

**DR/16/21****Report to:** DEVELOPMENT & REGULATION 24<sup>th</sup> SEPTEMBER 2021**Proposal:** MINERALS AND WASTE DEVELOPMENT –

- (i) Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN (“Proposed retention of water management pipeline”) to enable the continued use until 30 September 2041.  
Ref No: ESS/24/20/TEN.
- (ii) Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN (“the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway”) to extend the duration of development until 30th September 2041; increase waste imports and consequential HGV movements to 138 Monday to Friday, and 70 Saturdays and increase the maximum daily peak to 204 (reducing to 102 on Saturdays); increase use of the private haul road to 25 HGVs per hour and provide a Restoration and Aftercare scheme by 30th December 2037.  
Ref No: ESS/25/20/TEN.
- (iii) Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.  
Ref No: ESS/26/20/TEN.
- (iv) Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) to enable: the continuation of permitted developments until 30 September 2040; an amendment to the proposed scheme of infilling; an increase in HGV movements to 138 Monday to Friday and 70 Saturdays and an increase in the maximum daily peak to 204 HGVs (reducing to 102 on Saturdays); increased use of the private haul road to 25 HGVs per hour; and provide a Restoration and Aftercare scheme by 30 December 2037.  
Ref No: ESS/27/20/TEN.
- (v) Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.  
Ref No: ESS/29/20/TEN.

**Ref:** ESS/24/20/TEN; ESS/25/20/TEN;  
ESS/26/20/TEN; ESS/27/20/TEN &  
ESS/29/20/TEN

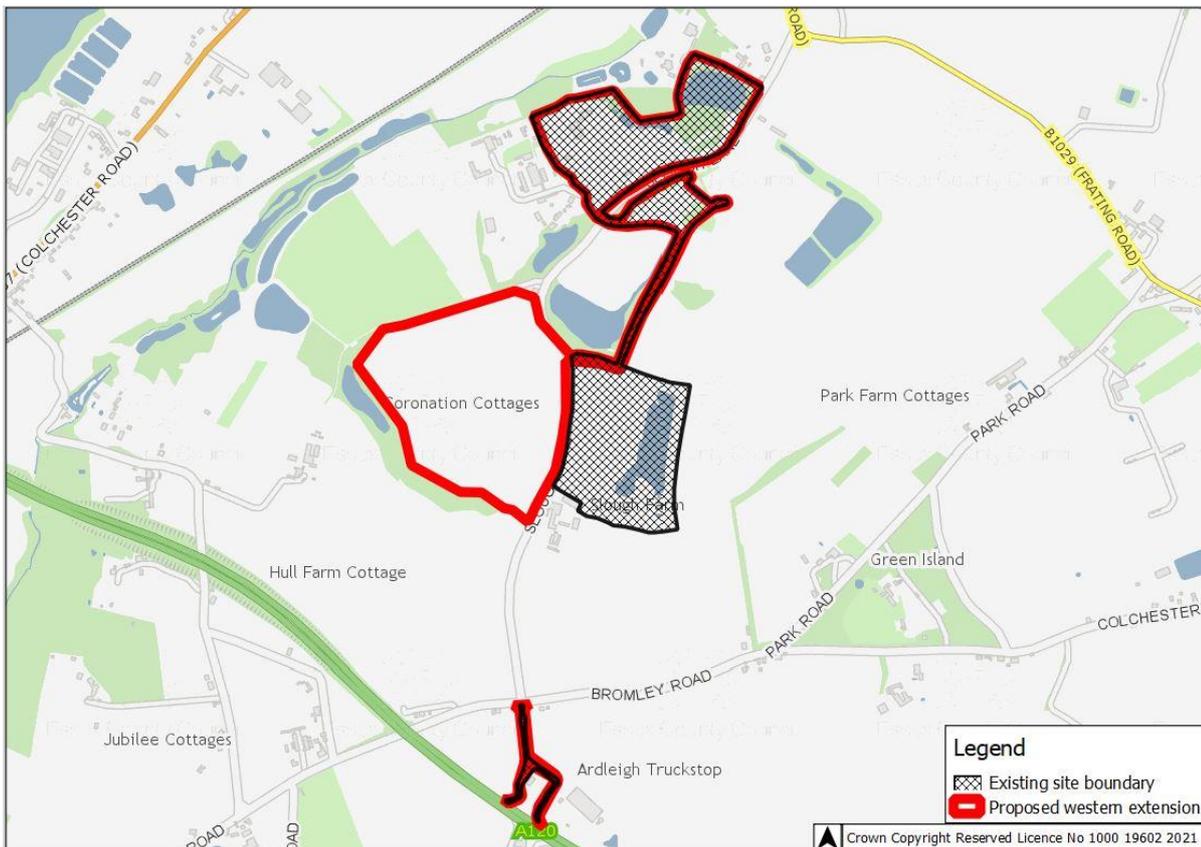
**Applicant:** Sewells Reservoir Construction  
Limited

**Location:** Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

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

**Enquiries to:** Terry Burns Tel: 03330 136440

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



## 1. BACKGROUND AND SITE

Martell's Quarry began mineral extraction in the 1920's and its footprint over the years has changed considerably with the land both past and present having developed into separately owned industrial/mineral and waste management interests in their own right.

The original Martells quarry began life north of Slough Lane; moved to the south and saw mineral extraction followed by landfilling take place to the immediate east, under planning permission ESS/56/96/TEN, of the present mineral quarry permission subject of this report, before the quarry activities shifted westwards with an extension application under ESS/18/07/TEN; the "mother" permission of the present mineral site activities.

As referred above the northern half of the present day Martells quarry complex is separated from its southern half by Slough Lane. The northern land parcel accommodates the former original quarry void set within its western side at a lower land level than the higher eastern half of the former quarry footprint. Some of this higher situated land appears to reflect reinstatement activity to surrounding ground levels. The eastern element of the northern land parcel accommodates the applicants quarry processing, stockpiling; recycling and site office facilities. Additional third-party businesses occupy the western land area, and this is known as the Martell's Industrial Estate. Businesses here predominantly occupy the former void area and activities include, but not exclusively, concrete batching, scrap metal, end of life vehicle dismantling and inert waste recycling. Shared access to the processing/industrial area is off Slough Lane. To the south of the Lane and along a short haul road lies the main quarry excavation activities and to

its immediate east lies the active Ardleigh Landfill site which is in the process of final restoration.

Both quarry and landfill HGV traffic access and exit the complex before travelling south along Slough Lane across the B1029 (Bromley Road) to access a private road with barrier provision that links onto the A120 road.

The quarry in its present format was originally permitted In July 2008 under Permission ESS/18/07/TEN. This permission sought the extension westwards of the then quarry (now the Ardleigh Landfill area) and which provided for the extraction of silica sand and gravel and restoration of the land to agriculture by infilling the void with solid, inert and commercial and industrial waste residue. This permission also included the land accommodating the private access road onto the A120.

There have been various amendments sought to the main quarry permissions including with a Variation of Condition permission granted August 2015 - ESS/23/15/TEN that was for the importation of materials from time to time to meet product imbalances and to offer a fuller product portfolio to customers without compliance with Condition 7 (Importation Restriction) of planning permission ESS/46/14/TEN.

Permission ESS/43/14/TEN provided for the installation of a replacement mobile mineral washing plant followed in 2017 by a Non-Material Amendment to provide for a replacement mineral washing plant on the same location.

Planning permission ESS/53/17/TEN, a Variation of Condition application, granted in September 2018 for the lifting of a restriction on having both the quarry and adjacent landfill sites undertaking infilling at the same time.

A Lawful Development Certificate – ref No: ESS/19/18/TEN provides for the use of land as a facility for recycling solid, inert and commercial and industrial waste. This parcel of land is located south of Slough Lane.

The most recent permission for the land, ESS/61/19/TEN a Variation of Condition (of ESS/53/17/TEN) to accommodate to accommodate remediation works required for slope stability; a Planting Establishment and Management scheme and retrospective permission for the provision of a water tank was granted in February 2020.

Mineral extraction currently takes place on the land to the south of Slough Lane. A void area has been formed in a roughly rectangular shape with extraction progressing through the void in an east to west direction. Proposed infilling of the void would take place in three cells known as Landfill Cells 1-3. Cells 1 and 2 would be the larger and primarily comprise the entire extraction area footprint with Cell 1 in the northern half of the void; Cell 2 occupying the southern half whilst a smaller Cell 3 would occupy the north eastern corner of the extraction area.

As the mineral extraction has taken place the perimeter boundary on the north; east and parts of the south have, as provided for from the approved working pans, been provided with graded batters at 45 degrees.

A water management pipeline, some 380 metres in length, that links the excavation void with the lagoons north of Slough Lane was approved under ESS/14/18/TEN in August 2018.

Provision for the siting of a wet recycling facility, ESS/32/18/TEN, to allow handling of non-hazardous and inert wastes was forthcoming in early 2019 within the northern processing plant yard.

As part of the preparation for these series of applications, the applicant undertook Pre-Application advice, ESS62/19/TEN/PRE and a formal opinion was issued in August 2020. A Scoping request was sought and received, ESS/93/19/TEN/SPO, and an Opinion issued in January 2020.

As a consequence of seeking a proposed Western extension to Martells Quarry there would be requirements to seek amendments to the extant quarry permissions through appropriate Variation of Condition applications, the subject of this report, to accommodate revisions to working practices and enable the dovetailing of the quarrying/infilling activities.

The western extension land lies effectively to the south west of the industrial estate and west of the current quarry extraction area. The application area comprises 26.6 hectares (15.9 hectares being the actual western field).

The application documentation notes of the site description: "as boundaries of the Site include a farm track to the north, past which lies agricultural land and Martells Yard. Slough Lane lies immediately adjacent to the Site to the east, past which is the existing Quarry void which is soon to undergo restoration. The boundaries of the Site to the south include a peripheral strip of woodland, past which lies agricultural land; the Site is bounded to the west by a pond, past which lies Hull Farm and agricultural land".

## 2. PROPOSAL

There are five applications in total, supported with an Environmental Statement (summarised at Appendix D); comprising a proposed western extension of the existing quarry complex together with four other Variation of Condition (VOC) applications seeking to vary conditions to existing permissions. These VOC applications would seek to allow appropriate dovetailing of the existing operational practices of the quarry complex with the proposed western area i.e., for the western extension activities to make use of the existing processing and recycling facilities, internal haul routes and bagging and storage areas. These variations relate chiefly to enabling mineral from the western extension to be handled through the existing processing plant facilities; water management system and timescaling link ups.

- (i) **ESS/29/20/TEN** - Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.

In essence the development would involve extraction, processing, sale and distribution of sand and gravel. It is proposed to undertake phased mineral extraction in the western extension (trading at the Quarry is expected to typically be in the region of 125,000 tpa with a reserve within the western extension being around 1.31 million tonnes. This being made up of some 460,000t of silica sand and 390,000t of sand and gravel). Following mineral extraction and the infilling of the void, the land would be restored back to agriculture. Timescales are quoted as removal of aggregate between the then proposed start date of 2022 – 2036 and infilling being completed 2038. Additional time post infilling to achieve final restoration/landscaping would take place afterwards.

The application describes the proposal and its working and restoration as *“In terms of the Proposed Development, one of the implementation issues identified within the Site Profile is to be able to show that the extracted mineral can be transported to the processing plant without increasing traffic movements on Slough Lane. It is, therefore, proposed that a new access will be created on the eastern side of the western extension and on the western side of the current extraction area. This will allow the extracted mineral to be transported across Slough Lane into the current extraction area, where vehicles will travel along the current haul route to the existing processing area.*

*The proposed crossing point will also allow inert materials to be transported to the western extension where they will be permanently deposited into the resultant void to complete the restoration of the Site.*

*To facilitate the use of the proposed access and haul route and also the use of the existing processing and recycling facilities, it will be necessary for the application to also seek to allow the change of use of the existing permitted haul route, processing and recycling areas that are currently used in conjunction with the existing extension. The application will allow for the existing facilities to also be used in conjunction with the proposed western extension.*

*The current extraction area has approximately 200,000t of sand and gravel remaining to be extracted, which is extracted at a rate on average of 100,000tpa with some possible peak sales at 125,000tpa. At the current rate of extraction, this gives the current working area approximately 2-3 years remaining until reserves are exhausted. Therefore, extraction within the proposed extension area shall have to commence in around three years' time if continuity of supply is to be achieved.*

*Under the terms of the existing permissions for the Quarry, planning permission reference ESS/61/19/TEN restricts the amount of vehicle movements to 108 HGV movements per day (54 in and 54 out). The permission also limits the sales of extracted minerals to 125,000tpa.*

*The net effect of this permission, read in conjunction with later consents, is to allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.*

*The proposed western extension area contains 105,000m<sup>3</sup> of soils and*

overburdens which will be used to form screen banks or directly placed for restoration. There is also 211,100m<sup>3</sup> of silt and interburden which will be processed with the sand and gravel and subsequently separated and stored onsite or directly placed for restoration within the void. This leaves approximately 752,900m<sup>3</sup> of void space which will be filled using inert materials.

There is a need to balance the rate of extraction of mineral against restoring the land in a timely manner and also fulfilling the restoration objectives of the current extraction area, which will have a void space of 600,000m<sup>3</sup> once all the mineral has been extracted.

It is therefore proposed that, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void, a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space and the proposed western extension per annum.

Based on the importation of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17-tonne payload over 275 days per year, this gives an additional 15 loads / 30 HGV movements per day and the peak daily level by 42 movements (21 in / 21 out) per day, with an uplift of 4 HGV movements (2 in 2 out) to the maximum hourly limit. Adding these additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average, Monday to Friday (an increase of 27.7%), applying this uplift to the current 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

The existing planning permissions impose an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift, it gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.

On the assumption that the remaining mineral will be extracted, it is proposed that the remaining void space within the current extraction area will be tipped at a rate of around 85,000m<sup>3</sup> per annum which is expected to commence early 2020. The current extraction area is permitted to take two different waste streams to fulfil the restoration and, therefore, it is expected that inert waste shall account for approximately 70,000m<sup>3</sup> of void per annum with non-hazardous waste amounting to around 15,000m<sup>3</sup> per annum.

The filling of the currently consented inert waste cells will take approximately four years (2023) and the non-hazardous cell will take around 21 years (2040). A period will be needed once infilling has taken place to complete the restoration.

The proposed western extension area has an inert void space that will

accommodate 752,900 m<sup>3</sup> of inert waste once 1,310,000 tonnes of aggregates have been removed between 2022 and 2036.

*It is proposed that the void space will be filled at a rate of around 70,000m<sup>3</sup> per annum, the commencement of which will be deferred until 2023 to allow time for a void to be created and also for the inert void in the current working area to be consumed. It is likely infilling shall have been completed in the western extension by 2038 and time will be needed thereafter to complete the restoration.*

#### *Working and Restoration Schemes*

*Following the completion of any enabling works, including the creation of the proposed crossing point and water management pipeline, soils and any overburden materials shall be stripped on a progressive basis and temporarily stored within the Site within the footprint of Bund 1 and Bund 2, located on the northern and eastern boundaries. The proposed bunds will form an effective screen to protect the amenity of nearby residents and users of Slough Lane. Materials will be removed in conjunction with any necessary archaeological and ground investigations. ....*

*On completion of extraction within the current working area, extraction shall commence within the Site. .... working will be undertaken on a phased basis running north to south and on a campaign basis. The mineral shall be excavated using a hydraulic excavator, supported with a number of dump trucks which shall transport material to the mineral processing area along the dedicated haul route, where the materials will be stockpiled, processed and then transported from the Quarry for onward distribution.*

*.... Phase 2 of the operations in which mineral extraction will have been completed within Phase 1. The importation of inert waste residues from the operation of the inert waste processing facility will commence to allow the placement of materials within the void until the formation levels are reached within Phase 1. The extraction operations will also commence within Phase 2 and will progress in a north to south direction until all of the mineral has been extracted.*

*Phase 3 .. the penultimate operational phase, in which mineral extraction continues to advance towards the southern boundary with restoration progressing behind. On completion of restoration, the Site shall undergo management and aftercare designed to ensure delivery of the end use”.*

*The applicant has also stated in the preparation for the applications that “The Essex Minerals Local Plan Adopted July 2014 has allocated land to the west of the existing Quarry as a silica sand, and sand and gravel extraction site with an estimated reserve of 460,000 and 390,000 tonnes respectively.....*

*The Essex Waste Local Plan Adopted July 2017 has also allocated the western extension area as an inert waste recycling facility capable of recycling approximately 40,000tpa and as an inert landfill capable of accommodating 1,000,000m<sup>3</sup> of inert waste.....*

In respect of the four Section 73 applications the submitted documents propose

amendments to be made to the following permissions seeking:

- (ii) **ESS/24/20/TEN** - Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN (“Proposed retention of water management pipeline”) to enable the continued use until 30 September 2041.

The submission states the application “*proposes to vary Condition 1 to allow the retention of the water management pipeline until 30 September 2041, which will be consistent with the proposed restoration date being sought within the Section 73 application for planning permission reference ESS/61/19/TEN and also the proposed end date for the proposed western extension area*”.

- (iii) **ESS/25/20/TEN** - Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN (“the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway”) to extend the duration of development until 30th September 2041; increase waste imports and consequential HGV movements to 138 Monday to Friday, and 70 Saturdays and increase the maximum daily peak to 204 (reducing to 102 on Saturdays); increase use of the private haul road to 25 HGVs per hour and provide a Restoration and Aftercare scheme by 30th December 2037.

