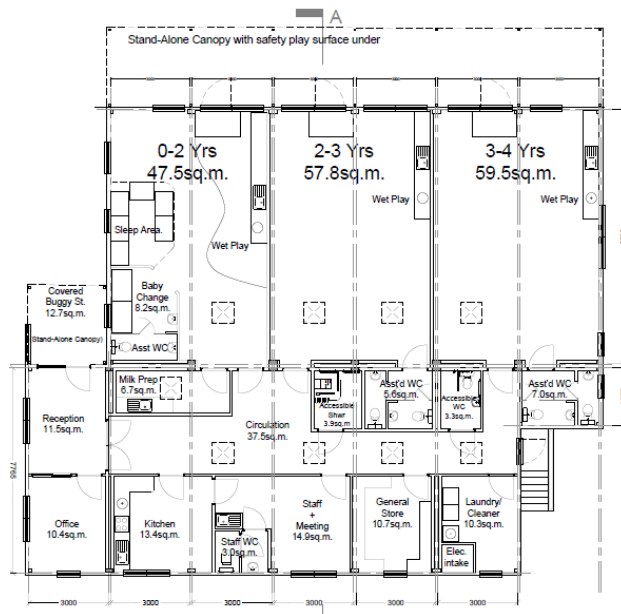
*View of the site for the proposed building looking south-north from the Roedean Crescent and Warwick Crescent junction.*

The proposed nursery building would be single storey construction with a monopitch roof over the classroom areas and a nominally flat roof with shallow fall over the administrative areas. The ridge of the monopitch roof would be 5.2m in height from the finished floor level. The external palette of materials would comprise buff brick and coloured render. A more vibrant colour of render has been selected for the nursery building to differentiate its use from the residential development and provide a more welcoming building for the children. Brightly coloured rendered panels would create an informal and light hearted environment in the play areas. The monopitch roof would be clad in lightweight 'Metrotile' tiles suitable for lower pitched roofs and similar in tone and colour to the roofs of the surrounding residential properties.



Internally the building would comprise of 3 classrooms (1 classroom for each age group), staff room, office, reception area, toilet and washing facilities (including accessible facilities), kitchen and laundry.





All classrooms would have wet play areas, accessible toilet facilities and access to covered outdoor play areas.

The rear of the monopitch form that faces east has a steep slope, above the flat roof of the administrative rooms. Rooflights have been inserted into this elevation to provide early morning solar warming to the classrooms, increase the levels of natural daylight in the building and to add visual interest to the building.

The external areas have been arranged to maximise the site's potential and reduce the impact on the adjacent properties. The classrooms and external play areas face west towards Warwick Crescent and the open space beyond. This also allows sunlight and daylight to enter the classroom areas. Administrative areas within the building face the staff parking area and the open space beyond the eastern boundary of the site.

Basildon Borough Council has no objection in principle to the proposed scheme.

### Sustainability

The proposed use of a modular building results in better control of materials, leading to a reduction in waste and an increase in recycling.

The proposed building would provide good levels of natural daylight which would be supplemented by high efficiency lighting to achieve the required levels of internal lighting.

Natural ventilation would be used throughout the building, with opening vents and windows to the classrooms and ancillary areas.

Heating and cooling to the building would be provided by wall mounted cassette units. This would provide good control through the use of a system that learns the cycle of use in relation to ambient temperatures and reduces the need for unnecessary heating. The proposed heating system is safer in that it removes the

possibility of children coming into contact with hot radiator surfaces.

Reduced flush toilet units would be installed to aid water conservation and rainwater would be collected in water butts for use on the landscaped areas.

The building has been designed to modern insulation standards commensurate with Building Regulations and would use low maintenance materials. All timber used in the construction of the building would be acquired from sustainable sources.

Essex Police has recommended that a condition is imposed requiring the developer to seek the Secured by Design Award. Whilst the NPPG requires that the prevention of crime and the enhancement of community safety are matters that a Local Planning Authority should consider, it is considered that a requirement for a developer to achieve an award would not meet the tests for conditions (necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects). The application states that security is a priority for the early years facility and the development would include a secure line formed by the building and fencing around the perimeter of the site.

Overall, it is considered that the development would be of an appropriate design for its function as a nursery building, it would take account of its surroundings and provide environmental efficiencies in compliance with Policy BAS BE12, Policy DES1, Policy DES4 and Policy HC10.

