

AGENDA ITEM 5.1

**DR/44/17**

committee                      DEVELOPMENT &amp; REGULATION

date                                15 December 2017

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**MINERALS AND WASTE DEVELOPMENT**

**Proposal: A NEW SAND AND GRAVEL QUARRY AT BROADFIELD FARM, TO THE WEST OF RAYNE, NEAR BRAINTREE, COMPRISING THE PHASED EXTRACTION OF SOME 3.66M TONNES OF SAND AND GRAVEL; THE INSTALLATION OF PROCESSING PLANT AND ANCILLARY BUILDINGS AND INFRASTRUCTURE; THE CONSTRUCTION OF A QUARRY ACCESS ONTO THE B1256; THE CONSTRUCTION OF A PERMANENT SCREENING LANDFORM; THE CONSTRUCTION OF TEMPORARY SCREEN MOUNDS IN DEFINED LOCATIONS AROUND THE PERIMETER OF THE QUARRY; THE PHASED RESTORATION OF THE EXTRACTION AREA USING INDIGENOUS SOILS; OVERBURDEN AND CLAY FROM WITHIN THE APPLICATION SITE TO A LAND USE MIXTURE OF ARABLE AGRICULTURE, LOWLAND ACID GRASSLAND, LOWLAND MEADOW, WOODLAND, LAKE AND REEDBEDS; AND PUBLIC ACCESS VIA PROPOSED PUBLIC RIGHTS OF WAY.**