The submission states “*Condition 2 attached to planning permission ESS/32/18/TEN states:*

*“The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 June 2033 in line with the cessation and restoration requirement of the permission ESS/53/17/TEN, to which this application area relates.”*

*This application seeks to vary Condition 2 to allow for the continuance of the permitted developments until 30 September 2040 and the land restored within one year. The proposed timescale will allow for the current extraction area and proposed western extension to be restored using residual waste materials and ensure all stockpiles of waste are processed prior to the lapse in permission.*

*It is therefore proposed that Condition 2 be varied as follows:*

*“The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 September 2041.”*

Condition 10 of the permission states:

*“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.*

*The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/53/17/TEN) hereby permitted shall not exceed the following limits:*

- daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - averaged over period of 1 year;*
- daily HGV movements of 54 (27 out and 27 in) (Saturdays) - averaged over period of 1 year;*
- inclusive of a maximum daily peak for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.....”*

Condition 11 of the extant permission states:

*“The use of the private haul road to the A120 shall be restricted to a maximum of 21 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (included cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”*

*The net effect of these conditions, is to allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.*

*The proposed western extension area contains a void space of approximately 752,900m<sup>3</sup> which will be filled using inert materials.*

*There is a need to balance the rate of extraction of the mineral against restoring the land in a timely manner and also fulfilling the restoration objectives of the current extraction area which will have a void space of 600,000m<sup>3</sup> once all the mineral has been extracted.*

*It is therefore proposed that, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void, a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space and the proposed western extension per*

*annum.*

*Based on the importing of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17 tonne payload over 275 days per year, this results in a total of 68,000 tonnes per annum. This gives an average of 14.5 (say 15) loads / 30 HGV movements per day, based on 275 working days.*

*Adding the proposed additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.*

*In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.*

*The existing planning permission imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.*

*It is proposed that Condition 10 be varied as follows:*

*“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.*

*The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission) hereby permitted shall not exceed the following limits:*

- daily HGV movements of 138 (69 out and 69 in) (Monday to Friday) - averaged over period of 1 year;*
- daily HGV movements of 70 (35 out and 35 in) (Saturdays) - averaged over period of 1 year;*
- inclusive of a maximum daily peak for of 204 HGV movements (102 out and 102 in) reducing to 102 HGV movements (51 out and 51 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.....”*

*It is proposed Condition 11 be varied as follows:*

*“The use of the private haul road to the A120 shall be restricted to a maximum of*

*25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (included cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”*

*Condition 19 currently states:*

*“prior to the completion of the excavation of sand and gravel from land south of Slough Lane associated with the Principal permission ESS/53/17/TEN, or by the 30th December 2026, whichever date is the earlier, a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”*

*This application seeks to amend Condition 19 to defer the date in which a restoration scheme is required to be submitted for the recycling area. This deferment is being sought due to the proposed western extension to the Quarry and also due to the change in timescales relating to the working and restoration of the current extraction area permitted under planning permission reference ESS/61/19/TEN.*

*It is therefore proposed that Condition 19 be varied as follows:*

*“By the 30 December 2037 a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”*

- (iv) **ESS/26/20/TEN** - Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.

The application states: *“Condition to be Varied*

*The details concerning the relevant consent and condition are set out below along with the proposed changes to permit the Proposed Development within this application.*

*Condition 2 of planning permission reference ESS/43/14/TEN states:*

*“The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref ESS/18/07/TEN; the plant*

*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 30 June 2033; and the site restored in accordance with the approved restoration scheme and timetable.*

*The mineral washing plant is required to facilitate the processing of the extracted mineral from within the current extraction area and proposed western extension area.*

*It is therefore proposed that Condition 2 be varied as follows:*

*“The plant 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 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.*

*The proposed timescale will allow mineral processing to continue for a further two years after mineral extraction has ceased to ensure any stockpiled mineral can be processed within the proposed timeframe”.*

- (v) **ESS/27/20/TEN** - Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) to enable: the continuation of permitted developments until 30 September 2040; an amendment to the proposed scheme of infilling; an increase in HGV movements to 138 Monday to Friday and 70 Saturdays and an increase in the maximum daily peak to 204 HGVs (reducing to 102 on Saturdays); increased use of the private haul road to 25 HGVs per hour; and provide a Restoration and Aftercare scheme by 30 December 2037.

The application proposes:

“Condition 2 attached to planning permission ESS/61/19/TEN states:

“Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 June 2033.

Condition 3 states:

“With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site when they are no longer required for their purpose solely in connection with the development hereby permitted. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access

and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases, the recycling facility and landfilling and in any case not to prevent the restoration of the site by 30 June 2033. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.”

Condition 4 states:

“The landfilling hereby permitted shall cease by 30 June 2032 and the site shall be restored within 1 year in accordance with the details set out Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.”

Condition 5 states:

“The use of land adjacent to the processing plant for stockpiling shall be for a limited period and shall expire on 30 June 2032 following the completion of extraction works at Slough Lane when the use shall cease, and the site shall be cleared and restored in accordance with the approved scheme of restoration as determined under Condition 56 of this permission.”

The Site has approximately 200,000t of sand and gravel remaining to be extracted, which is extracted at a rate on average of 100,000tpa with some possible peak sales at 125,000tpa. At the current rate of extraction, this gives the current working area approximately 2-3 years remaining until the reserves are exhausted.

Once all the mineral has been extracted, the Site will have a void space of 600,000m<sup>3</sup>, which is consented to be infilled with inert and non-hazardous waste.

The current conditions attached to the permission allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.

It is therefore proposed that in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space.

Once mineral extraction has ceased within the Site, it is proposed that the remaining void space will be tipped at a rate of around 85,000m<sup>3</sup> per annum which is expected to commence early 2020. The Site is permitted to take two different waste streams to fulfil the restoration and, therefore, it is expected that inert waste shall account for approximately 70,000m<sup>3</sup> of void per annum with non-

hazardous waste amounting to around 15,000m<sup>3</sup> per annum.

The filling of the inert waste cells will take approximately four years and the non-hazardous cell will take around 21 years. A period will be needed once infilling has taken place to complete the restoration.

The existing Quarry void cannot be infilled and restored within the current permitted timescale; therefore, this application seeks to change the permitted restoration dates for the Site to allow the land to be restored in accordance with the approved restoration scheme.

It should be noted that the sand drying, and bagging area is an existing permitted activity that operates within the Martells Industrial Estate and is not required to be removed once mineral extraction has ceased.

The sand drying and bagging area will continue to be used in conjunction with the processing and sale of the extracted mineral from within the current extraction area as well as the proposed western extension.

It is proposed that Condition 2 be varied as follows:

“Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 September 2041.”

It is proposed that Condition 3 be varied as follows:

“With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site by 30 September 2041 and the land restored by 30 September 2042. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases,

the recycling facility and landfilling and in any case not to prevent the restoration of the site. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.”

It is proposed that Condition 4 be varied as follows:

“The landfilling hereby permitted shall cease by 30 September 2040 and the site shall be restored within 1 year in accordance with the details set out Drwg No:

KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019."

It is proposed that Condition 5 be varied as follows:

"The use of land adjacent to the processing plant for stockpiling shall expire on 30 September 2040 and the site shall be cleared and restored within one year in accordance with the approved scheme of restoration as determined under Condition 56 of this permission."

#### Condition 6

The proposed western extension seeks to create a new access on the eastern side of the western extension and on the western side of the current extraction area. This will allow the extracted mineral to be transported across Slough Lane into the current extraction area, over part of Landfill Cell 3, where vehicles will travel along the current haul route to the existing processing area.

To facilitate the creation and use of the proposed crossing point and haul route, this application seeks to rework the permitted phasing within the Site to allow for Landfill Cell 3 to be infilled first. The proposed phasing can be seen on Drawing Reference KD.MTQ.2.008.

This application seeks to allow for the inclusion of an interburden and soils storage area within Landfill Cell 2. As part of the current workings a layer of interburden between the sand and gravel and clay has been discovered. To allow access to the clay to facilitate the restoration of the Site, it will be necessary to remove this layer and place it for final restoration. It is also proposed to store soils that will be used in the final restoration on top of the interburden to allow working to progress within the Site. The permitted temporary storage of silt will also need to be relocated within Landfill Cell 2, to allow the proposed developments to proceed.

This application also seeks to allow for the installation of two noise barriers within the consented recycling area. It is proposed that a barrier is constructed to a height of four metres around the northern side of the recycling area and a barrier to a height of three metres is placed along the southern side.

The barriers will consist of interlocking concrete blocks and are proposed as part of noise mitigation for the Site and the proposed western extension. The location of the proposed barriers can be seen on Drawing Reference KD.MTQ.2.008.

The Proposed Development therefore seeks to amend Condition 6 (Approved Details) to replace Drawing Reference KD.MTQ.1.003 with Drawing Reference KD.MTQ.1.008 to allow for the changes to the permitted phasing, the inclusion of an interburden / soils store, relocation of the silt store and the installation of two noise barriers within the recycling area.

#### Condition 25 and Condition 26

Condition 25 states:

“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/53/17/TEN) hereby permitted shall not exceed the following limits:

- daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - averaged over period of 1 year;
- daily HGV movements of 54 (27 out and 27 in) (Saturdays) - averaged over period of 1 year;
- inclusive of a maximum daily peak for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.”

Condition 26 currently states:

“The use of the private haul road to the A120 shall be restricted to a maximum of 21 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”

This application proposes to allow for a further 40,000m<sup>3</sup> of non or less recyclable waste to be imported to the Site, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void. This will provide approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space.

Based on the importing of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17-tonne payload over 275 days per year, this results in a total of 68,000 tonnes per annum. This gives an average of 14.5 (say 15) loads / 30 HGV movements per day, based on 275 working days.

Adding the proposed additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138

movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

Condition 26 imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.

It is therefore proposed that Condition 25 be varied as follows:

“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission) hereby permitted shall not exceed the following limits:

- daily HGV movements of 138 (69 out and 69 in) (Monday to Friday) - averaged over period of 1 year;
- daily HGV movements of 70 (35 out and 35 in) (Saturdays) - averaged over period of 1 year;
- inclusive of a maximum daily peak for of 204 HGV movements (102 out and 102 in) reducing to 102 HGV movements (51 out and 51 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.”

It is proposed Condition 26 be varied as follows:

“The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gw) per hour and shall not be used by other vehicles (included cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”

Condition 56 states:

“Prior to the completion of the excavation of sand and gravel from land south of Slough Lane, a scheme or schemes for the restoration and aftercare of the plant

site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”

This application seeks to amend Condition 56 to defer the date in which a restoration scheme is required to be submitted. This deferment is being sought due to the change in timescales relating to the working and restoration of the current extraction area and the proposed western extension.

It is proposed Condition 56 be varied as follows:

“By the 30 December 2037 a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

The submission document is supported with:

- (i) A Noise Assessment has been produced Recognises that for the recycling facility to the south of Slough Lane would benefit from noise barrier additions.
- (ii) Landscape and Visual – Unlikely to change from current situation.
- (iii) Dust – As site operations would remain the same then dust emissions likely to remain the same.
- (iv) Transport – A Transport Statement undertaken considered the use of the road network flows; vehicle types and capacity. The findings were acceptable and indicated that the existing infrastructure was suitable to accommodate the routine movement of HGV traffic from the site.
- (v) Hydrology – As no aspects of the permitted operations likely to change that there would not be any adverse impacts arising upon surface and ground waters.
- (vi) Ecology – Considers that due to the disturbed nature of the site that there would not be any implications for ecological implications. No Ecological Impact Assessment as previously proposed has been undertaken.
- (vii) Historic Interests – Noted that as there are no proposed changes to the working area that no additional adverse impacts on historic interests.

### **3. POLICIES**

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

The development plan comprises:

- i) Essex Minerals Local Plan Adopted July 2014
- ii) The Essex and Southend Waste Local Plan (adopted July 2017)
- iii) Tendring District Council Local Plan 2007
- iv) Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

Other material considerations include:

- v) The National Planning Policy Framework (NPPF) July 2021.
- vi) The National Planning Policy for Waste
- vii) Planning Practice Guidance

The following policies of the Essex Minerals Local Plan Adopted July 2014; Essex and Southend Waste Local Plan (adopted July 2017) and the Tendring District Council Local Plan 2007. The Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) has been published.

Although at an early stage in the development plan process the policies within this plan, whilst of limited weight, are being referenced in the District Council planning committee reports (selected policies revised July 2014) (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan Adopted December 2007 provide the development plan framework for this application. The following policies (paraphrased or in quotation marks if set out in full) are of relevance to this application:

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

- a) Policy S1 “Presumption in favour of sustainable development”

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

- b) Policy S2 – “Strategic priorities for minerals development”

This policy outlines the strategy for ensuring a sustainable delivery of minerals for Essex. The strategy promotes:

1. Ensuring that the minerals development contributes towards the reduction in greenhouse gas emissions and demonstrates adaption to climate change.
2. No significant effects arise from the proposal.
3. Reducing through design; good practice; re-use; recycling aspects the quantities of mineral used, and waste generated.
4. Addressing ancillary aggregate recycling availability.
5. Safeguarding of mineral resources.
6. Provision of Allocated sites.
7. Geographical dispersal of sites to support development.

8. Ensuring phased working and high quality restoration to ensure: the reduced reliance on landfilling; provision of beneficial afteruses securing long term community/environmental benefits including biodiversity and protecting best and most versatile agricultural land.
9. Maintaining transshipment sites to provide for appropriate import and export of minerals.

c) Policy S3 – “Climate change”

This policy seeks to ensure mineral development demonstrates effective measures; adaption and resilience to future climate change. This would be through having regard to (where appropriate to these applications):

1. Siting, design and transport arrangements;
2. On site renewable and low carbon energy generation where feasible.
3. Sustainable Drainage Systems.
4. On site resilience to unexpected climatic effects.
5. Potential benefits through afteruses for biodiversity and habitat creation....living carbon sinks.

d) Policy S4 – “Reducing the use of mineral resources”

The policy seeks the reduction of waste generation; re-use and recycling employed.

e) Policy S5 – “Creating a network of aggregate recycling facilities”.

The policy seeks to maintain the existing network of recycling facilities.

f) Policy S6 – “Provision for sand and gravel extraction”.

This policy provides for ensuring the steady supply of mineral through the Plan period.

g) Policy S7 – “Provision for industrial minerals”.

This policy addresses Silica Sand provision with the identification of the extension land to Martells Quarry.

h) Policy S8 – “Safeguarding mineral resources and mineral reserves”

The Plan identifies both Mineral Safeguarding and/or Mineral Consultation Areas for mineral resources of national/local importance and seeks to safeguard such minerals from sterilisation/prejudice effective working.

i) Policy S10 – “Protecting and enhancing the environment and local amenity”.

That applications demonstrate:

- a) Addressing health and safety; amenity; quality of life of communities and environment.

- b) Inclusion of mitigation measures
- c) No unacceptable adverse impacts
- d) Improvement/enhancement of the environment.

j) Policy S11 – “Access and Transportation”

Seeks to ensure the efficiency and effectiveness of the public highway being maintained including safety, capacity, amenity and environment.

k) Policy S12 – “Mineral Site Restoration and After-Use”.

The policy seeks to ensure the early restoration to acceptable environmental and beneficial afteruse with positive benefits to the environment; biodiversity and/or local communities.

l) Policy P1 – “Preferred and Reserve Sites for Sand and Gravel Extraction”.

The policy identifies Preferred Sites where the principle of extraction and the need for release of mineral has been proven. The policy lists a number of sites including the application land, identified as Site No. B1 “Slough Farm, Ardleigh”.

m) Policy P2 – “Preferred Sites for Silica Sand Extraction”.

As with Policy P1 above.

n) Policy DM1 – “Development Management Criteria”.

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; Quality and quantity of water within watercourses and surface water; Drainage systems; Soil resource; safety and capacity of the road network; appearance and character of the landscape, countryside and the visual environment; natural and historic environment.

o) Policy DM2 – “Planning Conditions and Legal Agreements”.

The policy provides for the provision of conditions to be imposed and /or legal agreements to address the mitigation and control of such development effects and to enhance the environment.

p) Policy DM3 – “Primary Processing Plant”.

Seeks to ensure the siting of such plant within the confines of the site boundary and the plant not impacting unacceptably on the local amenity or surrounding environment.

The policy requires such plant to be temporary.

Q) Policy DM4 – “Secondary Processing Plant”.

Proposals for secondary processing plants would only be supported at mineral sites where it is demonstrated there would be no unacceptable impacts arising on the local amenity/environment and/or safety, efficiency or capacity of the road network.

The policy requires that the minerals to be processed/treated be sourced from the mineral site unless demonstrated there are exceptional circumstances or overriding benefits to sourcing materials from elsewhere to supplement indigenous supply subject to no adverse environmental impacts.

The policy requires such plant to be temporary.

Relevant policies in the Essex and Southend Waste Local Plan (adopted July 2017) are:

- a) Policy 1 “Need for Waste Management Facilities”
- b) Policy 3 “Strategic Site Allocations”
- c) Policy 9 “Waste Disposal Facilities”
- d) Policy 10 “Development Management Criteria”
- e) Policy 11 “Mitigating and Adapting to Climate Change”
- f) Policy 12 “Transport and Access”

In the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

- a) Policy 1 “Need for Waste Management Facilities”.

The policy addresses the Plans need to meet shortfall in, amongst other wastes, of up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste.

- b) Policy 3 “Strategic Site Allocations”.

Recognises that the Slough Farm, Ardleigh site as a Strategic Site Allocation for inert waste recycling and inert landfill.

- c) Policy 9 “Waste Disposal Facilities”.

Whilst preference is for landfilling to the Allocated landfill sites identified within the Waste Local Plan, preference is highlighted towards restoration of a Preferred site in the Mineral Local Plan.

- d) Policy 10 “Development Management Criteria”.

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- i. Local amenity
- ii. Safety and capacity of road network
- iii. Appearance quality and character of the landscape and visual environment.

#### iv. The natural environment

##### e) Policy 11 “Mitigating and Adapting to Climate Change”.

This policy seeks to ensure waste management development demonstrates effective measures through construction and operation to minimise potential climatic change contribution. This would be through having regard to (where appropriate to these applications):

1. Siting, design and transport arrangements;
2. On site renewable and low carbon energy generation where feasible.
3. Sustainable Drainage Systems.
4. On site resilience to unexpected climatic effects.
5. Where appropriate sustainable travel plans.

The policy requires waste management development not giving rise to unacceptable flood risk; no risk to quantity and quality of surface and groundwaters including impediment of flow.

##### f) Policy 12 “Transport and Access”.

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

Relevant policies within the Tendring District Local Plan Adopted 2007 are:

##### a) Policy EN1 “Landscape Character”

Provides for protecting the Districts landscape and distinctive local character and where possible to enhancing it.

##### b) Policy EN4 – “Protection of the Best and Most Versatile Agricultural Land”.

Seeks to protect the best and most versatile land unless special justification shown.

##### c) Policy EN6, 6a, 6b – “Biodiversity; Protected Species; Habitat Creation”.

These three policies address the protection and enhancement of biodiversity; resisting development likely to have adverse impact on protected species and consideration to new wildlife habitats on new development.

d) Policy EN7 – “Safeguarding Mineral Supplies”.

Not permitting development likely to prejudice mineral supply from Preferred Areas in the Minerals Local Plan.

e) Policy RA1 – “Martell’s Pit, Ardleigh”.

Seeks to secure road improvements within the employment area of Martells Pit prior to new premises being occupied.

f) Policy TR1 – “Transport Assessment”.

Seeks requirement of transport assessment where development likely to have transport implications.

g) Policy TR1a – “Development affecting highways”.

Seeks the consideration for the reduction and prevention of hazards to highway traffic and to the effects on the transport system and to the physical and environmental capacity to cater for the proposed traffic generation.

h) Policy TR9 – “Access of freight to transport networks”.