## D IMPACT ON NATURAL ENVIRONMENT

Emerging Policy NE5 (Development Impacts on Landscape and Landscape Features) states inter alia that *“when considering applications for development, the Council will work with partners and developers to encourage the preservation and enhancement of landscape and landscape features.”*

As stated previously the proposed building would be located on an area of undeveloped grassland. There are not any existing trees which would require to be removed to allow the construction of the proposed nursery building.

A majority of the outside space around the classrooms would be grassed, including the play areas for children. Canopies erected outside the classrooms would provide children with covered play and learning space. The areas immediately outside the classrooms would consist of a safety play surface.

A 2m high profiled mesh fence would be erected to the perimeter of the site. This would prevent unauthorised access to the site and also separate the nursery facility from the adjacent storm water attenuation pond beyond the eastern boundary, ensuring the safety of the children. An emergency access gate would be provided within the fence line to the north of the site. The 2m high mesh fence would also be erected to form a boundary between the pedestrian access and outside play areas to ensure the safety of the children.

A 1.2m high picket fence would be erected within the site to divide the play areas



between 0-2 year olds and 2-4 year olds.

1.8m high close boarded fencing would be erected around the proposed bin store which would be located close to the main vehicular access/egress of the site.

New mixed native hedging is proposed to the northern, southern and western boundaries of the site to help screen the building from view but also to provide privacy for the children when using the outdoor play areas.



The hedging would consist of *Crataegus Monogyna* (common hawthorn), *Prunus Spinosa* (blackthorn), *Corylus Avellane* (hazel) and *Fagus Sylvatica* (beech).

The hedging would also be planted to the eastern boundary of the proposed building, the western boundary of the proposed bin store area and along the pedestrian routes to/from the cycle parking provision and bin store.

Low ground cover shrubs would be planted in the north eastern and south eastern corners of the car parking area and within the island area created by the main vehicular access/agress route. It is also proposed to plant 4 trees on the site – 2 to the north east corner of the car parking area and 2 to the south east corner of the car parking area.

It is considered appropriate to attach a condition requiring the submission of a detailed landscape plan, together with the standard replacement landscape condition.

It is considered the planting of native hedging and natural screening to the boundaries of the site would help to enhance the landscape of the area and provide privacy and screening for users of the nursery facility in accordance with Policy NE5.

## E IMPACT ON RESIDENTIAL AMENITY

A pre-application exhibition was held on 23 May 2019 at Laindon Community Centre. A direct mailshot was also delivered to residents on the Dunton Fields Estates informing of the proposed development.

A total of 77 comments were received. Parking and traffic was a primary concern of residents. Several residents considered that the provision of 9 car parking spaces was insufficient for the proposed development and as a result the number of car parking spaces has been increased to 14 plus 1 disabled space.

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm in any of the following way: overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance.”*

Emerging Policy NE6 (Pollution Control and Residential Amenity) states inter alia that *“all development proposals must be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.”* It goes on to state that *“Where required conditions limiting hours of construction, opening hours and the movement of construction traffic and placing requirements on applicants to submit further proposal details will be implemented in order to ensure impacts on the environment and residential amenity are kept within acceptable limits.”*

The proposed play areas for children at the nursery would be located to the north west and west of the site with direct access from the classrooms. Concerns have been raised with regards to potential noise impact from the play areas on the surrounding residential properties. The proposed play areas would be approximately 20 metres from properties to the north, approximately 25 metres from properties to the south west and approximately 65 metres from properties to the west. Whilst it is accepted that there may be increased noise levels at certain times of the day, particularly when children are playing outside these would be limited to fairly short periods of time during the day and should not result in significant noise impacts for residents.

It is not considered that the proposed nursery building would cause any material harm to the surrounding residential properties by way of overlooking, overshadowing or over-dominance.

It is not considered that the proposed development would have a significant detrimental impact on residential amenity of the neighbouring residential properties and would therefore be in accordance with Policy BAS BE12 and Policy NE6.

## F TRAFFIC & HIGHWAYS

Emerging Policy T1 (Transport Strategy) states inter alia that *“the Council will seek to deliver improved accessibility to facilities. This will be achieved by ensuring that the new development is well-located and designed to minimise the need for travel*

*and encourages the use of sustainable modes of travel as an alternative to the private car.”*

Emerging Policy T8 (Parking Standards) states inter alia that *“proposals for development will be expected to make provision for car parking, provision for disabled parking and provision for safe and secure parking of bicycles, in accordance with the latest adopted Essex Parking Standards.”*

It is proposed to provide 14 car parking spaces plus one disabled parking space for use by staff.