**Location: LAND AT BROADFIELD FARM, DUNMOW ROAD, RAYNE, BRAINTREE, CM77 6SA.**

**Ref: ESS/19/17/BTE**

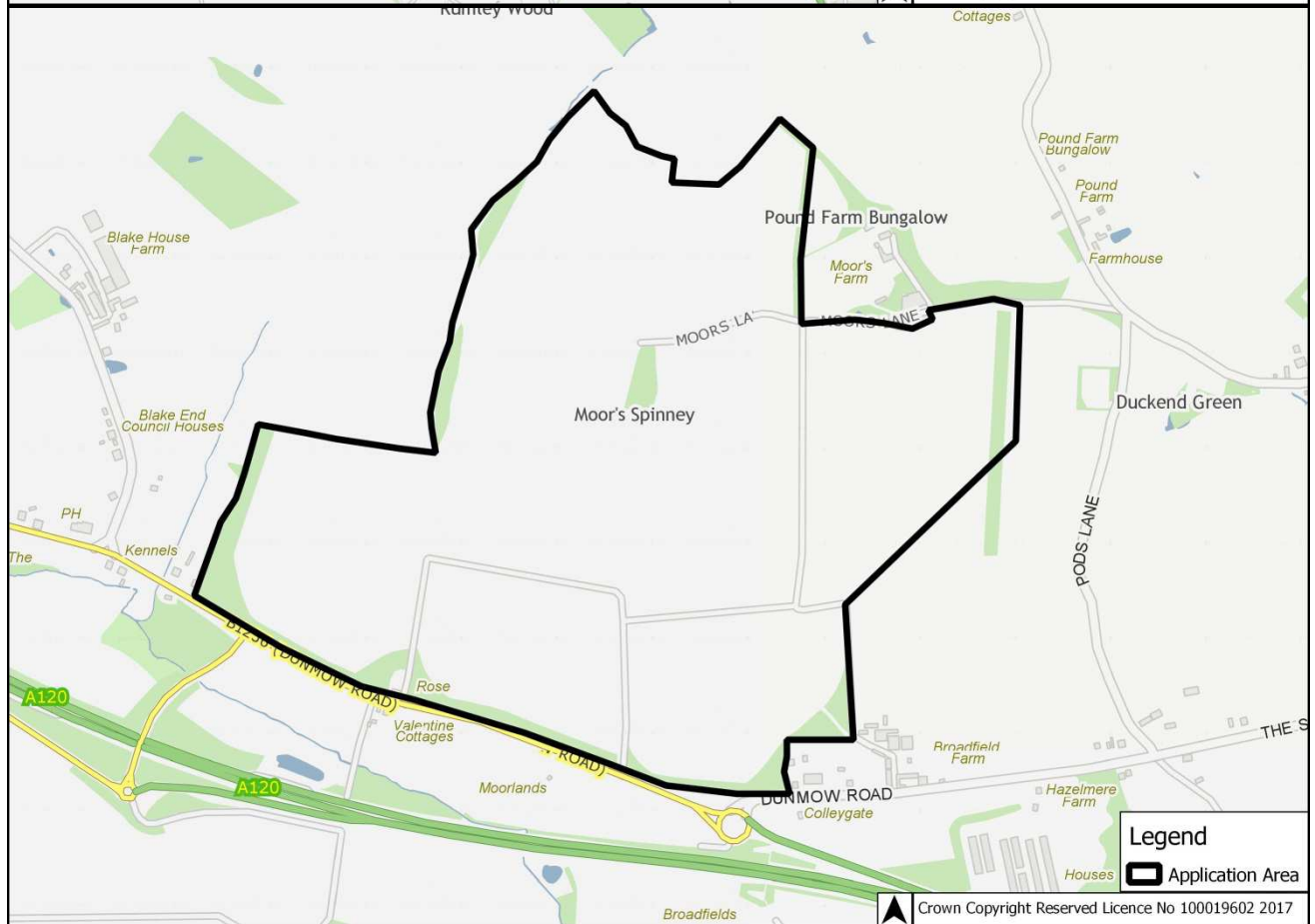
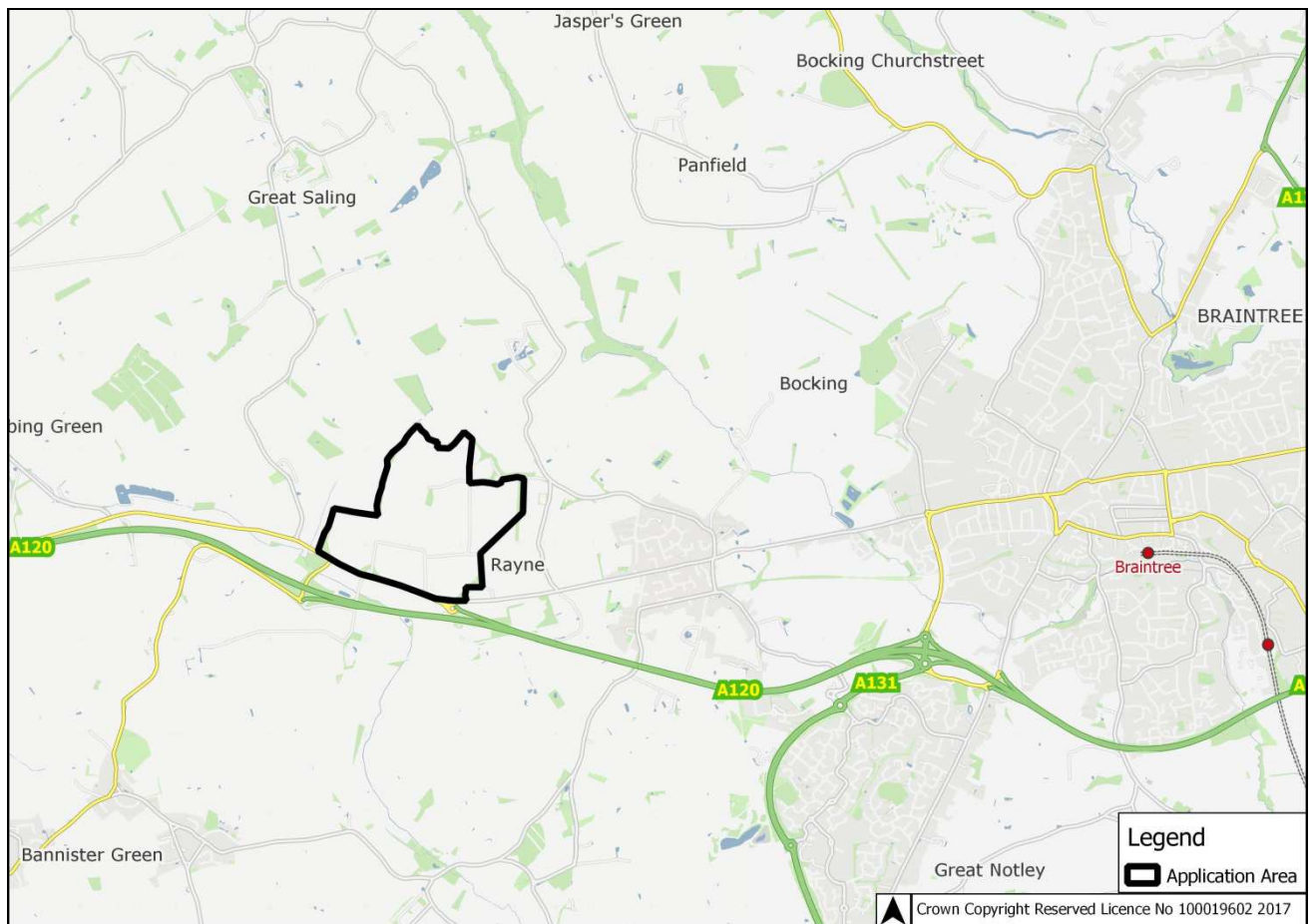
**Applicant: Tarmac Trading Ltd**

**Report by Head of Planning**

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**Enquiries to: Terry Burns Tel: 03330136440**

**The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)**



## **1. BACKGROUND AND SITE**

The application area comprises some 92 hectares (227 acres) of relatively flat arable farmland set within a similar landscape and located to the north of the former A120 Dunmow Road now the B1256 and the newer A120 dual carriageway.