Seeks, in relation to road transport, that development likely to generate significant traffic generation is well located to suitable routes in relation to the District road hierarchy without causing adverse effects on environmentally sensitive areas or existing communities.

i) Policy QL11 – “Environmental Impacts and Compatibility of Uses”.

Seeks to ensure new development is compatible with surrounding land uses and minimises adverse impacts.

j) Policy COM 21 – “Light Pollution”.

Seeks to resist external lighting if it causes unacceptable visual intrusion/disturbance/danger to highway safety.

k) Policy COM 23 – “General Pollution”.

The policy seeks to resist development which would have significant adverse impact on health; natural, built or historic environment or amenity by reason of release of pollutants.

In the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

a) Policy SP1 “Presumption in favour of sustainable development” whereby the council would support development which contributes to the economic, social and environmental conditions of the area.

b) Policy PPL1 “Development and Flood Risk” which requires that all development proposals include appropriate flood risk measures.

- c) Policy PPL3 “The Rural landscape” which seeks to protect the landscape from overriding harm to character or appearance. New development should be minimising light pollution.
- d) Policy PPL4 “Biodiversity and Geodiversity” which includes new proposals to be considering potential for enhanced biodiversity.

## National Planning Policy Framework

The Revised National Planning Policy Framework (NPPF) was revised in July 2021 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England 2013 (NWMPE) is also a material consideration in planning decisions.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be considered 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).

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

making, as well as at decision making and that these include in relation to this application:

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

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

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

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

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

In respect of the Tendring Local Plan, the District Council are reporting the following text in their planning reports: *“The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26th January 2021, ‘Section 1’ of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the ‘development plan’ for Tendring. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended ‘main modifications’ on 10th December 2020. The Inspector’s report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three ‘Garden Communities’ proposed along the A120 i.e., those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption.*

*Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.*

*The Council has now formally adopted Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.*

*The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.*

*Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices”.*

#### **4. CONSULTATIONS**

Summarised as follows and for all applications unless indicated otherwise:

TENDRING DISTRICT COUNCIL - For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; & ESS/27/20/TEN– No objection/comment.
- ESS/29/20/TEN – No objection and comment “*due to the large scale and nature of the proposal, landscape impact and traffic movements/highway safety will be vital to the assessment and acceptability of the development*”.

TENDRING DISTRICT COUNCIL-ENVIRONMENTAL HEALTH DEPARTMENT – For ESS/29/20/TEN – Recommend that the proposed noise and dust mitigation measures set out in the Environmental Statement are implemented.

COUNTY AIR QUALITY CONSULTANT (CAQC) – In respect of:

- ESS/24/20/TEN – No objection subject to retention of the condition 6 relating to removal of the pipework.
- ESS/25/20/TEN – Comments “*There is no proposed change to the operational hours of the Site. An additional 30 HGVs are proposed (15 in / 15 out) as an annual average, which equates to an uplift off approximately 28 % from the current consent (Condition 10). This would equate to a daily peak of 204 weekdays and 102 on Saturdays and an additional 4 (2 in / 2out) HGVs on the haul route per hour (Condition 11). An air quality assessment has not been undertaken by the applicant and there is no reference made to associated increases in vehicle emissions*

and potential for air quality impacts at sensitive receptors (i.e., residential properties) within this planning application. There are no AQMAs declared within 5km of the Site. There is one residential receptor located on Slough Lane (Slough Farm) and two residential properties on Bromley Road (White House and Carringtons) within 50m of the haul route. There are no statutory or non-statutory sites of ecological interest within 250m of the Site. However, a change of 30 HGVs is below the threshold required for an air quality assessment as outlined within the Institute of Air Quality (IAQM)/ Environmental Protection UK (EPUK) planning guidance (Land-use Planning and Development Control: Planning for Air Quality, January 2017 v1.2), which sets the level of change at 100 HGVs per day (as an annual average daily traffic flow) outside of an Air Quality Management Area (AQMA). It is therefore, accepted that emissions from additional HGV movements is unlikely to give rise to significant air quality impacts at sensitive properties in proximity to trafficked routes to and from the Site. There has been no dust assessment submitted for the application, on the basis that daily operations are not proposed to change and therefore dust levels are likely to remain the same with current dust mitigation measures and good working practices in place. It is noted that sensitive receptors could potentially experience adverse impacts for an extended period of operations (up to 2041).

#### *Conclusion*

*There is no objection to this application, subject to the continuation of dust mitigation measures currently in place”.*

- ESS/26/20/TEN – Comment: *“no objection to this application, subject to the continuation of dust mitigation measures currently in place”.*
- ESS/27/20/TEN – Comment: No objection subject to condition to require updated Dust Management Plan.
- ESS/29/20/TEN – Comments that *“the proposed Western extension will require an additional 30 HGV movements (15 in and 15 out) to fulfil its operation and restoration plan. This total is below the threshold required for an air quality assessment as outlined within the Institute of Air Quality (IAQM)/ Environmental Protection UK (EPUK) planning guidance (Land-use Planning and Development Control: Planning for Air Quality, January 2017 v1.2), which sets the level of change at 100 HGVs per day (as an annual average daily traffic flow) outside of an Air Quality Management Area (AQMA). There are no AQMAs declared within 5km of the Site. There is one residential receptor located on Slough Lane (Slough Farm) and two residential properties on Bromley Road (either side of the private access road onto the A120) which have potential to be impacted. There are no statutory or non-statutory sites of ecological interest within 250m of the proposed Western extension. It is therefore, accepted that air quality emissions from additional HGV movements is unlikely to give rise to air quality impacts at sensitive properties in proximity to trafficked haul routes.*

*A dust assessment has been submitted in accordance with the IAQM’s guidance on the Assessment of Mineral Dust Impacts for Planning, 2016. It focusses on the Western extension only and does not reassess the*

*permitted operations within the existing quarry.*

*The existing air quality has been reviewed using an old report from Tendring District Council (2012).*

*This should be updated with more recent information (i.e., 2019 or 2020 Annual Status Reports) to adequately demonstrate that PM10 concentrations in the vicinity of the Quarry would be below 17µg/m<sup>3</sup> and consequently the risk of exceeding the relevant Air Quality Objectives for PM10 would be low.*

*The dust assessment identified receptors of varying sensitivities to dust risk, of which four were within 250m of the Site boundary. Activities identified as Medium source emissions were Mineral extraction, Land filling of the inert waste and wind whipping of dust from bunds. All other activities were stated as Low (presumably 'Small' following the guidance). The closest high-risk receptors (residential properties) were identified as Slough Farm (approximately 25m east of the Site) and Coronation Cottages (approximately 10m north of the Site). The corresponding dust impact risks were calculated to be Medium and Low, respectively, based on the wind strength and frequency of direction and source emission levels. The assessment concluded that Moderate dust effects would be possible without appropriate mitigation along Slough Lane and at Slough Farm and Slight dust effects at Coronation Cottages, adjacent farmland and businesses on Martells Industrial estate.*

*Negligible dust effects were noted at all other identified receptors. With appropriate mitigation, these effects would, at worst, be Slight (at Slough Farm) to Negligible (elsewhere).*

*The mitigation outlined in the dust assessment included the formation of a 5m bund at the north of the Site and 3m soil storage bund along the eastern boundary with a new hedgerow to be planted at the first available planting season. Restoration would be phased (reducing the area over which dust emissions may be released) and work north to south. It is unclear what mitigation will be in place during the initial soil stripping and bund formation to limit nuisance dust at Coronation Cottages, although good site management and best practice techniques as currently employed at the Quarry are proposed to be maintained. The primary remedial mitigation method will be the application of water to waste material and surfaces and dampening of haul roads to minimise dust emissions.*

*The new access road will consist of hard standing either side of the road and up to 20m of hardcore beyond to reduce dust transmission. Daily visual inspections at the Site boundaries, Slough Farm, site access, haul roads and the public highway are proposed to be undertaken. Operations are to be limited if dust emissions are observed or poor weather conditions prevail (dry and windy).*

*The dust action plan lists actions to be implemented in the event of any dust or particles release from site of sufficient quantities to cause harm or pollution and the persons responsible for carrying out those actions. It includes the suspension of any operation causing visible dust emissions, if*

necessary. The plan also outlines the procedures following receipt of a complaint. The following is recommended:

- Provide confirmation based on a review of more recent Local Air Quality Management publications or air quality data to confirm that PM10 concentrations are below 17µg/m<sup>3</sup>.

Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (e.g., during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages which are close to the proposed application site boundary.

It is recommended that a condition is placed on the planning permission for the Western Extension that requires all dust mitigation, management and monitoring measures for operation of the Site to be included within a stand-alone Dust Management Plan to be submitted to Essex County Council for approval prior to commencement of works. This should include details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e., under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints. The plan should include those measures set out in the planning conditions for planning permission ESS/61/19/TEN for the Quarry which relate to dust management and control”.

#### COUNTY NOISE CONSULTANT (CNC) – For:

- ESS/24/20/TEN – No objection subject to retention of the condition 6 relating to removal of the pipework.
- ESS/25/20/TEN – Comment “*The application does not include any noise assessment information, and simply confirms that the existing noise limits would continue to apply unchanged. No information is provided to demonstrate that the noise limits would continue to be complied with. The closest receptor to the access road, and therefore those with the greatest potential to be affected by the increase in HGV movements, are White House and Carringtons. When considered in isolation, the change in HGV noise generated by the increase in HGV movements is approximately 1 dB(A). Such a change in traffic noise is generally considered likely to be at around the threshold of perceptibility.*

*The planning application has not demonstrated whether this increase in noise is insufficient to cause a breach of the noise limits. We have undertaken our own indicative calculations of HGV noise and conclude that compliance with the noise limits during periods of maximum hourly movements (25 per hour) may be marginal; however, compliance is considered likely during the weekday average movements (12 per hour).*

*The increase in operational time period requested will lead to local receptors being exposed to noise from the wash plant site and associated HGVs for an additional 8 years. PPG: Minerals does not provide any guidance on the acceptability of duration of effect; however, it should be noted that many mineral extraction and processing sites operate for many decades in the*

*same location. The noise limit advice provided by PPG: Minerals is considered relevant to long term noise effects.*

*Conclusion*

*We do not propose to object to this application, subject to the retention of the noise related conditions identified above”.*

- *For ESS/26/20/TEN – Comment “Do not proposes to object to this application, subject to confirmation that noise emissions and hours of operation of the mineral wash plant are controlled by other extant planning consents that will remain in force for the life of this new permission, should it be granted”.*

ENVIRONMENT AGENCY - In respect of:

- *ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No comment to make.*
- *ESS/29/20/TEN – No objection noting that the site is subject to an Environmental Permit and discussions are taking place to amend this.*

*GEOESSEX – Comment “Martells Quarry, Ardleigh is an important site for Pleistocene stratigraphy and palaeoenvironment reconstruction. It is designated as an SSSI for its geological interest and described in the Geological Conservation Review Report on the Quaternary of the Thames, Bridgeland 1994. ....*

*GeoEssex would like to ensure that access is allowed during the working life of the quarry for geologists from GeoEssex or the representatives to enable geological description and documentation of the pit outcrops as they evolve with mineral extraction in collaboration with the company geologist. We would also like to see the borehole information obtained to fully delineate the site. This would support the archaeological investigations specified by our colleagues in Place Services.*

*We would also welcome the opportunity for members of geological groups such as the Geologist s' Association, and our sister organisation, the Essex Rock & Mineral Society, to visit the site on pre- arranged visits from time to time to view the sections. Visitors would fully comply with PPE as is already the practice when visiting other similar working pits in the area.*

*There is a significant body of knowledge that has been built up over the past decades, but this reveals that there is still much to be learnt from direct observation of the geological deposits themselves. Understandings of the is kind are particularly significant as they record the climate change of the past which is the key to understanding the present-day scenario being faced by our planet.*

*We feel that to have any effect on GeoConservation and to add to the body of geological knowledge of the area, the above elements must be made conditions of the planning consent. We would be pleased to discuss further any of the elements referred to above with both ECC and the gravel extraction company”.*

HIGHWAYS ENGLAND – No objection.

HIGHWAYS - STRATEGIC DEVELOPMENT - In respect of:

- ESS/24/20/TEN & ESS/26/20/TEN – No objection.

LEAD LOCAL FLOOD AUTHORITY-SUDS TEAM – In respect of

- ESS/24/20/TEN & ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN-No objection/No comment.
- ESS/29/20/TEN – No objection subject to conditions to address surface water management and maintenance arrangements.

NATURAL ENGLAND CONSULTATION SERVICE(NE): – For: ESS/26/20/TEN – NE note that *“the application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European Sites of Special Scientific Interest) are likely. The designate site which could be impacted by this proposal is:*

***Bullock Wood SSSI***

*Natural England’s consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal”.*

NE generic response states *“Natural England’s initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority (i.e., the relevant Impact Risk Zone has been triggered). ....*

*We consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward. We therefore advise your Council to review the application under consideration and apply the following generic advice, as appropriate.*

The advice covers impacts to Groundwater; Surface Waters; Ambient Noise; Lighting; Airborne Dust and “Functionally Linked Land” which is land in close proximity to European Special protection Areas; Changes to restoration to benefit Biodiversity; Increasing infilling/Adjustment to Contours; Aftercare Arrangements; Application of the Habitats Test.

PLACE SERVICES (ARBORICULTURE) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN– No Comment.
- ESS/29/20/TEN – No objection.

PLACE SERVICES (ECOLOGY) –For:

- ESS/24/20/TEN; ESS/25/20/TEN & ESS/27/20/TEN – No Comment
- ESS/26/20/TEN – No objection.
- ESS/29/20/TEN - No objection subject to securing biodiversity mitigation and enhancement measures.

PLACE SERVICES (LANDSCAPE) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No Comment.
- ESS/29/20/TEN – No objection subject to conditions.

PLACE SERVICES (HISTORIC ENVIRONMENT) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN– No Objection.
- ESS/29/20/TEN – No objection subject to conditions covering prior ground investigation addressing archaeological and geo archaeological works and recording.

PLACE SERVICES (HISTORIC BUILDINGS) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No Objection.
- ESS/29/20/TEN - As a consequence of additional information the Historic Buildings Officer has commented: *“The ‘Assessment of Setting of Hulls Farm’ provides a more detailed assessment of the Grade II Listed Hulls Farmhouse. This document identifies through map regression that the land on the application site did not form part of the landholding of Hulls Farm and was historically owned/farmed by Slough Farm. As such, there is no historic functional link between the application site and Hulls Farmhouse. The agricultural land associated with Hulls Farmhouse, immediately surrounding the listed building, would therefore remain unchanged. Furthermore, it is acknowledged that the proposed change to the wider setting of Hulls Farmhouse would be temporary in nature and the agricultural use of the land would be later restored. Therefore, upon review of the additional information submitted, it is considered that there would be no harm to the particular significance of the Grade II Listed Hulls Farmhouse. It is noted that the revised assessment submitted has identified a historic functional link between the application site and Slough Farm. There are a number of nineteenth century red brick buildings at Slough Farm which are considered to be non-designated heritage assets. Accordingly, due to the close proximity of the application site and the historic link between Slough Farm and the application site, it is considered that the proposed extension would cause harm to the significance of these non-designated heritage assets. Therefore paragraph 197 of the NPPF would be relevant. It is acknowledged however that this would be a low level of harm upon heritage assets of low significance and would be temporary in nature”.*

PLACE SERVICES (URBAN DESIGN) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN- No Comment.
- ESS/29/20/TEN - No Comment.

PUBLIC HEALTH ENGLAND (PHE) – Have reviewed all applications as a whole in respect of potential emissions.

They comment: *“PHE wish to make the following specific comments.*

### *Air Quality*

- Reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, and address inequalities (in exposure).*
- It is unclear whether potential air quality emissions from non-traffic sources have been considered such as fixed plant and equipment or non-road mobile machinery (NRMM) as part of the air quality assessments.*
- Consultation with the Air Quality Officer was undertaken in 2015. The Air Quality Officer, /Environmental Health Department should be consulted in light of any changes to proposals since this time.*

### *Dust*

- The Dust and Environmental Management Plan advises that the 2012 Local Air Quality Updating and Screening Assessment for Tendring District Council identified no new developments with fugitive or uncontrolled sources and no industrial sources of air pollution.*

*Consideration may be needed of more recent air quality assessments from Tendring District Council to inform the assessment regarding existing air quality at the site.*

- It is stated that the dust assessment is for the control of dust and particulate from the site during the working and restoration of the western extension only. However, it is noted that following a screening and scoping request consultation with Essex County Council, it was recommended that the assessment should also review existing dust control measures within the site to ensure that they remain suitable in light of the proposed development. The dust assessment should encompass the site activities as a whole rather than just the extension.*
- The dust assessment should include details regarding the assessment and mitigation of construction impacts. With regards to Coronation Cottages, no information is provided regarding mitigation measures to limit potential impacts from the creation of the screening bund.*
- Whilst screening of impacts using qualitative methodologies is common practice (e.g., for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.*

### *Noise*

- It is recommended that the environmental health department are consulted with regards to any potential impacts from noise from the proposed development and variations taking into account any potential cumulative impacts.*

### *Water*

- Tendring District Council environmental health department should be consulted with regards to potential impacts on any nearby private water supply abstraction sites.*

### *Health Impact Assessment*

*The Director of Public Health should be consulted on the wider determinants of health within the health impact assessment.*

### *Additional Points*

- Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2016). Therefore, the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will*

*respond separately to any such consultation”.*

ARDLEIGH PARISH COUNCIL- In respect of all 5 applications the Parish comment: *“Our comments relate to some extent to all applications but are most pertinent to ESS/25/20/TEN and ESS/27/20/TEN where increased traffic movements are proposed.*

*We understand and appreciate that there is an existing and large operation from this site, which has been developed in accordance with the Minerals Local Plan <https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan> and that continuation of activities on this site and its western extension are now inevitable.*

*We therefore wish to focus our comments on the issues relating to the impact of HGV and similar traffic on the local roads and in particular the junction of Bromley Road and Slough Lane.*

*There is a national speed limit at this point on Bromley Road and local residents have expressed concerns about the safety of the junction crossing from the private access road to Slough Lane and the negative effects of HGV traffic 6 days per week. We are aware of plans for the A120/ A133 link road which will connect to the HGV private access road. We would urge that consideration be given to the layout of this crossroads between Bromley Road, Slough Lane and the private access road to the A120. For example could there be “Lorries crossing” signs on the Bromley Road? Furthermore, this is a very fast section of the Bromley Road, and we would ask that the speed limit for this section of Bromley Road be reduced to 40mph for the benefit and safety of local residents and other road users”.*

In respect of ESS/29/20/TEN and re-consultation – No objection noting *“that the extraction sites have been 'made good' as they have been developed and the quarry vehicles have good access direct to the A120 so should have little cause to use lanes in Ardleigh”.*

LOCAL MEMBER – TENDRING - RURAL WEST– ARDLEIGH AND LITTLE BROMLEY -Any comments received will be reported.