The Essex County Council Parking Standards Design and Good Practice Guide September 2009 states that a maximum of 1 car parking space per full time equivalent staff and drop off/pick up facilities should be provided. There would be a total of 12 full time equivalent staff so on this basis the provision of 14 spaces, including one disabled space, is considered to be in accordance with the Good Practice Guide.

It is also proposed to provide 8 cycle parking spaces. The Design and Good Practice Guide states that a minimum of 1 space per 4 staff plus 1 space per 10 child spaces should be provided. On this basis it is considered that the proposed number of cycle parking spaces would be in accordance with the Good Practice Guide.

The proposed nursery would provide places for children living within the Dunton Fields development

Covered buggy/pushchair storage would be provided adjacent to the main entrance of the building to encourage users to walk to the nursery.

Concerns have been raised by several residents with regards to vehicular access, parking provision and traffic impact on the surrounding streets.

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes traffic danger or congestion.”*

Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that *“new and enhanced community facilities will be supported where it can be demonstrated that:*

- The facility is well connected to, and associated with existing facilities and readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users; and*
- Vehicle access and on-site vehicle parking would be provided to an appropriate standard.”*

A Transport Statement was submitted as part of the application, which indicates that the development has the potential to generate 15 vehicular trips in the AM

peak (08:00-09:00) and 14 vehicular trips in the PM peak (17:00-18:00) with 72 vehicular trips between 07:00-19:00. Although the public highway has been assessed as being able to cope with this number, it would likely to be lower with the impact of a Travel Plan.

There is a 20mph speed limit outside the site and a 30mph in the surrounding residential areas to encourage walking and cycling. The site is well connected to surrounding residential areas by shared footpaths/cycleways. The nursery would expect to cater for children from the local area, including the Dunton Fields development and would therefore be accessible by more sustainable means of transport.

The surrounding roads have unrestricted on-street parking, which is the case throughout the Dunton Fields estate.

No parking restrictions are proposed as part of this application. It is expected that the operator of the facility would seek to manage responsible parking via a Travel Plan.

The Highway Authority has commented that a new vehicular access is proposed on Warwick Crescent. An appropriate vehicular visibility splay would be achievable at the access, in accordance with Manual for Streets standards which is the appropriate standard in this location. The proposed 56 place childrens' nursery would employ 15 full time staff and vehicle and cycle parking would be provided in accordance with the current parking standards. The Transport Statement submitted to accompany the application states there would be 15 two-way vehicle trips in the AM peak and 14 two-way trips in the PM peak which can be accommodated on the highway network. The site is accessible by foot and cycle and the proposal as submitted is not considered detrimental to highway safety, capacity or efficiency. From a highway and transportation perspective the impact if the proposal is acceptable to the Highway Authority subject to a number of conditions which include the provision of a vehicular visibility splay, the development of the vehicular access, inward opening gates, sizes of car parking spaces, surface treatment of the vehicular access, discharge of water onto the highway and the submission of a Construction Management Plan.

Overall, the development location is considered to be acceptable given that it has been allocated as an early years' centre as part of a wider development for the area. The proposed traffic generated could be accommodated within the existing highway network and the development is considered to be in accordance with Policy T1, Policy T8 and Policy HC10.

## **8. CONCLUSION**

In conclusion, the proposed development is considered to be acceptable in the proposed location.

There is an identified need for the proposed early years centre on the application site and this need should be given great weight in accordance with the provisions of the NPPF. The site also complies with the encouragement for community facilities as per Policy HC3 and HC10.

It is considered that the amended design of the building and the proposed external materials would respond appropriately to its location and reflect its function in the public realm, Subject to conditions it is considered that the development would be in compliance with Policy BAS BE12, Policy DES1, Policy DES4 and Policy HC10. It would also provide environmental efficiencies in compliance with the provisions of the NPPF and Policy SD4.

In terms of landscape, a landscape scheme and landscape management and maintenance plan is proposed to fully secure planting details across the site. The development is not considered to have unacceptable impacts on overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance, providing certain conditions are imposed. It is therefore considered that amenity would be protected in accordance with Policy BAS BE12 and Policy NE6.

The proposal would include parking provision in accordance with Policy T8. The proposed traffic generation has been assessed as being able to be accommodated in the surrounding highway and sustainable travel could be encouraged through a Travel Plan. There are not considered to be any reasons for refusal on traffic and highway impact.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a sustainable development, for which there is a presumption in favour. The development would also provide the necessary facilities and infrastructure to support sustainable communities and would be accessible and compatible with the character and needs of the local community, in compliance with Policy HC10.

