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## Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 18 December 2020

### Present:

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

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

Apologies were received from Councillor M Mackrory.

There were no declarations of interest.

### 2. Minutes

The minutes of the meeting held on 27 November 2020 were agreed as a correct record.

### 3. Identification of Items Involving Public Speaking

There were none.

### 4. Highwood Quarry, Great Dunmow

The Committee considered report DR/42/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted on both applications in June 2020, subject to legal agreements and conditions.

The Committee noted the current position that to date the legal agreements/deed of variations had not been completed, although signed copies were expected to be received imminently. Planning Permissions could not be issued until they had been completed and therefore a three month extension was sought to complete the legal agreements/deed of variations. It was noted that there may be changes to the Conditions to take into account details that have been approved since the Committee meeting.

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

### Resolved

That planning permission be GRANTED subject to:

#### ESS/16/20/BTE

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

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

## 1.2 To impose the following obligations:

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

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

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

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

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

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

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

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

<b><u>Description</u></b>	<b><u>Dated</u></b>
Environmental Statement – Non Technical Summary	Dec 2006
Environmental Statement – Volumes 1 & 2	Dec 2006
Email from Douglas Symes	20 Feb 2007 (07:36)
Letter & enclosures from Richard Jackson PLC	23 Feb 2007
Letter & enclosures from D K Symes Associates	9 Mar 2007
Air Quality Impact Assessment by RSK Environmental Ltd	Mar 2007
Hydro-geological risk assessment by Hafren Water Version 1.0	Mar 2007
Appraisal of Badger Activity	May 2007
Archaeological Evaluation by ECC Field Archaeology Unit	Jun 2007
Email from Douglas Symes with enclosures letter to Environment Agency dated 22/10/08 and letter to DK Symes from Hafren Water	11 Nov 2008 (10:50)

Additional Submission under Para. 19 from D K Symes Associates	Mar 2008
Additional Submission 2 from D K Symes Associates	15 September 2008
Additional Information from D K Symes Associates	June 2009
Email from Douglas Symes with letter to Environment Agency from C Leake	3 March 2009 (12:27)
Email from Douglas Symes	11 Nov 2009 (13:10)
Summary of investigation of the potential impacts of mineral extraction on the extant water regime, Little Easton (Version 1) Feb 2010	Feb 2010
Letter from D K Symes re application details, restoration proposals, RoW, S106, landscaping, plant and tonnage volumes	3 March 2010
Email from Douglas Symes	7 April 2010 (14:41)
Email from Douglas Symes with letter from Chris Leake dated 26 April 2010	27 April 2010 (10:30)
Email from Douglas Symes – re Stone Hall water supply	13 May 2010 (10:27)
Groundwater model refinement as amended by Email from Adam Taylor dated 28 July 2010 (18:52) with amended figures	26 July 2010
Letter from Chris Leake to D K Symes	9 September 2010

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

Construction of 'Picture Frame' & Recharge Drain (to year 5)	Plan No 89079/P/1a	01-05-2009
Illustrative Progressive Operations Plans (years 5-9)	Plan No 89079/P/2a	01-05-2009
Illustrative Progressive Operations Plans (year 9 to completion)	Plan No 89079/P/3a	01-05-2009
Off-Site Planting	Plan no. 89079/OS/1	02-03-2010

And

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

And

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

And

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

And

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

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

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

4. Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -

(a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the

following times: -

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

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

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

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

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

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

*Reason: To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the*

*impact upon amenity and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

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

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

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

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

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

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

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

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

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

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

11. Except for temporary operations, the free field Equivalent Continuous Noise Level

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

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

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

12. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as set out in condition 11 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

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

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

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

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

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

15. All plant, equipment and machinery shall only operate during the hours permitted

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

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

16. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum. No installation of the processing plant and/or extraction of mineral except that associated with the "picture framing" and no installation of the processing plant associated with inert recycling shall take place until such time as all the screening bunds numbered 2, 5, 6 and 7 as identified on Plan 89079/CO/1 have been completed in full.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. The access road used in connection with the development hereby permitted shall be

sprayed with water during dry weather conditions.

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

31. The development hereby permitted shall be implemented in accordance with the planting scheme for Bund 7, the buffer zone between the access road and Highwood SSSI and management plan approved 17 August 2018 under condition 31 of planning permission ESS/65/06/UTT. The approved planting scheme as set out in the application for approval of details reserved by condition dated 9 November 2011, including

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

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

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

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

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

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

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

consent of the Mineral Planning Authority.

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

34. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 12 March 2012 under condition 34 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 and on pages 5 and 6 paragraphs 34.1 to 34.5 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and plans reference

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

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

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

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

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

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

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

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

38. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

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

*Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy W10E.*

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

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

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

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

*Reason: To minimise structural damage and compaction of the soil, to aid the final*

*restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



development hereby permitted.