## **5. REPRESENTATIONS**

As a result of the site/press notices (Essex County Standard) and neighbour notification (36 addresses) of which 9 were returned undeliverable. There were 4 representations received from one of the addresses objecting to the extension application ESS/29/20/TEN. Whilst for the other four applications there were 45 neighbour notifications undertaken with 5 representations received, including one from Manningtree, objecting to ESS/27/20/TEN.

The comments received related to:

<u>Observation</u>	<u>Comment</u>
Increase in traffic movements, pollution, noise and dust. The road side is	See appraisal

constantly being eroded by two lorries trying to pass each other, the road is not wide enough to pass. As a pedestrian, walking along this stretch of road is dangerous enough without all the extra lorries that should not be coming or going this way. The road is a national speed limit, has no street lights, no pavements and the hedges are not maintained, obscuring the drivers and pedestrian views, especially at the junction of Slough Lane and Frating road. Since the opening of a new processing plant at Martells, there has been a significant increase in noise, dirt and dust emissions which has had an adverse affected on the local area.

The nature, narrowness and state of Slough Lane. A request for Risk assessment of the drivers and cyclist who use this road. Safety concerns at the junction of Slough Lane/Bromley Road and that signage be reinstated and maintained. Speed limit be considered for Bromley Road.

Not all traffic turns right from Martells and many turn left. There is a weight restriction limit of 7.5 tonnes which is being ignored and this raises enforcement concerns.

Increase in vehicle movements through Manningtree resulting in more noise, pollution and vibration.

Need for safety audit where increased use of the junction at Bromley Road/Slough Lane now intensified; where accident has previously occurred. Also increased carbon footprint on the local environment.

Signage for a no through road was installed and replaced once at the end of the piece of old Bromley Road giving access to Wheatsheaf House. This is requested to be replaced perhaps in a more visible place as the driver of large lorries who turn in by mistake have

Traffic Assessment compiled as part of Environmental Statement. The Highway Authority has not objected. Also see appraisal.

See appraisal.

Traffic can use the public highway to make deliveries to customers.

Traffic Assessment compiled as part of Environmental Statement. The Highway Authority has not objected.

This query about public highway signage is outside of the application footprint. The comments from the local resident have been passed to the Highway Authority for consideration.

nowhere to turn at the bottom of the road. The hammer head at the end is overgrown and the area for turning has reduced over the years as there has been no council maintenance.

## 6. APPRAISAL

The principal issues in respect of these applications are considered to be:

- Principle of the development
- Conformity with the development requirements set out in the MLP (Preferred Site) and WLP (Allocation) site profiles respectively.
- Landscape/Visual.
- Ecology
- Noise and Dust/Other environmental aspects.
- Traffic.
- Restoration/Afteruse.

### A PRINCIPLE OF THE DEVELOPMENT

The western extension land parcel has been recognised and accepted as an allocation site (Site A9) within the Minerals Local Plan (MLP) as well as being identified as “Site L(n)1R Slough Farm” within the Essex and Southend Waste Local Plan (adopted July 2017) (WLP).

An allocation is not in itself planning approval for that particular site but more one of identifying an area of land that is suitable for future mineral working/waste management activity subject to appropriate planning permission being gained.

The sites inclusion within both Development Plans as allocations, having been through the plan-making process, provides some comfort to potential operators in respect of their future working programmes and also to communities as to where potential sites may take place and to how a county would be able to meet its mineral demand requirements through that particular plan period.

Within the Minerals Local Plan each of the allocation sites has its recommended “specific issues to be addressed” – or ‘development principles’ and similar aspects relate to the WLP identification.

Such further considerations as identified within the MLP and WLP are always subject to more detailed assessment when individual applications are eventually submitted. An example of where further consideration would be required is the issue over how the application land would be linked to the main site processing plant facility. In the MLP the allocation land is shown linking through the industrial estate. However, during the process of preparing the application a more appropriate routeing making use of the Martells Quarry internal haul road via a crossing over Slough Lane, was identified and is proposed in the present

application without impacting unacceptably on local amenities. A further change is the applicant's confirmation that the recycling provision considered in the WLP site identification process would not be carried forward and that the existing recycling facility assets would be utilised instead.

Such refinements in scheme designs allow sites to ensure that viable mineral reserves are not ultimately sterilised, and that extraction can be achieved in an environmentally sustainable way whilst serving the economic demands of the area. The

Overall, the principle of the development in this location has been acknowledged through the Mineral Local Plan allocation process.

Relevant MLP policies to support this aspect are S1; S2; S3; P1; SP1 (as referred to earlier in the report); WLP Policy 1; 3; 9 and 10.

## B CONFORMITY WITH THE DEVELOPMENT REQUIREMENTS SET OUT IN THE MLP (PREFERRED SITE) AND WLP (ALLOCATION) SITE PROFILES RESPECTIVELY.

In general, the western extension application accommodates most of the development requirements that the respective MLP and WLP identified for addressing in respect of the particular site profile. The requirements are set out in Appendix A. Where the western extension land differs from the adopted Plan site profile is in:

For the MLP:

1. Issue 1 "Extraction would not be able to commence until extraction and the necessary restoration has been completed on the latest extension area ref ESS/18/07/TEN".
2. Issue 4: "Ability to access processing plant without increasing mineral traffic movements on Slough Lane needs to be demonstrated".

For the WLP:

- 1 "The aggregate recycling operation should be tied to the life of landfilling within the Slough Farm site and hence be able to be removed at the cessation of landfilling operations".

In respect of the "Issue 1" MLP comment above: This seeks to set a restriction on the progress of extraction within the western extension land pending restoration within the extant extraction void.

The suite of applications being considered have not provided for this aspect but have sought to extend infilling and restoration deadlines within the existing quarry area. As discussed earlier in the report the applicant seeks to extend the landfilling and restoration dates from the permitted 30<sup>th</sup> June 2032 deadline (with restoration completed a year afterwards) to a new date of 30<sup>th</sup> September 2040 (final

restoration being then 2041) within the existing extraction area.

As part of the current suite of applications it is reported that, there was some 2- 3 years remaining mineral reserve within the permitted area, as at the time of the present suite of application submissions. Following mineral exhaustion then the operator would progress into the western extension land.

Allowed to do so would mean having activities take place either side of Slough Lane with little to no restoration having been achieved in the extant void footprint.

The MLP profile comments were clear and the issue of cumulative impact was highlighted at the Pre-Application/Scoping exercise stage of this suite of applications. The applications are limited in fully addressing this aspect with little acknowledgement of there being left large areas of unrestored land whilst new extraction would be taking place. Such impacts would clearly extend the footprint of disturbance in the countryside.

The applications are seeking additional uplifts to the importation tonnages for receipt of waste to be both recycled and residual to go to void restoration; this capacity increase would be on the back of increasing HGV traffic. The traffic aspect is more fully addressed below. The consequences arising from this suite of applications would be the extension of timescales across the footprint of a still active quarry complex.

Clarity on the situation to achieve some restoration has been sought and elicited the agents letter in June 2021, appended as Appendix B to this report. The letter sets the background and reiterates the dates for various infilling/extraction intentions.

That the complex has experienced various delays such matters should not preclude the seeking of early restoration. A balancing act therefore needs to be taken, recognising the need for continuity of supply of the mineral whilst also ensuring the intent of the Issue 1 requirement within in the MLP to see progressive restoration and its materialisation before further mineral extraction within the western extension land.

This Issue 1 reference is supported through the MLP Policies of S2; S10 and especially within S12 which addresses restoration aspects. Policies recognise the support to progressive working of mineral sites and ensuring associated restoration at “the earliest opportunity”. That this aspect is not recognised or addressed clearly within the suite of applications is an omission that does little to dispel the view that the principal aim of these applications is primarily focused on maximum mineral availability together with maximum void space to accommodate increased importation tonnages; increased HGV movements and both being extended in time over and above previously assured timescales of completion under the extant permissions.

Policy S7 is specific to the maintenance of the silica sand supply and that the

application site is the only recognised location within the MLP to contain such a resource. The application does not labour on what this policy seeks to support; however, a balance needs to be made to reflect the requirements contained within both other adopted Policies and the adopted MLP site profiles. These issues are not intrinsically opposing; they are there to ensure that the legacy of mineral workings is minimised, and land restoration is achievable.

The long history of the Martells quarry complex has been touched on earlier in this report; the earlier history was of one quarry which has in more recent years seen its division with separate operators; one operating what is now the eastern complexes landfill activities and the present applicant operating the western complex with the mineral extraction and processing plant interests.

During the course of this history the complex has experienced restrictive conditions, as referred to earlier, controlling the extraction of mineral and subsequent infilling activities within the now present mineral extraction void until mineral extraction and subsequent landfilling had been completed within the adjacent land parcel that now comprises the eastern landfill parcel. The reason provided for that condition was “To minimise disruption to agricultural operations on the holding, to avoid cumulative impacts on the development and to enable the Mineral Planning Authority to monitor the development in accordance with policies .....

This restriction was subsequently relaxed as part of a subsequent planning application and to date the two sites have progressed accordingly. The landfill site is nearing completion with reinstatement on remaining parts of the land parcel comprising the soil replacement operations scheduled for completion in 2023.

The agents recent summing up of the situation does little other than repeat past assertions about the timetabling aspects of past/future events and being a defence of his client's position. Whilst the current operator's involvement at Martells has been of a more recent presence; the requirements set out in the MLP site profile have been in place a lot longer and been highlighted to the agent through the process of the preparation of this current suite of applications. That these applications have not addressed the MLP profile requirements to a satisfactory extent is disappointing. Furthermore, the operator's "frustration" at earlier restrictive conditions as referred to above, should be weighed alongside the fact that these restrictions were in place at the time of the current operator seeking to acquire the interests in the Martells site. Likewise, how these restrictions would have fed into their future planning aspirations, as now presented through the current suite of applications, should have been known about at that early stage and the MLP/WLP "requirements" should not have come as any surprise at this stage. As said, that the applicant has not attempted to achieve any early restoration initiative is a disappointment.

Notwithstanding any final determination of the applications; a balance has to be considered whereby the continuity of business and the maintenance of supply of mineral continues whilst restoration of the disturbed land is achieved within an

acceptable timescale.

Taking on board the delays in securing appropriate Permitting and the timescales predicted for any meaningful land reinstatement within the extant void then any restriction in line with the MLP profile requirement would require the business to cease mineral supply for what could be one or two years as at the very least one of the extant voids 3 predicted landfill cells could be infilled and the land restored.

It is proposed that the Western Extension land be worked through in three Phases. Phase 1 has around 450,000 mineral and the application documents quote that extraction rates within the existing void have been around 100,00 tonnes per annum with peaks of 125,000 tonnes. The application documents reference that infilling of the worked out voids would either take place as the Phases work through or for infilling to be commenced once the western extension land is worked of mineral. In any event, it would appear reasonable, allowing mineral continuity and to ensure restoration being achieved in the current void area that a condition be imposed that no soil stripping takes place in the Phase 2 area until restoration reaches and includes topsoil level along a line that could be demarcated on a plan agreeable to all parties. As a consequence of discussions with the agent a Plan has been prepared, Appendix C, which provides for areas of land to have achieved early restoration within the extant void before any further workings take place beyond the proposed Phase 1 area in the western extension land.

This balance between enabling the operator to continue business whilst also providing for achievable restoration commitments within the extant land area is considered an appropriate balance.

In terms of the Access availability comment above under MLP No 2, the MLP did show a proposed access into the operators existing processing plant facility as being routed northwards following the western boundary of the industrial estate before cutting across the industrial estate to access the processing plant area in its north western corner.

Were this route to be undertaken then there would be consequences with any access having to cross a private access track serving a farm and associated businesses; the following of the estate boundary would require the haul road to utilise private third-party land and impact agricultural activities. Likewise, the crossing through of the industrial estate would again impact third party land ownerships; potential conflict with and disrupt existing business interests and their existing design layouts.

The proposed access route that has been submitted for the western extension is to provide access via a short link, crossing Slough Lane, this matter is addressed further below in the traffic appraisal. Access into the processing plant would then be along both the existing Martells internal haul road and Slough Lane crossing point to access the processing plant facility.

Under the WLP comment; it was considered the western extension land accommodating a recycling facility tied to the life of the quarry activities. The suite of present applications provides for the existing processing plant and recycling facilities to handle the infilling/recycling activities envisaged for the western extension land and so no recycling facility would be required on this extension land.

In terms of the conformity aspects to both the MLP and WLP site profile requirements; it is considered given the above discussion points that the conclusions reached provide for an acceptable addressing of the site profile requirements. In policy terms the conformity aspects could be supported through Policies S1; S2; S3; P1; SP1 (as referred to earlier in the report); Policy 1; 3; 9 and 10.

## C NOISE AND DUST/OTHER ENVIRONMENTAL ASPECTS.

The EHO; CNC and CAQC have overall not raised objection to the suite of applications submitted in respect of the potential for noise and air quality/dust related aspects. Their comments have either requested the implementation of the recommended mitigation measures outlined in the application or for the imposition of conditions to require such specific schemes as a dust mitigation strategy for activities within the western extension.

The existing site activities do have schemes in place for both periodic noise monitoring and dust control. Such schemes could be extended to accommodate the proposed western extension programme. Overall, the experience of the existing site activities has been one of general noise and dust control compliance. Where there has been a noticeable issue by officers has been from dust arising as a consequence of both carry out of material falling from vehicles trafficking across Slough Lane by dumptrucks/site plant movements together with a combination of visiting quarry/industrial estate HGV related traffic. This aspect is addressed further below in the Traffic appraisal. What the occurrences do raise is the need for more proactive demonstration of management control.

Notwithstanding that comment, it is recognised that the dust presence is contributed to by overrunning of the verges at the site entrance by various parties using the northern entrance into the industrial estate/quarry complex as well as the southern entrance into the landfill site/quarry complex. Not all blame can be attributed to the quarry operator however, their presence does contribute significantly to this issue. Addressing a number of factors would assist this issue in the longer term. The Traffic appraisal discusses this aspect further.

The proposed western land areas noise and dust mitigation measures including that of screen bunding that would be grassed and its positioning opposite the nearest sensitive receptor would assist in maintaining an acceptable living environment to that particular location. The presence of the nearby industrial estate complex is already a source of noise that the receptor has had to live alongside for many years. The applicant's assessments for the protection of this receptor have been found, subject to the imposition of conditions, by parties such as the EHO and CNC and CAQC to be acceptable. The specialist consultees have not considered there to be other offsite sensitive locations around both the

western extension land/existing quarry complex footprint either singly or cumulatively to be negatively impacted were this suite of applications to be found acceptable. The CNC recommended noise level limits for receptors is considered appropriate.

From a noise generation aspect, the suite of applications does not represent a conflict against Policies S2; S10; DM1 and Policy 10.

In respect of dust generation, with the access road issues to one side, the continuation of use of the existing quarry activities and infrastructure are not unacceptable. The addition of the western quarry footprint could be accommodated, subject to conditions, without significantly increasing dust nuisance into the locality. On that basis the dust potential for the cumulative suite of applications could also be not conflicting with Policies S2; S10; DM1 and Policy 10.

However, it is the increased potential arising from both the continuation/extended timescale of use together with the traffic intensification on the existing bellmouths which remain of concern and likely without mitigation measures to worsen. This aspect of the dust potential arising from the present applications would negatively impact the amenity of the area as so conflict with policy. Measures that could mitigate dust generation are addressed further below.

#### D LANDSCAPE/VISUAL

A proposed western extension for the quarry could introduce further and potentially cumulative landscape/visual intrusion into the locality.

The CLO has been closely involved along with the CEO whose ecological interests are addressed further below. The CLO has undertaken site visits and meeting with the agent and as a result of suggestions revisions to the scheme have been forthcoming.

There are provisions for new screen bunding along the Slough Lane road frontage and opposite Coronation Cottages together with a programme of advance planting. New planting together with safeguarding/management of existing planting would ensure the integrity of the landscape features and over time its strengthening.

The CLO has also sought the safeguarding through sensitive design and management of the trees situated within the proposed sightline of the western extension lands crossing point of Slough Lane. Retention where possible of these trees would be welcome and alongside future hedgerow planting in this location would contribute to.

There has been a potential concern raised by the Historic Buildings Officer (HBO) who comments that "The previous consultation response evaluated that the proposed extension to Martells Quarry would cause harm to the significance of the Grade II Listed Hulls Farmhouse due to the change to part of its historic rural landscape context. The advice also outlined that the applicant had not provided a sufficient assessment of significance and setting, in line with paragraph 189 of the

National Planning Policy Framework. The 'Assessment of Setting of Hulls Farm' provides a more detailed assessment of the Grade II Listed Hulls Farmhouse. This document identifies through map regression that the land on the application site did not form part of the landholding of Hulls Farm and was historically owned/farmed by Slough Farm. As such, there is no historic functional link between the application site and Hulls Farmhouse. The agricultural land associated with Hulls Farmhouse, immediately surrounding the listed building, would therefore remain unchanged. Furthermore, it is acknowledged that the proposed change to the wider setting of Hulls Farmhouse would be temporary in nature and the agricultural use of the land would be later restored. Therefore, upon review of the additional information submitted, it is considered that there would be no harm to the particular significance of the Grade II Listed Hulls Farmhouse.

*It is noted that the revised assessment submitted has identified a historic functional link between the application site and Slough Farm. There are a number of nineteenth century red brick buildings at Slough Farm which are considered to be non-designated heritage assets. Accordingly, due to the close proximity of the application site and the historic link between Slough Farm and the application site, it is considered that the proposed extension would cause harm to the significance of these non-designated heritage assets. Therefore paragraph 197 of the NPPF would be relevant. It is acknowledged however that this would be a low level of harm upon heritage assets of low significance and would be temporary in nature"*

*Para 197 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

As part of undertaking this balanced judgement; consideration also needs to take onboard such topographical/physical aspects and such other features which may exist between the Listed/non designated feature/s and the application land; such mitigation measures that may be proposed and the duration of any perceived impact.

The HBO has noted that there are some red brick buildings associated with Slough Farm; however equally there are a number of significantly larger and more modern industrial warehouse type barns in juxtaposition with the red brick buildings. The barns themselves dwarf the red brick features and the whole of the Slough Farm residential/farm infrastructure footprint already has the existing applicants' workings to the immediate north and north east.