## **9. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/33/20 dated 4 March 2020 and validated on 13 March 202 together with Drawing Numbers:

- 323-111.P3 – Site Plan – 4 July 2020
- 323-112.P2 – Landscape & Planting Plan – 14 April 2020
- 323-113.P2 – Drainage Plan – 4 July 2020
- 323-211.P2 – Floor Plan – 27 July 2020
- 323-212.P2 – Roof Plan – 4 September 2020
- 323-311.P2 – Section AA – 26 July 2020

- 323-411.P2 – South Elevation East Elevation – 16 November 2020
- 323-412.P2 – East Elevation North Elevation – 16 November 2020
- 323-110.P2 – Location & Block Plan – 4 March 2020

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy SD4 (Presumption in Favour of Sustainable Development), Policy HC3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T1 (Transport Strategy), Policy T8 (Parking Standards), Policy DES1 (Achieving Good Design), Policy DES4 (High Quality Buildings), Policy NE5 (Development Impacts on Landscape and Landscape Features) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Location Plan October 2018.*

3. The construction of the development hereby permitted shall not be carried out unless during the following times:
  - 08:00 hours to 18:00 hours Monday to Friday
  - 08:00 hours to 13:00 hours Saturdays

And at no other times, including on Sundays, Bank or Public Holidays.

Reason: *In the interest of limiting the effect of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

4. No development shall take place beyond the installation of a damp proof course membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained hereafter in accordance with Condition 5 of this permission.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan*

October 2018.

5. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 4 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan October 2018.*

6. No beneficial occupation of the development hereby permitted shall take place until the access at its centre line has been provided with a clear ground visibility splay with dimensions of 2.4metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing Number 10114\_1170 – Large Vehicle Swept Path prepared by GTA and dated 4 March 2020 included as part of the Transport Statement (Ref 10114) prepared by GTA and dated March 2020. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: *To provide adequate inter-visibility between vehicles using the access and those in the public highway in the interests of highways safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

7. No beneficial occupation of the development hereby permitted shall take place unless the vehicular access has been constructed at right angles to the existing carriageway as shown in principle on Drawing Number 323-111.P4 – Site Plan - prepared by Denning Male Polisano dated 4July 2020. The width of the access at its junction with the highway shall not be less than 5.5metres and shall be provided with 2no. appropriate kerbed radii and dropped kerb pedestrian crossing point.

Reason: *To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy BAS BE 12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian access on Warwick Crescent, as shown on Drawing Number

323-111.P4 -Site Plan – dated 4 July 2020 unless they open inwards from the public highway and those serving a vehicular entrance shall be set back a minimum distance of 6 metres from the nearside edge of the Warwick Crescent carriageway.

Reason: *In the interests of highway safety and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

9. Each vehicular parking space shall have minimum dimensions in accordance with the current parking standards.

Reason: *To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

10. Cycle parking facilities shall be provided as shown on Drawing Number 323-111.P4 – Site Plan – dated 4 July 2020 in accordance with the current parking standards. The approved facility shall be secure, convenient and covered and provided prior to the first beneficial occupation of the development hereby permitted and retained at all times.

Reason: *To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

11. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted, within 6 metres of the highway boundary.

Reason: *To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018).*

12. There shall be no discharge of surface water onto the Highway.

Reason: *To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure compliance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

13. There shall be no development, including any groundworks or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:



- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: *To ensure that the on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

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## **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 County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing 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 requirements in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

BASILDON – Basildon Laindon Park and Fryerns (2 Local Members)

**DR/44/20****Report to:** DEVELOPMENT & REGULATION (18 December 2020)**Proposal:** MINERALS, WASTE and COUNTY COUNCIL ENFORCEMENT – Temporary relaxation of response target times to respond to complaints/carry out site investigations.**Location:** Essex-wide**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Richard Greaves Tel: 03330 316817

## PURPOSE OF REPORT

The report seeks the Committee's approval to temporarily relax the target times to deal with planning enforcement complaints/investigations, as set out in the Local Enforcement and Site Monitoring Plan ('the Plan') previously endorsed by the Committee in May 2013.

## BACKGROUND AND OPERATION OF ENFORCEMENT SERVICE

As a reminder, paragraph 207 of the National Planning Policy Framework (NPPF) states:

*"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local Planning Authorities should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."*

In accordance with the NPPF the [Essex Local Enforcement and Site Monitoring Plan](#) ('the Plan') sets out what enforcement and site monitoring service businesses and individuals can expect from Essex County Council as Mineral, Waste and County Planning Authority.