Land to the west, north and East comprises farmland with hedgerows interspersed with individual trees. Individual isolated woodland blocks are located further afield.

Around the site perimeter a number of residential properties are located with:

- Blake House Farm to the west;
- Moors Farm immediately on the north east corner boundary and beyond properties along Shafford Road.
- The village of Rayne is located some 0.75 km to the east and on the south east corner of the application land is Broadfield Farm.
- Along the southern boundary in the south east between Broadfield Farm and the site boundary lies Sunnyfield Farm and on the other side of the B1256 lies Collygate.
- Immediately south of the application land lies Rose Cottage; The Moorlands and Valentine Cottages whilst on the immediate south western site boundary lies Petellens Kennels.

The application land itself has a high point of some 79 metres Above Ordnance Datum (AOD) within the central area and this grades down towards the north at 78m AOD and north east with 75m AOD at the boundary, 72m AOD along the southern and south eastern boundary and to 73m AOD in the south west.

Two farm access tracks enter the site, with one leading in from Broadfield Farm in the south east with a concrete track forking both westwards and northwards. The western track crosses the southern application land and turns southward to exit the land at Rose Cottage. The northern track is partially framed by an avenue of Plane trees and is joined from the east by another access track that comes in from Moors Farm. The track from Moors Farm is a continuation of a private road from Shafford Road to the Farm then travelling westwards into the application site where it is identified as Moor's Lane. This land continues into the central part of the application land at a copse known as Moor's Spinney. The spinney comprises a core of ancient trees surrounded by more incongruous poplars and conifers.

The application land comprises roughly some 5 "field" areas separated by the tracks and the sparse hedgerows. Perimeter hedgerows exist around most of the boundary where along the southern and norther application boundary there has been additional advance tree screen planting with the southern planting now some 10 plus years old.

An underground gas pipeline crosses through the eastern half of the application land site in a north east to south west direction.

The application land is identified as being within Flood Risk Zone 1 (Low probability). Small isolated water bodies exist outside the application land to the north. The nearest water course, Pods Brook comes 1.2 km at its closest point to

the east where it flows north to south to join with the River Ter some 150 metres at its closest point to the south of the application land and beyond the A120.

There are no public rights of way affected and the nearest, footpath 15 20 runs along part of Dunmow Road to the south. A further footpath, 103 44, lies to the north east.

The Broadfield Farm application area has no known mineral or waste planning history and is identified as an Allocated site for extraction in the Essex Minerals Local Plan Adopted July 2014 (MLP). This Allocation (Appendix B) is known as Site A9 Broadfield Farm, Rayne. This allocation site identifies the site as some 90 hectares with estimated yield of 4.2 million tonnes and with likely lifespan of around 14 years and suitable for restoration to low level managed habitats.

Prior to the submission of the application, in Spring 2016, a Scoping exercise under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was carried out to identify the likely significant impacts of the proposed development to inform the Environmental Statement accompanying the application.

Following submission of the original scheme the applicant submitted revised information related to the landscaping; ecology and noise aspects of the scheme as a result of consultee comments. This information is further considered in the report.

## **2. PROPOSAL**

The application land reflects that of the site boundary referred to in the Minerals Local Plan however, the proposed net extraction area would be some 56 hectares with extraction of some 4.2 million tonnes of sand and gravel with saleable output of 3.66 million tonnes at an annual throughput of some 300,000 tonnes over 15 years, comprising 12 years extraction and 2-3 years restoration. The aftercare period for the land would be 25 years.

The sites watertable is noted as averaging between 77 and 71 Above Ordnance Datum (AOD). There would be phased dewatering as the site develops.

The maximum depth of working would be 17 metres below existing ground level (BGL)

A processing plant area with infrastructure up to 15 metres AOD is proposed within the eastern half of the site. The plant would provide both washing and screening of the as dug mineral separating the mineral into both concreting and building sands. The applicant has referenced the provision of the processing plant as likely falling under "permitted development" status of the Town and Country Planning General Permitted Development Order 2015. (This is picked up on later in the report).