The proposed Western extension land, as with the existing workings, would have perimeter screen bunding. Visual connectiveness between any workings taking place within the western extension and the Slough Farm buildings would therefore be avoided. It is not felt that the non-designated assets would therefore be negatively impacted over and above what they are already experiencing at the present moment.

Seen from a landscape/visual aspect the proposed suite of applications could be accommodated without impacting negatively on landscape or visual interests and

so not conflict with MLP policies S10; DM1; DM2; WLP Policies 10 and TDLP Policies EN1 and QL11.

## E TRAFFIC

The applicant's quarry complex activities; the adjoining landfill site and the Martells Industrial Estate generate a range of traffic from cars and light vans through HGV rigid body tippers/cement mixers to the articulated type haulage transporters. The quarry complex traffic element includes both the applicants own liveried fleet as well as third party vehicles.

The majority, but not all the business interests, within the estate have vehicle movement restrictions or operating time periods linked to their respective planning permissions. The history of the Martells quarry complex has seen an intensification of business activity through the installation of various recycling facility interests being based there as well as block making/bagging and the mineral business. The operators own fleet/third parties and trade have all intensified use. Traffic has consequently increased, and the extant permissions relating to the Martells Quarry complex now has an overall traffic restriction that restricts HGV flows to:

*“• daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - **averaged over period of 1 year;**  
• daily HGV movements of 54 (27 out and 27 in) (Saturdays) - **averaged over period of 1 year;**  
• inclusive of a **maximum daily peak** for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations”.*

As a consequence of the suite of applications the subject of this report, the proposal is to seek a rise or “uplift” in movement figures with the applicants traffic consultant stating “..... based on the combined mineral production and waste importing, recycling and infilling, HGV flows associated with the Site are restricted to an annual average of 108 movements per day (54 in / 54 out) Monday to Friday; 54 (27 in / 27 out) on Saturday; with an absolute limit of 160 movements (80 in / 80 out) Monday to Friday and 80 movements (40 in / 40 out) on Saturday.

*Condition 25 of the planning permission imposes a limit on the use of the private haul road to 21 HGV movements (over 7.5 tonnes gross vehicle weight) per hour. The HGV activity may occur at any time during the permitted operating hours of between 07:00 – 18:30 Monday to Friday and 07:00 – 13:00 on Saturdays, with no working on Sundays, Bank or Public Holidays, which equates to 275 working days per annum.*

*Based upon the importing of an additional 40,000 m<sup>3</sup> of infill material at an average mass of 1.7 tonnes per m<sup>3</sup> results in a total of 68,000 tonnes per annum, and an average of 14.5 (say 15) loads / 30 movements per day, based on 275 working days and a typical payload of 17 tonnes per vehicle.*

*Adding these additional vehicles to the existing permitted traffic flows results in **138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35)***

**loads in / out, resulting in 70 loads on Saturday.**

**In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.**

*The existing planning permission imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements).*

*However, the operator has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.*

*In terms of the average impact, an additional 30 movements per day equates to an average of 2.6 movements per hour, or 1 vehicle movement in or out of the Site every 23 minutes.*

#### Development Traffic Impact

*In terms of the impact of the proposed increase in traffic activity, based on a peak hourly impact of 4 movements per hour (2 in / 2 out) above the currently permitted levels, by referring to the observed HGV activity on Slough Lane it is apparent that this falls well within the range of existing daily and hourly variations in HGV activity currently experienced throughout the working day.*

*By reviewing the ATC [Automatic Traffic Counters] survey data, it is apparent that the peak hourly traffic flow observed at the 3 sites was 137 movements between 08:00 – 09:00 on Tuesday at Sites 1 and 2. Of this flow, 4 movements were HGVs. In the worst case, assuming none of the existing HGV traffic was associated with the Site during this peak hour, adding 25 HGV movements would result in a total traffic flow of 162 vehicles per hour, which in absolute terms remains a low flow, even when taking into account the fact that parts of the route operate on a single track basis with passing places”.*

On a clarification note, the location of the ATC's shows that they were all positioned south of the existing Martells industrial estate/quarry entrance. There appears to have been no assessment carried out for vehicle movements approaching/leaving the site entrances going easterly.

From a purely Highways technical aspect the County Highways Officer has not objected on traffic grounds and has recommended conditions including some to address highway improvements. It is recognised that traffic is an emotive issue across all application types. In respect of these applications there are existing traffic movements associated with both the quarry complex and the adjacent and unrelated business activities within the industrial estate as referred to earlier.

Notwithstanding the above the traffic aspect needs to be considered in planning land use terms. The presence of the quarry complex results in it being the likely

major generator of traffic associated with the greater Martells Industrial Estate/Quarry combined complex. At the time of the 2007 application addressing the first extension of mineral extraction, the traffic generation associated with the quarry was for a weekday daily average of 108 HGV's with a daily maximum peak of 160 and for Saturdays 54 and 80 movements respectively. The report at the time considered that the peak movements were being attributable to local deliveries of concrete batching products. The reasoning behind that condition was addressed as being for highway safety.

The present application seeks to increase this generation number further such that an annual average daily peak of 138 (70 on Saturdays) and a maximum daily peak of 204 (102 Saturdays) would be sought.

It is important to note that the Transport Assessment (TA) made in support of the extension application was commissioned to consider "acceptability of the proposed development in terms of transport matters ...." The TA although it refers to "..... *based on the combined mineral production and waste importing, recycling and infilling*" does not specifically clarify/differentiate in its surveys/findings and recommendations as to whether such HGV's involved relate to the applicants own fleet/for third party contractors or trade. Neither, as noted below does it clarify the movement impacts on Slough Lane east of the site entrance.

Notwithstanding the above comments; these applications subject of this report offer an opportunity to review the extant traffic condition wording which has been carried forward through the successive applications related to the Martells quarry activities. Within the extant condition relating to routeing requirements and the limits on HGV movements the inclusion in the wording of an annual average daily rate does little to assist clarity or help from a monitoring and enforcement aspect. This would be particularly true were there a need to monitor a daily flow as a result of local concerns/any other reason. By its very nature an annual average would not be of much use trying to interpret the limit over a short timescale of a day or twos need for monitoring purposes. That the complex were to have a single reference to a maximum daily limit would assist clarity and be more precise.

On the basis of the maximum limits; the proposal is now to increase the maximum daily peak from 160 to over 200 and having a Saturday maximum peak of over 100. As stated above there is potential for confusion; lack of clarity and precision for monitoring and enforcement purposes by reference to daily peaks and annual averages. The inclusion of this wording appears to be historical and the current planning application supporting documentation does little to offer detailed justification as to why that average annual figure should really be retained or for that matter is necessary. Neither has the applicant provided historical traffic generation figures to substantiate what the quarry complex has been generating for weekday/weekend movements nor for that matter what historical averages have worked out at.

Were all traffic associated with the quarry complex to abide solely by the restricted route (as implied by the TA) out of the site and down to the A120 via the private access, then effectively the traffic generation being contemplated could, as with the present situation, be accommodated away from the majority of the surrounding built up/sensitive receptors. The exceptions being those few properties (three in

total) located south along Slough Lane. Use of the restricted route would inevitably see traffic continuing, in reflection of some representees comments, to use Slough Lane with its narrow winding nature; a feature that would have to be an accepted reality. Unfortunately, the generation of quarry complex traffic, and other industrial estate business users, ability to use alternative routes for their “local deliveries” does not guarantee that all quarry complex related traffic could be relied upon to use the access/egress route as stated above. Neither in the application planning statement nor the TA has the flow rates of traffic/HGV’s approaching/leaving the industrial estate/quarry complex from the east been assessed nor clarity on the traffic that does not use the restricted route. It is reasonable to assume a potential for some intensification in use of local roads other than the restricted route which could occur through this suite of applications. The use of the restricted route and “local deliveries” is considered further below.

It has been referred to earlier that traffic accessing off Slough Lane to the A120 goes via a private access point, or control barriers. The limit on the private way was restricted through condition. As with the routeing/traffic generation condition this private access restriction is historical with a similar reasoning as reported above for the generation limits, was for highway safety reasons.

It has been referred to earlier that the TA has not substantiated historical or current movement figures but relied on the existing condition limits as a given uncontested base line to seek additional moments figures. Notwithstanding the points/queries as raised above, it has been recommended earlier that reference to the annual average HGV movement figure be removed and retention of a daily limit, would appear to offer clarity and certainty to all concerned. The level of traffic associated with the industrial estate/quarry complex has not been an historical problem and the general use of the restricted route has been acceptable. Therefore, were planning approval to be forthcoming then an absolute daily movement limit of the proposed levels of 204 (Weekday) and 102 (Saturday) for all HGV’s associated with the quarry complex would be recommended.

As regards traffic routeing restrictions, similarly worded restrictions are in place for both the Martells quarry complex as with a number of the neighbouring industrial estate businesses. This restriction is again historic and has, to varying degrees been adhered to. The restrictions require HGV traffic to turn right out of the estate, travel along Slough Lane and to cross Bromley Road and access onto the A120 through the private access point situated just off the A120 and behind the Household waste Recycling Facility. The exception to this routeing is for local deliveries to be accommodated and more on this below.

Quarry related traffic does in general abide by the extant routeing restrictions, although as with the other business interests in the estate, HGV traffic does turn left along Slough Lane and go towards Ardleigh along Station Road or eastwards on Frating Road. Likewise, quarry related traffic, and other business interests on the estate could divert off Slough Lane when travelling southwards at the Bromley crossroads by turning right into Colchester or left towards Great Bromley.

There has, as noted earlier in this report been some third party representations relating to both HGV traffic through Ardleigh as well as along the highway network; especially Slough Lane where the concern of increases, narrowness of road etc

has been a cause of concern.

There has been local concern about HGV traffic movements running between the Martells Quarry complex and another associated site; that of Elmstead Hall an agricultural reservoir/quarry location (with links to the applicant company). From concerns expressed there has been the applicant company HGV's and third party contractors using Slough Lane - Bromley Road - Wivenhoe Road to access between the sites. Following approaches to the two site operators this latter issue has been mostly addressed. The Elmstead HGV's are required under their own traffic routeing requirement to turn left at their site entrance away from Wivenhoe Road.

In respect of adherence to routeing requirements relating to both the above Elmstead concerns, as well as representations made on this suite of present applications, this is a difficult aspect to monitor and control. It would virtually require a physical permanent presence at Martells to check and possibly then be following each vehicle as it leaves. The issue of vehicles also visiting the complex/estate would be another matter requiring policing. On top of this is the "local delivery area" envelope that was delimited at the time of the early quarry permission in the 1990's. The envelope covers a wide area surrounding the Martells estate/quarry and HGV's could easily travel through this envelope and exit on various roads into the wider locality under the pretext of local deliveries.

A number of the roads in the Ardleigh area such as the A137 and B1029 Station Road are classed by Essex Highways as PR routes "high volume traffic routes essential to the economy of Essex". A recent Essex Highways Ardleigh Parish Council Feasibility Study into Weight Restriction Review was undertaken in 2020. This study noted the provision of such Orders; the signage in place and whether improvements/relocating signage was needed. It is noted that the Essex Highways Panel have recommended a design only scheme with, subject to funding, implementation in a future year. This would address amongst other matters lorry route directional signage to the Martells Industrial Estate along the PR route mentioned above.

Potential options to seek tightening up of this routeing restriction has been considered although with little obvious alternatives being forthcoming. It is however better than nothing at all. The site operator has intimated through their agent that a straight forward restriction for all their vehicles to just travel south along Slough lane to the A120 could be accommodated. However, there are, as referred, other businesses within the estate as well as sub contractors/visiting HGV's to the complex which would remain outside of the control of the quarry operator.

Whilst there are no doubt instances of HGV's being "off route" and could comprise both industrial and quarry related traffic, this is not considered to be an overwhelming occurrence. That HGV's may not adhere to local weight restriction orders could again be down to those actually doing a local delivery although non adherence when it is not a local delivery is likely to be taking place by all HGV users of the local highway system. Operators have a role to play in encouraging their drivers and those of third party visitors to abide by traffic regulations. Admittedly this is difficult to police as referred to earlier, it is a national issue and

can ultimately be down to police/trading standards.

Following discussions between the applicant's agent and traffic consultant together with the County Highways Officer a number of measures have been put forward to help mitigate traffic movements on Slough Lane as well as wider afield.

One of the main visual experiences of passing the Martells estate/quarry entrance is the deterioration of the highway surface between the two entrance ways positioned opposite each other on Slough Lane. Overrunning by various traffic users of the bellmouth verges has contributed significantly to mud/dust, according to the weather patterns, being exhibited across the highway and contributing to the lengthy tracking marks and debris along the road. Combined with the general infringing of the grass verges down most of the length of Slough Lane this tracking appears to merge on occasions for some considerable way south along the carriageway.

There are no pavements as is usual along most of these rural roads and the narrowness and weight of traffic has been highlighted earlier.

It has been recognised that a benefit, were planning approval to be forthcoming that significant road improvements at the industrial estate entrance could be accommodated within a set time period. This could address improving the stretch of carriageway and the provision of bull nose kerbs at the bellmouth. The latter would significantly dissuade HGV's from overrunning the verges.

Further improvements to the road signage to address the approaches to the Slough Lane and Bromley crossover points and provisions for their long term maintenance would assist in highlighting to all road users the HGV presence.

This report has earlier commented about Weight Restriction Orders. Notwithstanding, local delivery servicing aside, the comments earlier about drivers appearing to ignore these restrictions, they do have their place in the provision of measures that seeks to control/direct traffic on the public highway.

A recommendation from the County Highways Officer includes for a "*£3,000 financial contribution (index linked) towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network*".

Were planning approval to be forthcoming then one of the recommendations would be for the above financial contribution to be sort to accommodate towards a weight restriction along the said route.

From a traffic generation aspect, were all quarry complex related traffic restricted to the previously approved route in and out, then the proposed movement numbers could be argued, subject to possible limiting the peak numbers, to be acceptable. However, it has been discussed that there are "local delivery" provisions and that this has not been totally incorporated into the overall Traffic Assessment, nor has detailed breakdown of existing Quarry complex movements into/out of the complex been provided over any quantifiable period to assess

meaningful route patterns.

Road improvement works would be beneficial if only to accommodate the intensified use predicted by the applicant's business interests. Off site signage improvements and contributions to the restrictions in the local area would assist with directing all HGV movements in the local area.

A clear restriction and upper daily limit for HGV's operating from the quarry complex would be recommended to ensure clarity for all and monitoring and enforcement purposes.

In traffic terms the suite of applications could be considered not to conflict, on the above assessment basis, with MLP policies S10; S11; DM1 and DM2; WLP policies 10 and 12; TDLP policies TR1; TR1a; TR9; QL11.

## F ECOLOGY

From an ecological aspect the CEO has not objected overall subject to securing biodiversity mitigation and enhancement measures.

In respect of the western extension land, the ecological interest the CEO notes that suitable sufficient buffers would be incorporated around the attenuation ponds to prevent runoff into the nearby watercourses/Salary Brook.

Also picking up the applicant's ecological findings noting "*The Ecological Assessment (Susan Deakin, February 2020) recommends a habitat buffer around the perimeter of the site to make the development acceptable by preventing indirect or direct effects to ecological features (mitigation), particularly due to the proximity of the existing watercourse, and other nearby wetland habitats close to the site, which feed into Salary Brook, as well as for provision of reasonable biodiversity enhancements. The Landscape Ecology and Management Plan (required by condition) should set out the details for the establishment and implementation of the habitat management requirements. In order to secure this to achieve the desired aims, we have recommended that a S106 is used as the mechanism to ensure that the habitats are managed in the longer term and are retained after the restoration of the site because conditions are time limited*".

The CEO recommends that "*A long-term Landscape and Ecological Management Plan should also be provided through a section 106 agreement. Ideally, this should be 20 years after the statutory five year after-care period and should include any existing or proposed habitats relating to the Section 73 applications, which will need to be managed for a longer time period than currently proposed to reflect the extension to the time that the land will be affected*".

Securing the ecological requirements could be achieved through condition and the longer term management and maintenance of biodiversity interests could be secured through a Section 106 agreement.

Overall, the ecological aspects of the suite of applications are not considered to conflict with MLP policies S10; DM1 and DM2; WLP policy 10; TDLP policies EN6 and QL11.

## G RESTORATION/AFTERUSE

The existing quarry complex has conditions in place requiring the land to be restored primarily for an agricultural afteruse. It is not considered that the ability to reinstate the land across the complex would not be unachievable and the “temporary” nature of the site activities would see the land put back to beneficial use. The reinstatement to principally agriculture would also apply to the proposed western extension land area.

The Agricultural Land Classification (ALC) of the existing western extension land is classed as 3b and it is proposed that such land quality would be retained in the reinstatement programme and it is inferred “bettered”.

Achieving similar, and in principle a betterment of what was there originally, can be achievable through careful handling of the insitu soil resource; high standard of reinstatement and a dedicated aftercare regime. Good site management and conditioning play their part.

The reinstatement proposals are considered appropriate for the land in question. Subject to a recommended long term management program there would be additional biodiversity enhancements secured for the local area.

In terms of restoration and afteruse of the land the suite of applications overall do not conflict with policy S2; S10; S12; DM1; Policy 10 nor EN6, 6a and 6b.

## 7. CONCLUSION

The report has assessed the suite of applications, comprising some five interrelated applications to address the proposed extension of extraction activities onto new land and for conditions within the other four permissions to be varied to enable dovetailing of the quarry complexes activities. The report has acknowledged the allocated status of the western extension land in the Development Framework and to the specific site profile issues raised in both the MLP and WLP notations.

In assessing the conformity of the application to their development requirements contained in the above documents, the report finds general conformity. However, in respect of a requirement to restrict new extraction from the western extension land until restoration has been completed within the existing site workings the report has needed to balance a number of aspects. In particular there has been the recognition that the applicant has an established business and disruption to mineral supply continuity should be avoidable where practicable. The present applications themselves also seek time extensions to the infilling of the present void area where the presently approved landfill cells provision (2 cells identified for receipt of inert and 1 for non-hazardous) would see infilling being completed across the existing permitted land by 2042. Within that timescale the applicants have stated that the inert cells would take some 4 years to infill leaving the non-hazardous cell continuing receipt of wastes until nearer the proposed end date. What has needed to be weighed in the balance has been what level of meaningful restoration within the permitted land area could be achieved without disrupting the continued mineral supply aspect.

The report has noted delays to infilling commencing within the present void and that the void presently remains open with some insitu mineral still to be removed. The proposals seek a phased sequence of mineral extraction within the western land area., to which the application statement states would take place over a 14-year lifespan with mineral being extracted, at time of the application, between 2022 -2036. On the predicted extraction rates each Phases of mineral extraction would take a few years to work through and on that basis, it is not considered unreasonable that a restriction is imposed such that completion of at least the southernmost inert landfill cell within the present void is achieved to include topsoil level before further mineral phasing takes place within the proposed western extension land area. On this basis there would then be some tangible reinstatement of land within a known timescale.