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

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

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

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

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

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

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

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

of the aftercare period.

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

54. Prior to the commencement of landfilling details of pre-settlement levels shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include land topography shown in contours at not less than 1 metre intervals and shall show existing contours 250m outside the Site and show calculations demonstrating the anticipated settlement to achieve 'Illustrative Restoration Plan' Plan No 89079/R/1. The development shall be implemented in accordance with the approved details.

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

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

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

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

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

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

*Reason: To ensure proper restoration of the site make appropriate provision for the*

*management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV8.*

57. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agriculture, nature conservation and woodland use shall be submitted to and approved in writing by the Mineral Planning Authority prior to replacement of soils on site. The submitted Scheme shall:
- Provide an outline strategy in accordance with Paragraph 57 of the Planning Policy Guide for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.
  - Provide for a detailed annual programme, in accordance with Paragraph 50 of the Planning Policy Guide to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
  - Unless the Mineral Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

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

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

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

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

59. No removal of hedgerows, trees or shrubs shall take place between 1st March and

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

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

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

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

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

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

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

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

63. From the date of this permission the operators shall maintain records of their

quarterly output production for minerals and shall make them available to the Mineral Planning Authority within 14 days of a written request.

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

64. Details of the tonnage of waste imported to the site during each year (1 Jan to 31 Dec), the tonnage of exported recovered materials for each year and remaining void space in cubic metres at the site as at 31 December shall be submitted to the Waste Planning Authority. The details shall be submitted to the Mineral Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

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

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

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

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

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

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

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

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: *In the interests of highway safety, safeguarding local amenity and to*

*comply with MLP policies S11 and DM1 and WLP policy 10.*

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

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

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

- 1 The prior completion, within 3 months, of a Legal Agreement under the Planning to secure obligations covering the following matters:
- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
  - b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
  - c. No HGVs to arrive at the site between 6am and 7am
2. That planning permission subject to the conditions set out below, updated if necessary where schemes are approved.

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

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

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

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

Plan No.	Title	Date
M14.103.D.001	Site Location Plan	Sep 2014
M14.103.D.002	Existing Situation	Sep 2014

M14.103.D.003	Indicative Site Layout	Sep 2014
M14.103.D.004	Indicative Elevations	Sep 2014

And

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

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

And

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

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

And

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

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

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

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

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

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



times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

Except as amended by condition 17.

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

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

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

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

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

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

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

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

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

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

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

7. The development hereby permitted shall be implemented in accordance with the measures to ensure no mud, dust or deleterious material is carried out onto the public highway approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved measures as set out in the application for approval of details reserved by condition 8 dated 9 November 2011, including letter dated 9

December 2011 from D K Symes Associates and on pages 1 and 2 paragraphs 8.1 to 8.3 in "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

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

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

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

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

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

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

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

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

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

Reason: *In the interests of amenity and to comply with MLP policies: DM1 and S10,*

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*WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

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

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

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

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

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

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

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

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

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

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

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

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

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

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

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

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

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

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

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

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

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

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

## **5. Dunton Fields Early Years Centre, Laindon**

The Committee considered report DR/43/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to proposed conditions 2, 4 and 5.

Policies relevant to the application were detailed in the report.

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

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

The Committee noted the key issues:

- Need
- Policy Considerations
- Design and Layout
- Impact on Natural Environment
- Impact on Residential Amenity
- Traffic and Highways

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

- That the attenuation pond adjacent to the eastern boundary of the site was owned by the Developer.
- There was currently no bus route through the development, this would be welcomed but is outside of the control of the planning process for this site.
- Members welcomed the amendments to the proposal submitted to address the issues and concerns previously raised. In particular the Committee was appreciative of the short time in which the application had returned with a much improved scheme.
- Members attention was drawn to the sustainability section of the report regarding the measures proposed for this particular application. This proposal was not part of the pilot scheme for more advanced sustainable design features. However, it could be retro-fitted to meet future standards.
- Concern was raised regarding the potential impact of emissions, particularly on children, from the adjacent A127 road and how this would be monitored. The Committee was advised that this was an issue primarily for the District Council to monitor air quality in the area, as it was an issue affecting the area more generally rather than just this particular site. Environmental Health was responsible for monitoring air quality and any action required.
- Members expressed the view that more consideration should be given to the position of sites for schools and early year provision within new developments, when they are considered by District Planning Authorities. Officers agreed to raise this issue with planning colleagues.
- Clarification was provided on the parking spaces included in the site. This had increased from nine in the original proposal to 15.
- The Service would give consideration as to how the Committee may be given advance sight of applications in the future.