The proposal seeks operating hours of:

0700 – 1900 hours Monday to Friday  
0700 – 1300 hours Saturdays

The applicant proposes outside of these hours the use of pumps and maintenance of plant/machinery which is a standard approach.

The applicant proposes a 275 day working year and annual tonnage of 300,000 tonnes. Daily traffic movements would be around 110 HGV movements (56 in/56 out) spread over an 8 hour working day. This would translate to some 10 movements per hour (5 in/5 out).

The proposed market area is envisaged as 20% east to Braintree; 30% Chelmsford and 50% to the west of the site.

The applicant has addressed traffic flows on the highway and from the proposed market destinations assessing that 50% of traffic travelling east would join the A120 via the B1256/A120 roundabout and eastbound slip road before going onto Braintree and Chelmsford.

The remaining 50% travelling west would exit the site, head west along the B1256 Dunmow Road some 8.25km to join the B1008. At this point HGV's would turn left and head south to join the A120.

Traffic entering the site would access from the west unless involved in local deliveries to Rayne. The applicant notes the 7.5 tonne weight restriction for the village except for access.

Traffic coming in from the west would exit the A120 at Great Dunmow and use the B1256 turning left into the site.

Traffic coming in from the east would exit the A120 at the westbound off slip turning right at the slip road roundabout with the B1417 and travel along it for some 325 metres north to turn right at its junction with the B1256 and then turn right along the road to the site entrance.

The geology of the area exhibits a stratigraphical sequence comprising Boulder Clay overlying Colchester Deposits of sand and gravel, beneath which lies London Clay and at depth Upper Chalk deposits.

Historical borehole investigation, 1990 and 2000, together with more recent 2014 investigations have taken place across the area containing the application land. These investigations have informed the assessments of resources indicating an average thickness of boulder clay overburden being as 8 metres varying from 2.1 metres through to nearly 14 metres.

The sand and gravel comprising the Colchester deposit exhibits a semi continuous sheet of mineral across the proposed extraction area varying in thickness between 3.0 and 8.2 metres and averaging 4.5 metres.

From the more detailed borehole investigation works the applicant has confirmed the results as reflecting those quantities identified in the Minerals Local Plan (90 hectares and some 4.2 million tonnes). What has been clarified is the deeper overburden ratio in the eastern and south eastern area where overburden is consistently over 13 metres deep. One borehole identifying some 15.2 metres of

overburden over 1.8 metres of sand and gravel. This area is also constrained by the passage of the gas pipeline and land south east of the pipeline as being barren of sand and gravel.

In light of the above the proposed extraction area has been defined as some 56 hectares and the recoverable sand and gravel calculated on:

- 10 metre standoff from perimeter advance planting blocks.
- Minimum 70 metre standoff from southern boundary properties with a 3 metre high screen bund between existing perimeter screen planting and extraction area.
- Minimum 75 metres from western boundary properties with a 3 metre high screen bund between existing perimeter screen planting and extraction area.
- Slope batters of 1 in 1.5 metres of immediate restoration buttressing.
- Basal sterilisation in areas where poorly defined contact between base of sand and gravel and underlying clays.
- Silt wastage factor of 10%, and;
- Conversion factor of 1.65t/m<sup>3</sup> for the sand and gravel.

The applicant states that from these above points the site has extractable reserves of some 3.66 million tonnes.

The design of the scheme would seek to include within the eastern land area a permanent screening landform covering some 10 hectares and a maximum of 5 metres height. This feature would assist in strengthening the segregation and screening of the site from Rayne proper.

An 8-phase extraction programme is proposed commencing in the south east and progressing clockwise through the defined extraction area.

Processing plant site would be located within south east corner of the application land. A site access would be created through an existing farm access entrance onto the B1256 and provision of a 7.3 metre wide internal access road.

The applicant's design of the scheme has taken on board the existing field pattern; topography and geology to enable a workable scheme allowing progressive restoration.

Transport of mineral from the extraction face to the processing plant would be achieved through both dumptruck and field conveyor

During the life of the extraction, phasing would progress in a fairly standardised programme incorporating site perimeter soil mound screening; lagoon formation with undisturbed land awaiting extraction being kept in agricultural use until required.

The programme of mineral recovery from each phase is proposed at:

Phase 1 – 460,000 tonnes

Phase 2 – 400,000 tonnes

Phase 3 – 275,000 tonnes  
Phase 4 – 570,000 tonnes  
Phase 5 – 312,000 tonnes  
Phase 6 – 490,000 tonnes  
Phase 7 – 295,000 tonnes  
Phase 8 – 716,000 tonnes  
Phase 9 – 130,000 tonnes

The Phase 9 working would see the removal of the processing plant and the viable mineral within that phase being worked through a small temporary mobile plant. Removal of all other infrastructure would then be undertaken, capping of the remaining silt lagoons and land profiling and screen bund removal.