The report finds that the proposed access haul road utilising a small crossover point of Slough Lane and linking into the existing site internal haul road is acceptable.

In terms of traffic, the report notes that the quarry complex and adjoining industrial estate are generators of high HGV volumes. In terms of the current traffic restrictions pertaining to the quarry complex the controls restrict HGV flows to an annual average of 108 movements per day (54 in / 54 out) Monday to Friday; 54 (27 in / 27 out) on Saturday; with an absolute limit of 160 movements (80 in / 80 out) Monday to Friday and 80 movements (40 in / 40 out) on Saturday.

The proposals are to seek increases such that the new figures would provide for 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

The report sets out the applicants traffic consultant's assessment that the local highway could accommodate such increases and that the County Highways Officer has not objected overall to the increased rates.

However, it is noted that traffic is an emotive issue and routeing restrictions have not always been complied; can with local delivery intent travel off route or are all under the operator's control.

The revisiting and possible tightening of the restrictive routeing provision has been considered although the report concludes that whilst some HGV's may not be adhering to the routeing requirement/existing environmental restrictions, they are not considered to be on a regular occurrence or at levels that have given rise to substantiated complaint. It is also noted that there are other businesses within the industrial estate who generate traffic as well as third party operators who use the public highway network in this area.

The report does consider there to be ground to simplify for clarity and monitoring

purposes the inclusion of an annual average daily rate which does little to simplify the process were there a need to monitor a daily flow as a result of local concerns/any other reason. The report notes that by its very nature an annual average would not be of much use trying to interpret the limit over a short timescale. That the complex has a maximum daily peak figure is more helpful and clearer to all parties what the movement restrictions are.

The report recommends that whilst noting that the quarry complex already benefits from a maximum 160 daily movement weekday peak and that the applicant has confirmed a maximum 25 HGV' movements per hour could be accommodated then the already permitted 160 daily maximum HGV movements would suffice to cover, with capacity, the applicants proposed daily generation limit. For Saturdays, it is reasonable to expect that a shorter day does not have to incur additional rises in traffic generation and the previous peak limit of 80 movements is already in existence and could suffice.

The report considers that road improvements should reasonably be required to upgrade the highway at the quarry/industrial estate access point; road signage provision for both traffic direction/warning be installed and that funding contribution be secured towards environment weight restrictions along a local road.

In terms of environmental disturbance arising from noise and dust the report recommends a continuation of the quarry complexes noise monitoring regime and proposes noise limits at new sensitive receptors. In terms of Dust the recommendation seeks a Dust Management Plan to be submitted.

In landscape and visual terms the proposals provide for new screen bunding along the Slough Lane road frontage and opposite Coronation Cottages together with a programme of advance planting. New planting together with safeguarding/management of existing planting would ensure the integrity of the landscape features and over time its strengthening.

In cultural heritage terms the report finds that the proposed Western extension land, as with the existing workings, would have perimeter screen bunding. Visual connectiveness between any workings taking place within the western extension and the Slough Farm buildings which include some out buildings of interest but are non designated, would therefore be avoided. The report finds that the non designated assets would not be negatively impacted over and above what they are already experiencing at the present moment.

From an ecological perspective the County Ecologist has not objected and recommended securing the ecological requirements through condition and the longer term management and maintenance of biodiversity interests via a Section 106 agreement that would cover for an extended period of 20 years (5 year statutory and 15 years additional).

The report finds that the restoration of the land back to agriculture with biodiversity inclusion would be appropriate.

Subject to the imposition of conditions and the advance completion of legal agreements to secure road improvements and biodiversity enhancement

management the proposed development is conforms with the development plan and NPPF.

## 8. RECOMMENDED

That for **ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN** planning permission be granted subject to:

- (1) For Planning permission ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN the prior completion of an appropriate Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 legal agreement under the Highways Act 1980 to provide for:
  - (i) Prior to any site preparation works being carried out in respect of planning permission ref no: ESS/29/20/TEN, a £3,000 financial contribution (index linked) shall be deposited with Essex County Council towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network. Such contribution to be paid on commencement of development. (Payback 5 years).
  - (ii) The carrying out of highway works for the creation of the new Slough Lane crossing point and
  - (iii) The carrying out of highway works at the Martells Industrial estate Slough Lane junction together with
  - (iv) Undertaking a formal Stage 1 Road Safety Audit outlining the junction detail/ crossing points design/ improvements for (ii) and (iii) above.
  - (iv) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing Nos KD.MTQ.1.004 entitled "Restoration Plan" dated August 2019 and KD.MTQ.2.009 Rev D entitled "Concept Restoration" dated April 2021 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 agreements referred to in (1) above planning permission be granted subject to the following conditions:

### A. For ESS/24/20/TEN

Duration

1. All operations authorised or required by this permission shall cease, and the pipeline and any other supporting 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 either

within four months of the date of the pipeline no longer being used in connection with its quarry water management role or not later than 30th September 2041.

Reason: To restrict the period of the operations in accordance with the adjoining permitted quarry operations that require restoration of the quarry land by 30th September 2041 and to which the pipeline infrastructure are designed to serve and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Planning Practice 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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application ESS/14/18/TEN comprising:
  - (i) Letter from PDE Consulting Limited dated 10/05/18
  - (ii) Planning Application form from Sewells Reservoir Construction Ltd dated 10/05/18
  - (iii) Supporting document entitled "Planning Application and Supporting Statement" from PDE Consulting Ltd dated May 2018.
  - (iv) Drwg No: M13.227C.D.001 entitled "Water Abstraction Pipeline" dated May 2018.

As amended by those details reserved by condition 4 (Landscaping) of planning permission ref no: ESS/14/18/TEN those details set out in:

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
- (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.  
Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

As amended by planning application ESS/24/20/TEN comprising those details set out in:

- (i) Application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
- (ii) Supporting document entitled "Planning Application and Supporting Statement, Variation of Condition 1 attached to planning permission reference ESS/14/18/TEN to allow for the retention of a water management pipeline until 30 September 2041" from PDE Consulting Ltd dated February 2020.

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 and S12 of the Essex Minerals Local Plan Adopted July 2014.

#### Availability of Plans

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

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014.

#### Landscape

4. Landscaping of the site shall take place in accordance with the details approved on 21<sup>st</sup> November 2018 comprising:
  - (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
  - (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.  
Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to the Essex Minerals Local Plan Adopted July 2014 Policies S10 and DM1; Tendring District Local Plan Adopted 2007 Policy QL11 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Landscape Management

5. Any tree or shrub forming part of the landscaping scheme undertaken as part of this application shall be maintained such that if it dies, is damaged, diseased or removed within a duration of 5 years following original planting, it shall be replaced during the next available planting season (October to March inclusive) with others of similar size and species, unless the Mineral Planning Authority gives written consent for any variation.

Reason: In the interest of replacing that planting stock removed as part of the application; that appropriate replacement landscape planting is provided to help integrate the land into the local landscape and that this landscaping is maintained until the planting becomes established to comply with Policies

DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Reinstatement

6. No removal of the pipeline shall take place until the operator has secured an approved scheme for the pipeline removal that details removal methods, land reinstatement and landscape planting. The pipeline and land reinstatement and landscaping shall then be undertaken in accordance with the approved scheme.

Reason: In the interests of clarity and to secure the reinstatement and landscaping of the land to integrate it back into the landscape having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites

#### **B. For ESS/25/20/TEN**

#### Commencement

1. The development hereby permitted shall be taken to have commenced September 2019 as set out in the letter from PDE Consulting dated 9<sup>th</sup> September 2019.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended]. To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Duration of Permission

2. The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 September 2040 in line with the cessation and restoration requirements of the permission ESS/27/20/TEN, to which this application area relates.

Reason: To restrict the period of the operations in accordance with the working and infilling of the Martells quarry to which this application is related and to enable the Waste Planning Authority to retain control over operations; and to ensure the clearance and future restoration of the land in accordance with Policies DM1, DM3, 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 Policy QL11 of the Tendring District Local Plan 2007.

#### Approved Details

3. The development hereby permitted shall be carried out in accordance with the details submitted in respect of Planning Permission ESS/32/18/TEN by

way of the:

- (i) Planning Application form from PDE Consulting Ltd dated 20th September 2018
- (ii) Planning Application Supporting Statement from PDE Consulting Ltd entitled "Planning application seeking for the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, and the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway" dated September 2018.

Supporting reports comprising:

- (iii) Noise Report produced by Walker Beak Mason dated 12th September 2018.
- (iv) Dust Assessment produced by PDE Consulting Ltd dated September 2018.
- (v) Flood Risk Assessment and Hydrological Impact Assessment produced by BCL Hydro dated September 2018.
- (vi) Landscape and Visual Impact Assessment produced by Kedd Limited dated August 2018.
- (vii) Ecological Report produced by Susan Deakin Ecology dated September 2018
- (viii) Drwg Nos: M13.227(b). D.001A entitled "Site Location Plan" dated September 2018
- (ix) Drwg No: M13.227(b). D.003A entitled "Soils Wash Plant Elevations" dated September 2018
- (x) Drwg No: M13.227(b). D.004A entitled "Current Situation" dated September 2018
- (xi) Drwg No: M13.227(b). D.005A entitled "Weighbridge and Weighbridge Office Detail" dated September 2018.

As amended by the email from Abgail Molyneux to Terry Burns dated 15th February 2019 at 11:53 and accompanying:

- (i) Drwg No: M13.227(b). D.002C entitled "Soils Wash Plant Proposed Layout" dated February 2019.
- (ii) Drwg No: M13.227(b). D.007A entitled "Detailed Landscaping Plan" dated February 2019
- (iii) Drwg No: M13.227(b). D.008A entitled "Detailed Sump Area" dated

February 2019.

- (iv) Drwg No: M13.227(b). D.009 entitled "Dimension Plans" dated February 2019.

As amended by those details reserved by Condition 6 (Processing Plant) of planning permission ref no: ESS/32/18/TEN those details set out in:

- (i) Letter from PDE Consulting Ltd dated 9th September 2019.
- (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
- (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

As amended by planning application ESS/25/20/TEN and those details set out in:

- (i) Planning application form from PDE Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020. and
- (ii) Planning Application and Supporting Statement - Variation of conditions attached to planning permission reference ESS/32/18/TEN to allow for the continuance of permitted developments until 30 September 2040. Also, to allow an increase in waste imports and consequential HGV movements. To defer the submission of a restoration scheme for the recycling area until 30 December 2037" from PDE Consulting Ltd dated February 2020.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### 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 Waste Planning Authority shall also be available.

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

#### Permitted Development Rights

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant

(other than hydraulic excavator or plant for the movement of materials) except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

Reason: To enable the Waste Planning Authority to properly control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1, DM3, 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 Policy QL11 of the Tendring District Local Plan 2007.

#### Processing Plant

6. The design of the processing plant shall be in accordance with the details approved on 26<sup>th</sup> September 2019 under Condition 6 of ESS/32/18/TEN comprising:

- (i) Letter from PDE Consulting Ltd dated 9th September 2019.
- (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
- (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

Reason: To ensure that the recycling plant as commissioned accords with the proposed recycling plant details as provided for in the application documents and against which the environmental impacts were assessed against having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Stockpiles

7. Stockpiles of materials on site shall not exceed a height from original ground level of:

- 3 metres for topsoil
- 4 metres for subsoil (except where used as acoustic bund);
- 6 metres for unprocessed and processed aggregates, and
- 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Sale of Aggregate/Other Product

8. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the

development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Access Usage

- 9 The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with 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), and Policy QL11 of the Tendring District Local Plan 2007.

#### Sheeting

10. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Routeing Requirements/HGV movements

11. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/27/20/TEN) hereby permitted shall not exceed the following limits:

- daily HGV movements of 160 (80 in and 80 out) (Monday to Friday)
- daily HGV movements of 80 (40 in and 40 out) (Saturdays)
- The total movements shall apply to all vehicles associated with the development, hereby approved, including recycling and infilling operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with 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) and Policy QL11 of the Tendring District Local Plan 2007.

12. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 13.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, 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) and Policy QL11 of the Tendring District Local Plan 2007.

## ENVIRONMENTAL PROTECTION

### Operating Hours

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

07:00 – 18:30 Monday to Friday,  
07:00 – 13:00 Saturdays

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

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), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

### Lighting

14. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007

#### Noise Limits – Temporary Operations

15. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties identified in Condition 16 of this permission shall not exceed 70dB LAeq, 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These noise limits and timescales apply to the cumulative operations on land under the applicant's control i.e., the processing plant hereby consented and the extraction, processing and restoration activities consented under ESS/27/20/TEN. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise Limits – Normal Operations

16. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

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

The above noise limits are for noise arising from all combined activities on land under the applicant's control i.e., the processing plant hereby consented, and the extraction, processing and restoration activities consented under ESS/27/20/TEN

Reason: To protect the amenities of the local residents from the effects of

noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise Monitoring

17. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission, except the frequency of monitoring shall be increased during periods of mineral extraction or restoration operations within 400m from Coronation Cottages, noise levels shall be monitored at this location only on a fortnightly basis and the results submitted to the Waste Planning Authority within 1 week of the date of monitoring unless agreed otherwise by the Waste Planning Authority;

Unless specified otherwise noise measurements should be made at the following noise sensitive locations Rumage House, Ardleigh Park, Coronation Cottages, Slough Farm, Carringtons and George Hall. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise – Vehicle reversing/silencers

18. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

19. All vehicles, plant and machinery operated within the site shall be fitted with

and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Restoration

20. Prior to the completion of the excavation of sand and gravel from the western extension land approved under permission ESS/29/20/TEN or by the 30th December 2037, whichever date is the earlier, a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with 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 Policy QL11 of the Tendring District Local Plan 2007.

#### Landscaping

21. The development hereby permitted shall be implemented in accordance with the landscaping provisions set out on Drwg No: M13.227(b).D.007A entitled "Detailed Landscaping Plan" dated February 2019 accompanying the email from Abigail Molyneux to Terry Burns dated 15th February 2019 at 11:53.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, 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 Policy QL11 of the Tendring District Local Plan 2007.

22. All landscaping shall be maintained to the satisfaction of the Waste Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting shall be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in

accordance with approved schemes and to comply with Policies DM1, S5, 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 Policy QL11 of the Tendring District Local Plan 2007.

**C. For ESS/26/20/TEN**

1. The development hereby permitted under ESS/43/14/TEN shall be carried out in accordance with the details of the application dated 23 October 2014 together with the accompanying:
  - (i) Supporting Statement, dated October 2014;
  - (ii) Drawing ref. MQ1 entitled "Location Plan";
  - (iii) Drawing ref. MQ2 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Plan showing land under applicants control and application area";
  - (iv) Drawing ref. MQ3 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Application drawing".

As amended by the Non-Material Amendment for a replacement mineral processing plant details approved on 14<sup>th</sup> September 2017 comprising:

- The Application form from Sewells Reservoir Construction Limited 30<sup>th</sup> August 2017.
- Drwg No: M2500 E4 Layout dated 02/12/2011
- Drwg No: SP907 –LAYOUT-01A entitled "Wash Plant Layout" dated 02/03/2017
- Set of 8 no photographs untitled and undated showing elevations of the mobile plant in place on site.

As amended by planning application ESS/26/20/TEN comprising:

- a. Planning application form from PDE Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020. and
- b. the planning statement entitled "Planning Application and Supporting Statement, Variation of Condition 2 attached to planning permission reference ESS/43/14/TEN to allow for the continuance of permitted developments until 30 September 2039" from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the 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 having regard to Policies DM1, DM3 and S12 of the Essex Minerals Local Plan Adopted July 2014. Tendring District Local Plan policies QL11, COM23 and EN1.

2. The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref: ESS/18/07/TEN and as amended through subsequent permissions the latest iteration being permission ESS/27/20/TEN and for the western extension land permitted

under ESS/29/20/TEN; the plant 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 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan policies QL11, COM23 and EN1.

#### **D. For ESS/27/20/TEN**

##### Notification Dates

1. The Mineral Planning Authority shall be notified in writing 7 days prior to the following:
  - (a) Intention to start soil stripping within any area.
  - (b) Completion of silica sand extraction.
  - (c) Commencement of the landfilling.
  - (d) Completion of landfilling.
  - (e) Completion of restoration
  - (f) Completion of final restoration to agriculture.

(for clarity, the commencement of extraction was notified as 22 March 2010, submitted to the Mineral Planning Authority on 15 March 2010 under condition 3 of planning permission reference ESS/18/07/TEN. The commencement of mineral importation was notified as 23 October 2017 to the Mineral Planning Authority on 16 October 2017 by email from John Snow of PDE Consulting Ltd at 17:12.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan ((Adopted July 2014)) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

##### Duration of Permission

2. Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Reinstatement of the land to and including topsoil level shall be completed by 30 September 2041.

Reason: In the interests of clarity and 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 Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014), and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

3. With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site by 30<sup>th</sup> September 2041 and the land restored by 30<sup>th</sup> September 2042. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases, the recycling facility and landfilling and in any case not to prevent the restoration of the site by 30 September 2042. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of clarity and to enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a beneficial use in compliance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policies 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

4. The landfilling hereby permitted shall cease by 30 September 2040 and the site shall be restored within 1 year in accordance with the details set out Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.

Reason: In the interests of clarity and to provide for the completion and progressive restoration of the site within the approved timescale and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

5. The use of land adjacent to the processing plant for stockpiling shall be for a limited period and shall expire on 30 September 2040 when the use shall cease, and the site shall be cleared and restored in accordance with the approved scheme of restoration as determined under Condition 57 of this permission.