With the Committee's endorsement, the Plan was updated in 2016, however, in summary, the Plan sets out the planning authority's processes dealing with:

- The county council's monitoring and enforcement function;
- Taking formal enforcement action ;
- Resources allocated to enforcement and monitoring;
- Dealing with complaints;
- The appropriate course of action;
- The Human Rights Act 1998;
- Chargeable minerals and landfill monitoring visits, and;
- Non-chargeable waste management site monitoring visits.

The Plan sets out the county planning authority's procedure for dealing with complaints and site investigations setting out a defined process.

Section 5 of the Plan sets out how the service will deal with complaints, including normal response times, as follows:

- a) Acknowledgement of complaints: a complaint will normally be acknowledged within 2 working days of the Enforcement Officer receiving the complaint;
- b) Checking the facts: this may include a site inspection and checking records;
- c) If no breach is found: The complainant(s) and, if necessary, the operator involved will normally be informed within 14 working days of the date of the acknowledgement;
- d) If a breach is found but is not a 'County Matter': the relevant District/Borough Council/Environment Agency will normally be informed of the complaint within 14 working days of the date of the acknowledgement, whilst informing the complainant(s) and, if necessary, the operator involved within the same period;
- e) If a breach is found that is a County Matter: the necessary course of action will be considered in accordance with this Plan and all parties will normally be informed accordingly within 14 working days of the acknowledgement.

## **SERVICE UPDATE**

As members will be aware, the County Council employs only one Planning Enforcement Officer who is supported by planning officers within the service. Historically the service has been operated very effectively with the (Enforcement) Officer dealing with complaints regarding unauthorised activities and breaches of planning control covering the whole county.

Nonetheless, in recent months, and especially since the COVID-19 outbreak, the number of complaints received has increased and this combined with the restrictions that were in place restricting site visits over the summer, especially jointly with officers of the Environment Agency, has meant that there is now a backlog in cases to be resolved.

The Committee receives a quarterly update on live enforcement cases and a snapshot of active cases shows that, comparatively, there has been a marked increase since the same time last year.

Table 1 – Number of active Enforcement Cases

	<b>2019</b>	<b>2020</b>
January	18	29
April	19	25
July	34	28
October	28	37
<b>TOTAL</b>	99	119

Whilst the reasons for the increase in complaints/cases is not exactly known, it has been suggested that, as more people are now at home during the day time combined with the waste volume increase caused by the COVID-19 pandemic, has meant not only more unauthorised activities taking place in Essex, but more vigilance within local communities and reporting such activities. As such, this has put a strain on the operation of the service, meaning that complainants received are often unable to be dealt with as expeditiously would normally happen. Whether this is a temporarily/short-term or longer term issue remains to be concluded.

Additionally, and somewhat ironically, because there has been delay in responding to enforcement complaints, this has led to complaints being raised against the service in general, given that some cases are not being resolved to swiftly to the satisfaction of the complainant.

As set out in the Plan, 'harm assessments' are still being utilised to prioritise investigations, however the timescales for responses are sometimes not able to be met. As such the Committee is being made aware of this issue and especially that the timescales for responses set out in the Plan will not always be able to be achieved.

## **RECOMMENDATION**

That the normal target response times, as set out in Section 5 of the Local Enforcement and Site Monitoring Plan (the Plan), are relaxed until 30 June 2021 on the understanding that cases are continued to be prioritised in accordance with the procedures and processes detailed in the Plan.

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## **BACKGROUND PAPERS**

- [Essex Local Enforcement and Site Monitoring Plan](#)
- Committee statistic reports Jan 2019 - Oct 2020

## **LOCAL MEMBER NOTIFICATION**

Countywide

**Report to:** DEVELOPMENT & REGULATION (18 December 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of October	39
Nº. Decisions issued in November	4
Nº. Decisions issued this financial year	21
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in November	3
Nº. applications where Section 106 Agreements pending at the end of November	8

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of October	11
Nº. Decisions issued in November	2
Nº. Decisions issued this financial year	27
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in November	2

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in November	5
Nº. Committee determined applications issued in November	1
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	117
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of November	79
Nº. of referrals to Secretary of State under delegated powers in November	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of November	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of last quarter	36
Nº. of cases cleared last quarter	13
Nº. of enforcement notices issued in November	0
Nº. of breach of condition notices issued in November	0
Nº. of planning contravention notices issued in November	0
Nº. of Temporary Stop Notices issued in November	0
Nº. of Stop Notices issued in November	0