The applicant confirms that there would be no requirement for importing materials to achieve restoration profiles.

The proposed scheme is envisaged to generate some 12 direct and 10 indirect jobs. Contribution of circa £1m into the local economy through taxes/business rates etc. is suggested.

Restoration of the site has been designed to embrace the objectives of the MLP and the Supplementary Planning Guidance on Mineral Site Restoration for Biodiversity (June 2016) to accommodate the “flagship” aspirations of habitat creation and biodiversity opportunities.

It is intended for progressive restoration including:

- Retention of site boundary hedgerows/trees together with enhancements of additional planting.
- Initial placement of soils/overburden on eastern side of Phase 1 to provide the initial screening and developed to provide permanent lowland meadow habitat.
- Retention of the avenue of trees within central eastern land area.
- Seeding of site perimeter mounds; to provide temporary wildlife habitat and food source.
- Minimise disturbed land through progressive restoration and/or temporary storage arrangements for soils and overburden.

A concept restoration plan identifies and includes the Key Priority Habitats identified in the Supplementary Planning Guidance to achieve:

- Creation of “low land meadow” on screening landform area together with broadleaf woodland planting on western margin.
- Lake establishment in central area with linking marshy grassland with shallow margins/reedbeds.
- Lowland dry acid grassland establishment in central area with new field pattern and woodland planting.
- Arable agricultural grassland on southern site margin to reflect the best and most versatile land quality of the area.
- Creation of new rights of way through southern land area providing link to existing rights of way network on Dunmow Road.

Restoration would see:

Agricultural land – some 22.36 hectares restored to Agricultural Land Classification Grade 3a or above.

Woodland - existing retained and new planting providing for some 12 hectares.

Grassland - both lowland meadow/grazing marsh and acid grassland of some 48 hectares.

Hedgerows - would see existing boundary retained and some 3,360 metres of new planting.

Waterbodies - would include wetland habitats covering some 9.3 hectares including four main lakes of varying depths.

Public Areas the restoration - would see the creation of over 2km of new Public Rights of Way (PROW). The provision would see an east to west link through the southern site area which the applicant states would “connect into/in proximity to existing PROW’s reference 15-129 and 103-42 together with a further eastern section of PROW running north to south to connect with the existing path adjacent to Dunmow Road”. The applicant notes that this would open up land that is currently private and inaccessible.

The applicant proposes ensuring the management of the restoration habitats for a period of 25 years (5 years statutory and 20 years additional). This would see a minimum of 10 years management beyond the final Phase completion of the scheme.

The applicant has stated that the first year of restoration would be achieved within about the first three years of the life of the Broadfield Farm site.

In support of the application the applicant has submitted an Environmental Statement under the then Town and Country Planning Environmental Impact Assessment Regulations 2011.

The assessments addressed the following areas and findings:

- (i) Landscape/Visual Mitigation measures – The scheme provides for
  - a) Advanced planting (in place for over 10 years) around site perimeter and newer planting (2014/2015) on northern boundary.
  - b) Temporary provision of earth screening bunds.
  - c) Progressive restoration.
  - d) Early establishment of the eastern screening mound.
  - e) Allowing site peripheral hedgerows to grow to around 4 metres.
  - f) Aftercare and management plan.
- (ii) Ecological mitigation measures –
  - a) Restoration scheme would compensate for the lost habitats through creation of the proposed habitats outlined earlier in this report. Such



habitats helping to bolster UK/Essex wide declining habitats.

- b) Use of standard practice dust control and hydrology affects through retention of groundwater levels and recharge provisions would ensure habitats being safeguarded.
- c) Vegetation clearances being undertaken outside of the bird breeding season; creation of new habitats assisting declining farmland species.
- d) Proposals not considered likely to affect Protected Species/bat/reptile interests. Sensitive use of site lighting as well as noise and dust monitoring to avoid impacting on bat activities; fingertip searches of specific areas/time of year dependant for reptile interests if required.

(iii) Agricultural Land Quality and Soil Resources

- a) Use of indigenous soil types matched to most appropriate after use.
- b) Minimise soil storage and maximise direct replacement.
- c) Use of indigenous overburden as opposed to use of imported fill for ground engineering works.
- d) Use of indigenous calcareous soils for arable restoration and the non-calcareous to the other grassland types.

(iv) Hydrology and Hydrogeology - Identification that the principal groundwater flow is northeast to south/southwest.