Reason: In the interests of clarity and to enable the Minerals/Waste Planning Authority to adequately control the development and to ensure the clearance and future restoration of the stockpiled area once extraction onsite has ceased, in accordance with Policies DM1, DM3, 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 Policies EN1,

EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Approved Details

6. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/18/07/TEN) dated 29 March 2007 and the Environmental Statement dated March 2007 together with drawing numbers;

Fig 1.1 Location – Dated January 2007

Fig 2.1 Site – Dated January 2007

Fig 2.2 Local Delivery Area – Dated January 2007

Fig 2.7 Location of groundwater and monitoring boreholes – Dated January 2007

Fig 3.4 Site Investigation – Dated January 2007

Fig 5.1 Working Areas – Dated January 2007

Fig 5.2 Rev B Pre-Settlement Contours - Dated January 2008

Fig 5.3 Rev A Post Settlement Contours - Dated January 2008

Fig 5.4 Progressive Working of Area A - Dated January 2007

Fig 5.5 The progressive working of Areas B & C Dated January 2007

ENV/BB/111 Drying shed, associated plant, hardstanding office Dated May 1997

As amended by planning application reference ESS/46/14/TEN dated 31 October 2014 together with;

- Covering Letter – Dated October 2014
- Planning Statement 'Martell's Quarry – Planning Application to vary Condition 2 of Planning Permission ESS/18/07/TEN under section 73 of the Town and Country Planning Act 1990 –Proposed Re-phasing of Operations at Martell's Quarry' – Dated October 2014
- Drawing No M13.227.D.001 (Undated)
- Drawing No M13.227.D.002 (Undated)
- Drawing No M13.227.D.003 (Undated)
- Drawing No M13.227.D.004 (Undated)
- Emails dated 10 November 2014 and 11 November 2014

As amended by those details reserved by condition of planning permission ref no: ESS/18/07/TEN:

- a. For Archaeological Field Work Investigation those details set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.
- b. For Soil Movement those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as

varied by a letter dated 19 May 2009.

- c. For Machine Movements those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.
- d. For Soil Bund Management those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009
- e. For the Noise Monitoring, those details set out in the report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.
- f. For the Highway Improvement Works those details set out in the application for approval of details reserved by condition received 15 June 2009, together with the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).
- g. For the Highway Works to Haul Road Entrance – those details set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009.
- h. For the Standard Road Warning Signs those details set out in the approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.
- i. For the Highway Directional Signs those details set out in Drawing no:D122418-01 Revision P2 as amended by the e-mail from Andrew Wright dated 30 July 2009.
- j. For the Wheel Washing those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008. reserved by condition received 15 June 2009.
- k. For Dust Suppression those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and amended Environmental Dust Scheme updated February 2009 and received 10 February 2009.
- l. For Landscaping those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:
  - (i) Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
  - (ii) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (iii) Plan MQ/L12A Landscape proposals dated 8 March 2009,
  - (iv) Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2

(dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

- m. For Landscaping retention and protection those details set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/112A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.
  
- n. For Habitat Management and Creation those details set out in the application for approval of details reserved by condition 13 November 2008 for the habitat management plan including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and:
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/112A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.

As amended by the planning application reference no: ESS/23/15/TEN comprising:

- (i) Planning application form from Heaton Planning dated 11 May 2015 and
- (ii) Planning statement entitled "Application to vary condition 7 of planning permission ESS/46/14/TEN under Section 73 of the Town and Country Planning Act 1990 to enable the importation of material" dated May 2015
- (iii) Drwg No: M13.277.D.005 entitled "FINAL".

As amended by the planning application reference no: ESS/53/17/TEN comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 27th October 2017.
- (ii) Letter from PDE Consulting Limited dated 27th October 2017.
- (iii) Supporting report from PDE Consulting Limited entitled "Planning Application and Supporting Statement" dated October 2017.
- (iv) Drwg No: M13.227(a). D.001 entitled "Site Location Plan" dated October 2017.
- (v) As amended by the Letter from PDE Consulting Limited dated 17th May 2018.

As amended by those details reserved by condition of planning permission ref no: ESS/53/17/TEN comprising:

- a) For Waste Importation – (Condition 29) those details as set out in:
  - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
  - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.
  
- b) For Condition 34 (Odour Emissions): those details as set out in:
  - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
  - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018.

As amended by the planning application reference no: ESS/61/19//TEN comprising:

- (i) Letter from PDE Consulting Ltd dated 9th August 2019.
- (ii) Planning application form from Sewells Reservoir Construction Limited dated 9th August 2019.
- (iii) Report entitled "Planning Application and Supporting Statement - Variation of Condition 6 attached to planning permission reference ESS/53/17/TEN to allow for: I. revisions to approved details of mineral extraction and landfilling; II. The implementation of a Planting Establishment and Management scheme; III. Retrospective permission for the provision of a water tank" dated August 2019.
- (iv) Drwg No: KD/MTQ/1.002 Status Final entitled "Current Situation and Proposed Extraction" dated August 2019.
- (v) Drwg No: KD/MTQ/1.003 Status Final entitled "Landfill Placement" dated August 2019. (Now superseded by ESS/27/20/TEN see below)
- (vi) Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.
- (vii) Drwg No: KD/MTQ/1.006 Status: Final entitled "Post Stabilisation Plan" dated August 2019.
- (viii) E-mail from David Marsh dated 15th November 2019 and accompanying report entitled "Slope Remediation Specification 3.0, Reference 1147/RS3.0" dated 15th July 2019 and the cross-section plan within referenced: 1147/502/Rev A entitled "Remedial Works Sections" dated 25/02/19.
- (ix) Letter from PDE Consulting Ltd dated 25th November 2019.
- (x) Letter from PDE Consulting Ltd dated 21st January 2020 and accompanying Drwg No: KD/MTQ/1.005A Status Final

entitled "Planting, Management and Maintenance Plan"  
dated January 2020.

As amended by the planning application reference no: ESS/27/20/TEN  
comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
- (ii) Supporting Report entitled "*Planning Application and Supporting Statement, Variation of conditions attached to planning permission reference ESS/61/19/TEN to allow for the continuance of permitted developments and subsequent restoration. Also, to allow changes to the approved details to facilitate mineral extraction and landfilling and the inclusion of noise mitigation within the recycling area. To allow an increase in waste imports and consequential HGV movements. To defer the submission of a restoration scheme for the recycling area until 30 December 2037*" from PDE Consulting Ltd dated February 2020.
- (iii) Drwg No: KD/MTQ/1.008 Status Final entitled "Updated Landfill Plan" dated February 2020.

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 in accordance with Policies S1, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

#### Availability of Plans

7. 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 in the same location.

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.

#### Ecological Interests

8. Prior to any ground disturbance taking place along the existing slope batters within the excavation void written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests present or affected. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations

Reason: To conserve Protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and Section 40 of the Natural Environment and Communities Act 2006 (Priority habitats & species) and having regard to the Essex Minerals Local Plan Adopted July 2014 Policies DM1, DM2 and S10 and The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to minimise impacts on biodiversity interests.

#### Prior Archaeology

9. No groundworks, in any area, shall take place until the applicant has implemented a programme of archaeological field work investigation and recording in accordance with the agreed scheme of archaeological investigation approved in June 2008 under Condition 3 of planning permission ref no: ESS/18/07/TEN. The approved scheme of archaeological investigation is as set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.

Reason: To ensure that adequate archaeological investigation and recording has been undertaken prior to development and groundworks taking place within the site and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and TR9 Tendring District Local Plan 2007.

#### Working Arrangements

10. The land to which this permission relates shall only be worked in conjunction with the processing plant, drying plant, haul roads, storage area, recycling facilities as indicated on Drwg Figure 2.1 dated January 2007 and as an extension of the existing workings at Martell's Quarry.

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 in accordance with Policies S1, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014). and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and EN4 of the Tendring District Local Plan 2007.

#### Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant (other than hydraulic excavator, or plant for the movement of materials)

except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning 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, DM3, 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 Policies COM 22, COM 23, and QL11 of the Tendring District Local Plan 2007.

#### Quarry depth

12. The depth of extraction of sand and gravel and of underlying clays for restoration purposes shall not exceed 15m AOD.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details and in the interests of local and environmental amenity and highway safety, in accordance with Policies S12, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014) , Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN7, COM 23, and QL11 of the Tendring District Local Plan 2007.

#### Stockpiles

13. Stockpiles of materials on site shall not exceed a height from original ground level of:
  - 3 metres for topsoil
  - 4 metres for subsoil (except where used as acoustic bund);
  - 6 metres for unprocessed and processed aggregates, and
  - 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

14. The bunds indicated on Figure 5 of planning application ESS/25/04/TEN shall be retained for the life of the recycling operations.

Reason: In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Maintenance of haul road

15. The section of the internal haul access road between the wheel washing facility and the public highway shall be metalled, drained and kept clear of debris throughout the life of the site.

Reason: In the interests of highway safety and to prevent material being taken onto the public highway and to comply with 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) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

16. The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with 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), and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Wheel wash

17. The development hereby permitted shall be implemented in accordance with the details of the wheel washing facilities approved on 6 February 2009 under Condition 16 of planning permission reference ESS/18/07/TEN. The approved details of the wheel washing facilities are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008.

Reason: In the interest of preventing material, dust or detritus from affecting the public highway safety and to comply with 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) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Mineral export

18. The total quantity of mineral leaving the site shall not exceed a level of 125,000 tonnes per annum from the date of commencement of the development. Records shall be kept for the life of mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: In the interest of the amenity of the locality and surrounding residential occupiers, highway safety, also in order that the Mineral Planning Authority can monitor throughput at the site, in accordance with 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) and Policies COM 22, COM 23, QL11, TR1,

TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

#### Importation Restrictions

19. No more than 20,000 tonnes of mineral per annum shall be imported into the processing area as defined on Drawing No M13.227.D.005 entitled "Final". The imported mineral shall only be used in blending with the indigenous mineral arising from within the Martell's Quarry site (as defined in planning permission ESS/18/07/TEN). Records of the importation shall be kept for the life of the mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: To ensure that there are no adverse impacts on the local amenity from development not assessed in the application details and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

#### Sale of Aggregate/Other Product

20. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Sheeting

21. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

#### Highway Works to Haul Road Entrance

22. The development hereby permitted shall be implemented in accordance with the improvements to the haul road entrance approved on 23 July 2009 under condition 71 of planning permission reference ESS/18/07/TEN. The improvements are set out in the application for approval of details reserved

by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009, and shall be maintained throughout the development. The entrance shall be kept free of potholes and mud and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Highway Improvement Works

23. The development hereby permitted shall be implemented in accordance with the details of the highway improvements approved on 9 July 2009 under condition 11 of planning permission reference ESS/18/07/TEN. The approved details of the highway improvements are set out in the application for approval of details reserved by condition received 15 June 2009, including the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).

Reason: In the interest on amenity of the locality and highway safety, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

24. The development hereby permitted shall be implemented in accordance with standard warning signs approved on 5 March 2010 under condition 72 of planning permission reference ESS/18/07/TEN. The standard warning sign locations are set out in the application for approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.

Reason: In the interest of highway safety and local amenity and to comply with 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) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### HGV Directional Signs

25. The development hereby permitted shall be implemented in accordance with the HGV directional signs approved on 8 October 2009 under condition 19 of planning permission reference ESS/18/07/TEN. The approved HGV directional signs are set out in the application for approval of details reserved by condition received 15 June 2009, including drawing number D122418-01 Revision P2, as amended by email from Andrew Wright dated 30 July 2009. The approved HGV directional signs shall be maintained for the duration of operations hereby permitted.

Reason: In the interests of highway safety and local amenity and to comply with 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) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Routeing Requirements

26. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:

- The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the permission ESS/26/20/TEN) hereby permitted shall not exceed the following limits:
- daily HGV movements of 160 (80 out and 80 in) (Monday to Friday)
- daily HGV movements of 80 (40 out and 40 in) (Saturdays)

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Minerals/Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with 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) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

27. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 37.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, 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) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

28. The surfaced section of access roads linking to crossover of Slough Lane 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 to comply with 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) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Monitoring Records

29. From the date that landfilling commences the operators shall maintain records of their monthly waste inputs and outputs and shall make them available to the Waste Planning Authority upon request. All records shall be kept for the duration of the permitted operations.

Reason: In the interests of clarity, to enable appropriate monitoring of the rates of importation in order to ensure compliance with the approved details having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; and Policies DM1, DM3, S6, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014) and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Infilling Phase

30. Only Commercial and Industrial, solid inert and Mechanical and Biological Treated waste residues shall be imported into the site for landfill where the origin is only from within a 20-mile catchment of the application site's boundaries, and/or within the administrative area of Essex & Southend-on-Sea and/or is residual waste from London beyond 2015.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives and is in accordance with 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) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

31. For Waste Importation – The scheme to address waste importation shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 29 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

(i) The letter from PDE Consulting Ltd dated 18th October 2018;

- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and
- (iii) PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives of the Essex and Southend Waste Local Plan, in accordance 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) and Policies , QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

32. No waste other than inert waste, commercial and Industrial waste and waste residue and Mechanical Biological Treatment waste residue shall be received for recycling or landfilling.

Reason: In the interests of clarity under which the original permission was determined and to which waste materials other than the stipulated categories could raise additional environmental concerns, which would need to be considered afresh; and to comply with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy COM 23, of the Tendring District Local Plan 2007.

33. As landfilling progresses through each phase, at 3 yearly intervals from the commencement of development, the operator shall reassess the allowances being made for settlement and submit their findings in writing to the Waste Planning Authority for formal approval. Where shown that surcharging is less than originally predicted, the pre-settlement contours shall be adjusted, and landfilling undertaken to accord with the revised calculations for settlement.

Reason: To ensure that the approved pre-settlement contours are adjusted to reflect anticipated reductions in the proportion of bio-degradable waste being landfilled and that the post settlement contours will enable the site to be absorbed back into the local landscape in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b and COM 23, of the Tendring District Local Plan 2007.

34. No deposition, storage, processing, handling or transfer of waste shall take place on the site outside of the confines of the approved designated areas.

Reason: To ensure controlled waste operations and the containment of waste materials in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

35. No non-inert waste shall be disposed of to landfill within 250 metres of any adjacent residential property.

Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

36. For Odour Emissions – The scheme to address Odour Emissions shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 34 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

- (i) the letter from PDE Consulting Ltd dated 18th October 2018;
- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018. No intake of waste shall take place until a scheme giving details of measures to prevent fugitive odour emissions from the landfilling of waste has been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

## ENVIRONMENTAL PROTECTION

### Operating Hours

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

07:00 – 18:30 Monday to Friday,  
07:00 – 13:00 Saturdays

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

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), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23 and QL11 of the Tendring District Local Plan 2007.

### Storage

38. No scrap, mobile or fixed plant, equipment, skips, containers trailers or vehicles shall be placed or parked other than within designated areas.

Reason: To help minimise the visual impact of the development, to limit the impacts on locality and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007

39. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Limits – Temporary Operations

40. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties shall not exceed 70dB LAeq, 1hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community. In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Limits – Normal Operations

41. Except for temporary operations, the free field Equivalent Continuous Noise Level (LA eq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51 dB LAeq 1hr
Coronation Cottages	55 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

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

extraneous noise.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Monitoring

42. The development hereby permitted shall be implemented in accordance with the details of the noise monitoring approved on 15 July 2009 under condition 21 of planning permission reference ESS/18/07/TEN. The approved details of the Noise Monitoring are set out in the application for approval of details reserved by condition received 25 June 2009, including report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

43. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission at the following noise sensitive locations Ramage House, Ardleigh Park, Coronation Cottages, Slough Farm and Park Corner. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Minerals/Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise – Vehicle reversing/silencers

44. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

45. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

46. No imported waste, other than inert excavated soils, shall be deposited on the excavated area of the site until engineering works have been carried out so as to prevent the drainage of surface and groundwater into the excavated area.

Reason: To protect groundwater from pollution and to comply with 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

47. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drum's capacity with a sealed sump within the bunded area and no direct discharge to any watercourse, land or underground strata. All fill draw and overflow pipes shall be within the bunded area. All measures shall be maintained for the lifetime of operations on site.

Reason: To minimise the risk of pollution to watercourses and to comply with 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

48. There shall be no removal of existing vegetation between March and August inclusive.

Reason: To ensure protection of birdlife during the nesting season and to comply with 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Soil Handling and Storage

49. Topsoil, subsoil and soil making material shall only be handled / moved when they are in a dry and friable condition. This requires

(a) There to be no movement of soil between the months of November and March (inclusive) unless otherwise approved in advance in writing by the Mineral/Waste Planning Authority.

(b) An assessment determining dry and friable, 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 Policies DM1, S5, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

50. The operator shall notify the Waste Planning Authority at least 5 working days in advance of the commencement of final subsoil placement to allow a site inspection to take place.

Reason: To ensure that the site is ready for topsoil spreading and to comply with 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 Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

51. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 27 May 2009 under condition 37 of planning permission reference ESS/18/07/TEN. The approved scheme of soil movement are set out in are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.

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 Policies DM1, S5, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

52. The development hereby permitted shall be implemented in accordance with the scheme of machine movements approved on 20 March 2009 under condition 38 of planning permission reference ESS/18/07/TEN. The approved scheme of machine movements are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Policies DM1, S5, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

53. Before any part of the site is excavated or 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), all available topsoil and/or subsoil shall be stripped from that part and stored in accordance with the details agreed under Condition 51.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies DM1, S5 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

54. For top soil and sub-soil stripping:
- (a) The top soil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of re-instated sub-soil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent re-use.
  - (b) When the sub-soil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden / low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent reuse.
  - (c) 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 Policies DM1, S5 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 Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

55. At no time shall the pre-settlement contours, inclusive of capping, subsoil and topsoil, following landfilling in each phase, exceed the 42 metres AOD crown or any of the contours as shown on Drawing No. Fig 5.2 Rev B dated January 2008. A competent land surveyor shall check the levels on site once infilling is complete (on any phase or part phase) and prior to the placement of the clay cap and these levels shall be submitted to the Waste Planning Authority within 14 working days.

The operator shall give the Waste Planning Authority 5 clear working days' notice to enable an inspection to be made prior to the placement of the clay cap or any phase or part phase.

Reason: To ensure that the final post-settlement landform does not exceed 39 metres AOD and so that it can be returned to a satisfactory and beneficial after-use to support amenity use, improve its appearance in the interests of visual amenity and assist in absorbing the site back into the local landscape in compliance with 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 Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

56. The development hereby permitted shall be implemented in accordance with the soil bund management scheme approved on 7 May 2009 under condition 41 of planning permission reference ESS/18/07/TEN. The approved soil bund management scheme are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance, to ensure the retention of the existing soils on the site for restoration purposes and to comply with Policies DM1, S5, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

57. Prior to the cessation of the infilling element activities undertaken within the Western extension land under Planning Permission ESS/29/20/TEN or by 30<sup>th</sup> December 2037 whichever is the sooner, a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall have been submitted to the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Landscaping

58. The development hereby permitted shall be implemented in accordance with the landscaping provisions approved on 22 June 2009 under condition 31 of planning permission reference ESS/18/07/TEN. The approved landscaping is set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:

- Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
- Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
- Plan MQ/L12A Landscape proposals dated 8 March 2009,
- Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

59 All landscaping shall be maintained to the satisfaction of the Mineral Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting must be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Habitat Management

- 60 The development hereby permitted shall be implemented in accordance with the habitat management plan approved on 7 May 2009 under condition 35 of planning permission reference ESS/18/07/TEN.

The approved habitat management plan are set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited, Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008, Plan MQ/I12A Landscape proposals dated 8 April 2009, Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and details as varied by letter dated 21 April 2009.