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

### Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/33/20 dated 4 March 2020 and validated on 13 March 2020 together with Drawing Numbers:

- 323-412.P6 – East Elevation North Elevation – 16.11.20
- 323-411.P6 – South Elevation West Elevation – 16.11.20
- 323-311.P4 – Section AA – 26.7.20
- 323-212.P3 – Roof Plan – 04-09-20
- 323-211.P4 – Floor Plan – 27.07.20
- 323-113.P3 – Drainage Plan – 04-07-20
- 323-111.P4 – Site Plan – 04-07-20
- 323-112.P3 – Landscape and Planting Plan – 14-04-20
- 323-110.P2 – Location & Block Plan – 4.3.20

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy SD4 (Presumption in Favour of Sustainable Development), Policy HC3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T1 (Transport Strategy), Policy T8 (Parking Standards), Policy DES1 (Achieving Good Design), Policy DES4 (High Quality Buildings), Policy NE5 (Development Impacts on Landscape and Landscape Features) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Location Plan October 2018.*

3. The construction of the development hereby permitted shall not be carried out unless during the following times:
  - 08:00 hours to 18:00 hours Monday to Friday
  - 08:00 hours to 13:00 hours Saturdays

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

Reason: *In the interest of limiting the effect of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

4. Any trees, shrubs or hedge forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing 323-112.P3 – Landscape and Planting Plan) dated 14-04-20 that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree, shrub or hedge the details of which shall have received the prior written approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area and to ensure the development is adequately screened and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan October 2018.*

5. No beneficial occupation of the development hereby permitted shall take place until the access at its centre line has been provided with a clear ground visibility splay with dimensions of 2.4metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing Number 10114\_1170 – Large Vehicle Swept Path prepared by GTA and dated 4 March 2020 included as part of the Transport Statement (Ref 10114) prepared by GTA and dated March 2020. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: *To provide adequate inter-visibility between vehicles using the access and those in the public highway in the interests of highways safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

6. No beneficial occupation of the development hereby permitted shall take place unless the vehicular access has been constructed at right angles to the existing carriageway

as shown in principle on Drawing Number 323-111.P4 – Site Plan - prepared by Denning Male Polisano dated 4 July 2020. The width of the access at its junction with the highway shall not be less than 5.5metres and shall be provided with 2no. appropriate kerbed radii and dropped kerb pedestrian crossing point.

Reason: *To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy BAS BE 12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian access on Warwick Crescent, as shown on Drawing Number 323-111.P4 -Site Plan – dated 4 July 2020 unless they open inwards from the public highway and those serving a vehicular entrance shall be set back a minimum distance of 6 metres from the nearside edge of the Warwick Crescent carriageway.

Reason: *In the interests of highway safety and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

8. Each vehicular parking space shall have minimum dimensions in accordance with the current parking standards.

Reason: *To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

9. Cycle parking facilities shall be provided as shown on Drawing Number 323-111.P4 – Site Plan – dated 4 July 2020 in accordance with the current parking standards. The approved facility shall be secure, convenient and covered and provided prior to the first beneficial occupation of the development hereby permitted and retained at all times.

Reason: *To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

10. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted, within 6 metres of the highway boundary.

Reason: *To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018).*

11. There shall be no discharge of surface water onto the Highway.



Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure compliance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.

12. There shall be no development, including any groundworks or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: To ensure that the on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.

## 6. Enforcement Service Update

The Committee considered report DR/44/20 by the Chief Planning Officer.

Members noted that the updated Essex Local Enforcement and Site Monitoring Plan had been endorsed in 2016. The Plan set out how the Service will deal with complaints, including normal response times. The County Council employs one Planning Enforcement Officer who is supported by Planning Officers within the Service. In recent months and especially since the COVID-19 outbreak there had been an increased number of complaints and together with the restrictions in place regarding site visits over the summer, there was now a backlog of cases to be resolved.

In response to comments from Members, it was noted that the Service was working together with the Environment Agency Waste Crime Team to take enforcement action where applicable. Officers were also working with Trading Standards and where appropriate considering the Proceeds of Crime Act to tackle enforcement cases.

The resolution was proposed and seconded. Following a unanimous vote of nine in favour (Cllr Aspinell being unavailable during this item), it was

## Resolved

That the normal target response times, as set out in Section 5 of the Local Enforcement and Site Monitoring Plan (the Plan), are relaxed until 30 June 2021 on the understanding that cases are continued to be prioritised in accordance with the procedures and processes detailed in the Plan.

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

The Committee considered report DR/45/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

**8. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 22 January 2021, to be held as an online meeting.

There being no further business, the meeting closed at 11.30am