- a) Areas of insitu gravel to be retained in various parts of the proposed extraction area to accommodate full thickness of the aquifer and ensure continued passage of groundwater through the site.
- b) Anticipated low groundwater flows through the site and as such no predicted impact on drawdown of upstream elevations. In light of no licensed ground or surface water abstractions in close proximity to the site there is no anticipated impacts on such interests.
- c) Applicant would however maintain monitoring at three locations to allow periodic review and confirmation of actual impacts.
- d) Use of standard pollution and contamination measures would be employed to mitigate against such impacts.

(v) Noise –

- a) Noise monitoring undertaken at six locations representative of sensitive premises surrounding the site.
- b) Noise mitigation measures in the form of separation distances and bunding identified for the individual properties in close proximity to the site particularly along the southern boundary at Valentines Cottages; Rose Cottages and The Moorlands, together with the location at Clovelly on the south western boundary.
- c) The applicant notes that without bunding, the closest the extraction boundary could approach and be within suggested noise limit would be 125 metres for Rose Cottages and the further away property at Valentines Cottage and 145 metres for The Moorlands. The applicant considers this distance could be reduced through incorporating site perimeter bunding/fencing with a barrier of 3 metres above existing ground level on site boundary between the properties and the extraction boundary. The proposed scheme has therefore incorporated a 3 metre high temporary soil screen mound positioned along southern boundary between the inner side of the existing

perimeter planting and extraction limit.

(vi) Dust/Air Quality –

- a) Standard good practice measures would be employed.
- b) Anticipated that the nature of the extracted mineral post dewatering would be damp and so not give rise to dust concerns. Standard damping down of mineral during dry and windy conditions if wind-blown dust becoming evident.
- c) Processing plant to employ standard measures such as reduced drop heights, maintenance and effective operation of the designed inbuilt dust suppression system.
- d) Transport activities employing standard approaches including driving habits; haul road maintenance, vehicle loading limits. Use of conveyor system would reduce potential for dust arisings.
- e) Sheeting of all loaded HGV's leaving site.
- f) Provision of an appropriate Site Dust Management Plan.

(vii) Access and Traffic

- a) Construction of a purpose built site access entrance.
- b) Provision of wheel cleaning facilities.
- c) The applicant does not consider that further mitigation measures in respect of this aspect would be required.

(viii) Cultural Heritage

- a) Notes that the site contains only one recorded feature, a north to south linear cropmark possibly relating to a field boundary.
- b) A geophysical survey was undertaken and identified a number of potential features of interest. Further trial trenching (eighty in number) of the features revealed no features in over half the trenching. Those trenches with features ranging from Late Bronze Age to early Roman.
- c) Considered that there are archaeological features present although not of significant interest to prevent the development. It is considered that appropriate archaeological investigation works could be accommodated through planning condition.

The applicant considers that overall the issues identified within the Environmental Statement and the mitigation aspects identified above represent measures that are generally applied at mineral sites and can be accommodated at this location.

In advance of the application submission, the applicant undertook various forms of public engagement including:

- Initial letters to political and key stakeholders in forming of the proposed scheme sent April 2016. A further letter on October 2016 inviting these stakeholders to the public exhibition and opportunity of individual meeting at “preview event”
- Letter drop to local residents and businesses closest to the proposal site with introduction to scheme. A (1,249) letter drop in October to residents within a defined buffer around the proposed site (including both Rayne and Great Saling village) invited to exhibition
- Local advertising (local notice boards and local print paper, Braintree and

Witham Times, in October 2017). Also a press advert undertaken in the local print and online version of the local paper.

- A public exhibition was held at the Scout Headquarters in November 2016, comprising the “pre event “and later in the day the public element. Location and timings discussed with the Parish Council. As a result some 143 people attended during the event and a further 9 further comments received via e-mail.
- Dedicated website also undertaken with details of the projects Community Liaison Officer.

The applicant has confirmed that comments were received through the feedback options: feedback form at exhibition, telephoning the dedicated community liaison officer and emailing. As a result of the exhibition the applicant has confirmed feedback expressing the view that the project was well planned with the proposed restoration having potential to offer considerable benefit. The applicant set out under a number of headings the various concerns expressed and these are attached as Appendix C (this is included as it picks up on some local responses to the application addressed later in this report).

### **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 is

- i) Essex Minerals Local Plan Adopted July 2014.
- ii) Braintree District Local Development Framework Core Strategy 2011.
- iii) Braintree District Local Plan Review Adopted 2005.