Reason: To ensure protected species are sheltered from the development and if necessary, moved to alternative habitats, in accordance with Policies DM1, DM3, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Aftercare south of Slough Lane

61. All operational land south of Slough Lane, associated with this development shall be restored to a condition suitable for agriculture within the periods and with the agreed restoration scheme previously approved and identified under Condition 6 and managed through the aftercare scheme as provided for under Condition 62, with all soils being placed to their original settled profiles using the indigenous subsoil and topsoil stored in earth bunds.

Reason: To aid the final restoration of the site in compliance with 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 Policies EN1, EN4, EN6, QL11 and COM 23 of the Tendring District Local Plan 2007.

62. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard suitable for agriculture shall be submitted to and approved in writing by the Waste Planning Authority prior to commencement of restoration works 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 Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Waste Planning Authority approve 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 programme shall be carried out in accordance with the approved Scheme.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, 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 Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## **E. For ESS/29/20/TEN**

### Commencement and Duration

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 (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. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include any ground preparation works or any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access across Slough Lane).

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.

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 17 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with Condition 2.

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 Mineral Planning Practice Guidance that seeks to minimise the adverse

effect of workings within the environment and the National Planning Policy Framework that restoration and aftercare of such sites is achieved at the earliest opportunity and to a high standard having regard to Policy S12 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Approved Details

4. The development hereby permitted shall be carried out in accordance with the following details
  - a) Planning Application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
  - b) Supporting Report entitled "Planning Application and Supporting Statement, Western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, subsequent restoration using inert materials along with the creation of new access" from PDE Consulting Ltd dated February 2020.
  - c) BCL Consultant Hydrogeologists Limited report entitled: "Sewells Reservoir Construction Limited, Martells Quarry Slough Lane, Ardleigh, Colchester, CO7 7RU, Western Extension to mineral extraction area; and subsequent restoration using inert materials, Hydrological & Hydrogeological Impact Assessment" dated January 2020
  - d) Drwg No: KD.MTQ.2.001 entitled "Site Location Plan" dated February 2020.
  - e) KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020.
  - f) Letter from PDE Consulting dated 7<sup>th</sup> December 2020 and accompanying:
  - g) Drwg No: Figure 1 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout" Rev B dated 05/12/20.

As amended by the letter from PDE Consulting Limited dated 28<sup>th</sup> January 2021 and accompanying:

- h) Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021.

As amended by the email from D. Marsh to Terry Burns dated 20<sup>th</sup> May 2021 @ 17:31 and accompanying:

- i) Letter from PDE Consultants dated 11<sup>th</sup> May 2021.
  - j) Drwg No: KD.MTQ.2.004 entitled "Phase 1 - Working and Restoration" Rev B dated April 2021.
  - k) Drwg No: KD.MTQ.2.005 entitled "Phase 2 - Working and Restoration" Rev B dated April 2021.
  - l) Drwg No: KD.MTQ.2.006 entitled "Phase 3 - Working and

- m) Restoration” Rev B dated April 2021.  
Drwg No: KD.MTQ.2.007 entitled “Phase 4 - Working and Restoration” Rev B dated April 2021.
- n) Drwg No: KD.MTQ.2.009 entitled “Concept Restoration” Rev D dated April 2021.

As amended by the email from D. Marsh to Terry Burns dated 2<sup>nd</sup> August 2021 @ 10:29 and accompanying Drwg No: KD.MTQ.2.019 entitled “Area Restored Prior to Commencement of Extraction in Phase 2” dated July 2021.

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

#### Availability of plans

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

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.

#### Protection of Existing Trees and Perimeter Vegetation

6. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 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.

7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme based on Drwg No: KD.MTQ.2.015 entitled "Development Cross Sections" Rev A dated April 2021 showing the provision and protection measures of the standoff/buffer of the extraction areas and the attenuation ponds; drainage ditches and perimeter veteran trees/vegetation has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:
- a) Measures to demarcate the standoff from any affected tree/hedgerow/woodland.
  - b) Maintenance of the demarcation measures during the life of the site activities.
  - c) Programme of works to achieve a) and b) above.

For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction – Recommendations.

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

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 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.

#### Slough Lane crossing point

8. No site preparation works (as defined in Condition 2 of this permission) shall take place until the crossing point over Slough Lane has been constructed and been commissioned. The scheme shall make provision for accommodating the details as set out in:
- a) Letter from PDE Consulting dated 07/12/20.
  - b) Design of the site access being based on Drawing No: Figure 1 Rev B dated 05/12/20 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout".
  - c) Provision of gates at the entrance such that any gates provided shall be inward opening only.
  - d) Temporary Traffic Management Plan, which shall be adhered to during the construction phase of the works, The Plan should include details regarding any temporary traffic management/signage; access for pedestrians, if required, wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

- e) Management and Maintenance of the crossing point during the life of the permission.
- f) Provision for photographic and design record of the existing access arrangements to inform future works at reinstatement stage.
- g) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
- h) Provision of advance signage on both approaches to the proposed Slough Lane crossing points. The signage shall be installed before the road junction / crossing point is first used by vehicular traffic.
- i) Modifications/ provision of advance signage on both approaches to the existing Bromley Road/Slough Lane crossing points.
- j) The proposed crossing points on Slough Lane shall be provided with a clear to ground visibility splay in accordance with drawing: Figure 1 Access Plan Revision B, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / crossing point is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To make adequate provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development in accordance with policy DM1, DM2, DM9 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.

9. No unbound material shall be used in the surface treatment of the vehicular access within 12 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 DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 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.

10. 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 interest of highway safety to ensure accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 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.

11. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 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.

#### Tree Protection - Slough Lane crossing point

12. No site preparation works (as defined in Condition 2 of this permission) nor any ground disturbance in preparation for the construction of the Slough Lane crossing point as referenced in Condition 8 of this permission shall proceed until a scheme for the protection of the roadside trees within the sightlines of the proposed crossing point has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as approved. The scheme shall make provision for:
  - a) Cross sections for the access / crossing of Slough Lane in relation to the protection of trees T84, 85 and 86 as indicated within the Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021 on Drwg No: SHA 1334 TPP SW entitled "Tree Protection Plan" dated 20/01/21.
  - b) Cross sections indicating the relationship of the 3-metre-high bund along Slough Lane to the hedge H86.

The development shall be implemented in accordance with the approved scheme and managed through the life of the permission.

Reason: To provide clarity for those details approved and to ensure that trees and hedgerows are suitably protected and not impacted by the development activities 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.

#### Martells Industrial Estate/Slough Lane Junction Improvements

13. Within 18 months of the date of this permission the stretch of carriageway, together with the existing northern and southern crossing point bell mouths located at the entrance to the Martell's Industrial Estate, shall have been improved in accordance with the Section 278 Highways Agreement and the improvements works commissioned.

Reason: To provide suitable provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development and in the interests of pedestrians and vehicular traffic safety

having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; Policies DM1 of the Essex County Council Highway Development Management Policies February 2011 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Ecological Interest

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

- 14.. No site preparation works shall take place (as defined in Condition 2 of this permission) until a scheme for addressing the biodiversity aspects of the land has received the written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (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 approved CEMP shall be adhered to and implemented throughout the development period in accordance with the approved scheme.

Reason: To conserve 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).

#### Time Limit on development before further ecological surveys are required

15. No new Phases of mineral working including vegetation clearance and soil stripping as depicted on the Working Phase drawings Nos: KD.MTQ.2.004 – 007 Rev B's dated April 2021 shall take place until:
- a) an assessment by a qualified ecologist has been undertaken to determine whether or not further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures. The supplementary

surveys shall be of an appropriate type for habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.

- b) Such further ecological survey work as may be required in (a) above with any actions completed and this has been confirmed in writing to the Mineral Planning Authority.

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site 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) and having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Bird Nesting

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

Reason: In the interests of wildlife and to ensure breeding birds are not disturbed by removal of habitat having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Biodiversity Enhancement Strategy

17. Within 3 months of the date of this permission a Biodiversity Enhancement Strategy for Protected and Priority species and habitats shall be submitted in writing to the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall make provision for:
- 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 (where relevant).

The works shall be implemented in accordance with the details as may subsequently be approved in writing by the Mineral Planning Authority. The Strategy shall be retained in that manner thereafter.

Reason: In the interests of wildlife and to ensure provision is made to

safeguard the ecological interest on the site 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) and having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Archaeology

18. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until a Written Scheme of Investigation to address archaeological mitigation has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as subsequently. The scheme shall make provision for a mitigation strategy which identifies areas proposed for archaeological excavation, geoarchaeological investigation and archaeological and geoarchaeological monitoring.

Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

19. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until written confirmation has been submitted to the Mineral Planning Authority confirming the completion of the programme of archaeological excavation and geoarchaeological test pitting identified in the Written Scheme of Investigation provided for in Condition 18 above.

Reason: To ensure the archaeological and geoarchaeological potential of the site is fully investigated and mitigation measures as required within the Written Scheme of Investigation can be implemented having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Provision of reports

20. Post excavation assessments will be submitted to the Mineral Planning Authority:
  - a) Within 4 months of the completion of the fieldwork for each phase of working.
  - b) An overarching post excavation assessment within 6 months of the

completion of the programme of investigation. This will result in 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 ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

#### Topographical surveys

21. Topographical surveys shall be submitted;

(i) A survey of site levels within each phase of working as depicted on the series of drawing Nos: KD.MTQ.2.004 - 007 referenced in Condition (xx) above shall be carried out at intervals of not less than every 12 months, starting from the date on which excavation of overburden/mineral takes place from within each Phase. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

(ii) At the completion of final formation contours as depicted on Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021. to confirm topographical levels are in accordance with the restoration plans. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

Reason: In the interests of clarity, to enable appropriate monitoring of the site; and 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.

#### Vehicle Routeing

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

Reason: In the interests of clarity, to enable appropriate monitoring of the site generated vehicle movements in order to ensure compliance with the approved details having regard to Policy DM2 and S10 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 and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Highway Cleanliness

23. No mud or dirt shall be carried out onto the public highway by vehicles using 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; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) 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

24. No mineral or other material as may be permitted by this permission shall be exported or imported other than via the existing site processing plant/weighbridge facility located on the north side of Slough Lane and then along the internal haul road located east of Slough Lane to the crossing point linking through to the application land as depicted on Drawing No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020.

Reason: In the interests of clarity and the provisions of the planning application upon which determination of the application an important aspect of the acceptability of the application; to limit 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; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) 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.

#### Sheeting Vehicles

25. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the existing site processing plant/weighbridge facility located on the north side of Slough Lane.

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; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) 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.

#### Vehicle Maintenance

26. No servicing, maintenance or testing of vehicles or plant shall take place other than within the quarry void or the extant processing plant area operated under Planning Permission ESS/27/20/TEN.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Reason: To minimise any nuisance and to protect the amenities of neighbouring landusers and the rural environment/local area having regard to Policies DM1, DM2 and S10 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 and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Landscape, Ecology and Management Plan (LEMP): Biodiversity

27. No site preparation work, as defined in Condition 2 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

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

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner relating to the biodiversity aspects of the scheme having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007 and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow

unacceptable adverse impacts on the environment.

#### Sale of Aggregate/Other Product

28. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Restriction on further Phase entry until Restoration Achieved within wider Quarry complex

29. No topsoil/soil stripping or mineral extraction shall take place beyond the Phase 1 land within either the Phase 2 or 3 sequences as identified on the Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020 until the land identified in green and identified on Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021 has been brought up to final formation level (topsoil level) and confirmation provided in writing from the Mineral Planning Authority that these levels have been achieved.

Reason: To confirm those details against which the acceptability of the development was determined, and to restrict the development to the design approved and the achievement of restoration from within the rest of the quarry complex footprint having regard to Policies DM1, DM2, 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

## ENVIRONMENTAL PROTECTION

### Hours of Operation

30. No operations authorised or required by this permission shall be carried out on the site except between the following times:

0700 – 1900 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

There shall be no operations on Sundays or Bank/National Holidays.

This condition shall not apply in cases of emergency when life, limb or property is in danger or for water pumping activities. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policies DM1, DM3 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Rubbish

31. 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 management facility.

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Burning

32. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to 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 operations do not give rise to unacceptable environmental impacts on the environment.

#### Lighting

33. 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 including:
  - (i) height,

- (ii) tilt,
  - (iii) lighting controls,
  - (iv) lighting design,
  - (iv) illuminance levels,
  - (v) uniformities,
  - (vi) spill light contour lines on to an Ordnance Survey mapping base.
- c) Assessment of sky glow and light spillage outside of site boundary.
  - d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1, DM2 and S10 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 in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Noise – Monitoring

34. No site preparation works shall take place, as defined in Condition 2 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 36 of this permission and as identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations" during the life of the development.
  - b) Unless determined by the Mineral Planning Authority noise monitoring to be at three monthly intervals.
  - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
  - d) Monitoring to be carried out for at least 2 separate measurements of at least 15 minutes at different times during the working day at each monitoring location which shall include Saturday periods whilst typical site operations are occurring.
  - e) That if noise compliance is not clear cut, as determined by the County Noise Consultant) then additional measurements such that at least 1 hr of data is obtained at the relevant locations is provided for.
  - f) The logging of all weather conditions including wind speed and direction.
  - g) The logging of both on-site and off-site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
  - h) The results of the noise monitoring to be made available to the

Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 36 of this permission.

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, DM2 and S10 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 in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Noise – Temporary Operations

35. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 36 of this permission shall not exceed 70dB LAeq,1hr. Measurement 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 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, DM2 and S10 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 that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Noise - Normal Levels

36. 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/29/20/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Rumage House	49 dB LAeq 1hr

Ardleigh Park	51
Coronation Cottages	55
Slough Farm	54
Park Corner	55
White House	55
Carringtons	55
George Hall	55
Hull Farm	51

Measurements shall be made no closer than 3.5 metres 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, DM2 and S10 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 that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Loudspeakers

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 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 that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Reversing alarms

38. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site and in control of the applicant.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 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 that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Dust

39. No site preparation works shall take place, as defined in Condition 2 until a Dust Management Plan for the land has received the written approval of the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Confirmation based on a review of more recent Local Air Quality Management publications or air quality data to confirm that PM10 concentrations are below 17µg/m<sup>3</sup>
  - b) The plan to incorporate such dust mitigation, management and monitoring procedures as provided for within the extant dust monitoring/management/control schemes accommodated under ESS/61/19/TEN.
  - c) Details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e. under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints.
  - d) Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (such as during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages.

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 Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

#### Surface Water Drainage and Pollution Protection

40. No site preparation works shall take place (as defined in Condition 2 of this permission) until a detailed surface water drainage scheme for the site's restoration stage, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - (ii) Provide sufficient storage to ensure no off-site flooding as a result of

the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- (iii) Final modelling and calculations for all areas of the drainage system.
- (iv) Detailed engineering drawings of each component of the drainage scheme.
- (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising to both neighbouring sensitive receptors and the rural environment as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Surface Water Drainage Scheme Management

41. No site preparation works shall take place (as defined in Condition 2 of this permission) until a Maintenance Plan during the development site life and Aftercare period has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
  - b) Funding arrangements during life of the development permitted by this permission.
  - c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
  - d) Maintenance frequency.
  - e) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

42. 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 Policies DM1, DM2 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

43. 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. If there are multiple tankages, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and 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 prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

44. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

45. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

46. 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 minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 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 in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Fixed Plant and Buildings

47. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 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 plant/structures whether fixed/static or mobile nor stocking of minerals or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Mineral Planning Authority

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policies DM1, DM2 and S10 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 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

48. Prior to the stripping of any soils from the site, excess vegetation shall be

removed from the areas to be stripped.

The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

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 Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

49. No movement of any 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 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 Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.

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 Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

51. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass

seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

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 Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

52. Any soil storage mounds that may be required and insitu for more than 6 months shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

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 Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Restoration

53. Within one year of the date of this permission, a revised restoration scheme based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 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) Design details for the ground features including water bodies, including profiles and cross sections.
- b) Incorporation of the recommendations set out in para 3.22 of the Susan Deakin Ecological Assessment report dated February 2020.
- c) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- d) Removal of all site structures including access entrance.
- e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use/To retain control over the development to not prejudice the restoration and afteruse of the land having regard to Policy DM1 and 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 Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

### Landscaping

54. No site preparation works shall take place as defined in condition 2 of this permission, until a scheme of landscaping, based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 has received the written approval of the Mineral Planning Authority.

The scheme shall be implemented in accordance with the details as approved and shall be maintained for the life of the permission. The submitted scheme shall make provision for:

- a) Detailing of the advance planting provisions.
- b) Details of the longer-term boundary management.
- c) For a) and b) above the details shall address the:
  - i) Planting species including native trees; berry bearing shrubs, size, density, numbers and location planting arrangements;
  - ii) husbandry management of the existing perimeter hedgerows/trees and buffer planting,
  - iii) a programme of implementation to include the provision for planting during the first available season of the planting process.
  - iv) a programme of maintenance including final recommendations for tree management.

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 DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

55. Trees, shrubs and hedges planted in accordance with the approved scheme/s of this permission 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

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 Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

### Agricultural Aftercare

56. Within two years of the date of the commencement of site preparation

works as provided for by Condition 2, an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five-year period during which they are to be taken and shall make provision for:

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, Natural England, landowners and interested parties to review performance.

The period of agricultural/meadowland 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 an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Amenity Aftercare

57. Within two years of the date of the commencement of site preparation works as provided for by Condition 2 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 habitat 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 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 habitat types which shall provide for:
  - a) such works as necessary to enable the establishment of i) 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 habitat areas the:
    - cultivation practices;
    - post-restoration secondary soil treatments;
    - soil analysis;
    - fertiliser applications, based on soil analysis;
    - drainage;
    - 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 an amenity use 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 Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Cessation

- 58. In the event of mineral extraction/infilling activities being discontinued for six months in the period specified in Condition 3 of this permission then the land as disturbed within the application footprint 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 mineral extraction has not taken place in the six-month period and shall include the requirements of Conditions 49 - 52 (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; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations  
Development Plan Framework

---

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

The proposed development would not be located adjacent to a European site. A Habitats Regulation Assessment (Screening stage) has been undertaken and the following European Sites which could be affected by the proposals were identified:

- Essex Estuaries Special Area of Conservation (SAC)
- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site

However, the HRA concluded that the project would not be likely to have a significant effect on any European Site, either alone or in combination with any other plans or projects and an Appropriate Assessment was therefore not required.

Having prepared this HRA Screening of the implications of the project for the above sites in view of those sites' conservation objectives, the Authority can agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

---

## **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**

TENDRING - RURAL WEST– ARDLEIGH AND LITTLE BROMLEY