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) March 2012.
- ii) Planning Practice Guidance
- i) Supplementary Planning Guidance (SPG) June 2016 on “Mineral Site Restoration for Biodiversity”.

The following policies of the Essex Minerals Local Plan Adopted July 2014 and the Braintree District Local Development Framework (CS) 2011 and Braintree District Local Plan Review Adopted 2005 (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:

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

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

development that improves the economic, social and environmental conditions in the area.

(ii) Policy S2 “Strategic Priorities for minerals development”.

This policy sets out the strategic priorities for minerals development stating “

1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
3. Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals.
4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to:
  - a) significantly reduce reliance upon the use of landfill materials and,
  - b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
  - c) protect the best and most versatile agricultural land.
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation

(iii) Policy S3 “Climate Change”

The policy requires new mineral applications to demonstrate effective measures to

minimise greenhouse gas emissions and adaption and resilience to climate change. Such aspects having regard to, and where relevant to this application :

- a. How a site is located, designed and its transport arrangements.
- b. On site renewable and low carbon generation where feasible.
- c. Sustainable Drainage Systems with such measures to enhance on site water efficiency and minimise both within and adjacent land interests such flood impacts.
- d. Resilience to unexpected climatic events.
- e. Such benefits from restoration and afteruses for biodiversity and habitat creation, flood alleviation and provision of living carbon sinks.

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

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

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

(v) Policy S11 “Access and Transportation”

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

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

(vi) Policy S12 “Mineral Site Restoration and Afteruse”

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

(vii) Policy DM1 “Development Management Criteria”

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

(viii) 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.

(ix) 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.

(x) 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.

(xi) Policy P1 “Preferred and Reserve sites for Sand and Gravel Extraction”

This policy states that “in the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven”. The policy goes on to confirm that such Preferred Sites” would gain planning permission subject to the proposals meeting their detailed development requirements (as set out in each sites specific assessment as detailed in Appendix 1); the relevant policies of the Development Plan for Essex and any other material considerations.

Within Braintree District Council the Local Development Scheme (October 2017 – December 2019) has progressed from the public consultation on the Publication Draft Local Plan that was approved by the District Council in June 2017 for submission. Following closure of the consultation period the Braintree Publication Local Plan (BPLP) has been submitted to the Planning Inspectorate. The new Local Plan for Braintree has been submitted to the Inspector and will be examined by an independent Inspector appointed by the Government in January 2018.

Braintree Local Development Scheme (October 2017 – December 2019)

Inspector’s Matters, Issues and Questions	Strategic Section One – Statements required by 5.00pm on Monday 4 December 2017.
Hearing	Braintree District Specific Local Plan (Part Two) – Spring 2018

Receipt of Inspectors Report	Shared Strategic Plan (Section One) – Spring 2018 Braintree District Specific Local Plan (Part Two) – Summer 2018
Date of Adoption	Autumn 2018

Relevant policies within the Braintree District Local Development Framework 2011 are considered to be:

(i) Policy CS8 :Natural Environment and Biodiversity

The policy seeks to ensure that development “will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include where appropriate protection from:-

- Air, noise, light and other types of pollution
- Excessive use of water and other resources

Development should protect the best and most versatile agricultural land.

Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Landscape Character Areas will be defined in the Site Allocations Development Plan Document and further guidance will be set out in a supplementary planning document.

The natural environment of the District, and in particular designated sites of national importance and locally designated sites, which are identified on the Proposals Map, will be protected from adverse effects. Criteria based policies will be set out in the Development Management Document, against which proposals for any development within, or affecting such sites, will be considered.

The restoration and enhancement of the natural environment will be encouraged through a variety of measures such as;

- Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development
- Creating green networks to link urban areas to the countryside
- Creating and enhancing the biodiversity value of wildlife corridors
- Designating and protecting local nature reserves and local wildlife sites
- Conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act
- Development will promote wildlife enhancements which will contribute to habitat and species restoration targets set out in the Essex Biodiversity Action Plan”.

(ii) Policy RLP 62 Development Likely to Give Rise to Pollution, or the Risk of Pollution.

This policy would restrict development where there are potential pollution emissions, unless appropriate mitigation measures in place and the emissions are not harmful

(iii) Policy RLP 69 “Sustainable Drainage”

Seeks to encourage Sustainable Drainage techniques as methods of flood protection, pollution control and aquifer recharge.

(iv) Policy RLP 72 “Water Quality”

This policy seeks to protect underlying groundwater and surface waters.

(v) Policy RLP 80 “Landscape Features and Habitats”

Requires assessments of wildlife impacts and that proposals are not detrimental to distinctive landscape features and habitats. Measures to include mitigation as appropriate.

(vi) Policy RLP 81 “Trees, Woodlands, Grasslands and Hedgerows”.

This policy seeks to encourage landowners to retain, maintain and plant locally native trees/woodlands, grasslands and hedgerows.

Relevant policies within Braintree District Local Plan Review Adopted 2005 are considered to be:

Policy CS8 :Natural Environment and Biodiversity

Braintree District Council has prepared a Braintree draft Publication Plan that has been submitted to the Planning Inspectorate for examination. The policies are being referenced by the District Council in its Development Management functions and the progress of the Local Development Framework should be monitored off the Braintree District Councils webpage.

Relevant policies within Braintree Draft Publication Plan 2017 are considered to be:

(i) Policy SP1 – “Presumption in favour of sustainable development”.

Requires that development decisions reflect the presumption in favour of sustainable development as set out in the NPPF.

It goes on to note that sustainable development within North Essex will contribute to the strategic and local vision and objectives and accord with the local plan policies. Development that accords with the plan policies would be approved unless material considerations indicate otherwise.

(ii) Policy SP10 “West of Braintree Garden Community”.

This policy recognises the potential development of a new garden community identified for the west of Braintree and incorporating the Broadfield Farm land area.



The policy identifies that the community would likely be of some 2,500 homes within the Plan period (2033) with an overall provision of between 7,000 and 10,000 homes to be delivered beyond 2033.

The Policy recognises that the Broadfield Farm site is an allocated site within the Minerals Local Plan and that the mineral site, its restoration and aftercare would need to be planned alongside the wider garden community development.

(iii) Policy LPP 67 – “Natural Environment and Green Infrastructure”.

The policy seeks to protect and where possible enhance the natural environment including protection from pollution. Where appropriate, development to contribute to delivery of Green Infrastructure (such as open spaces).

(iv) Policy LPP 69 – “Tree Protection”.

This policy addresses the various levels of protection afforded for the protection of trees affected by development proposals. The policy seeks Tree Preservation Orders for those prominent trees which contribute to the local landscape. Trees which make a significant positive contribution to the character and appearance of their surroundings would be retained.

Where trees are to be retained within a development then suitable protection measures would need to be provided to safeguard the wellbeing of the tree.

(v) Policy LPP 70 – “Protection, Enhancement, Management and Monitoring of Biodiversity”

The policy addresses “Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development..... ”

(vi) Policy LPP 71- “Landscape Character and Features”

The policy states that the planning authority would “take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context”. In achieving this aim consideration would be given to the Local Landscape Character Assessment and that development is not detrimental to those landscape features.

(vii) Policy LPP 73 – “Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards”

This policy seeks should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.

The policy goes on to state that development would not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts

arising from the development on, amongst other aspects:

- a) The natural environment,
- b) General amenity and the tranquillity of the wider rural area
- c) Health and safety of the public
- d) Air quality
- e) Surface and groundwater quality and
- f) Land and soil quality and condition

(viii) Policy LPP 74 – “Climate Change”

The policy seeks to support proposals that demonstrate the principles of climate change mitigation and adaptation into the development. In the supporting text to the policy it refers to the To adapt to the effects of climate change, proposals should;

- a) Manage and conserve water resources
- b) Demonstrate that flood risk from all sources has been avoided or managed,
- c) Use Sustainable Drainage Systems (SuDS);
- d) Use layout, building orientation, design, and materials to ensure properties are not susceptible to overheating,
- e) Include open space and trees/vegetation for shading and cooling, and to control surface water run-off,
- f) Create a better linked habitat network by conserving, creating or enlarging existing habitats.

(ix) Policy LPP 78 - “Flooding Risk and Surface Water Drainage”

The policy seeks to ensure that all proposals would be located to avoid the risk of flooding.

Policy LPP 81- “External Lighting”

In the supporting text to this policy it is stated that “artificial lighting can also harm local character by introducing a suburban feel into rural areas”. The policy seeks to ensure though a criteria base that lighting provision does not impact unacceptably on the environment.

Also relevant to this application is the Essex County Council Supplementary Planning Guidance (SPG) June 2016 on “Mineral Site Restoration for Biodiversity”.

This SPG supports Policy S12 above and identifies 5 Flagship Schemes within the Allocation Sites as locations suitable for promoting the greatest opportunity for delivering beneficial biodiversity afteruse. One of these flagships sites is Broadfield Farm and the SPG identifies specific restoration objectives for that site that could be delivered as part of the restoration strategy. The SPG identifies the potential for the creation of some 50 hectares of low acid grassland; lowland meadow and reed bed.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government’s planning policies for England and how these are expected to 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 there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must 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 the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in this NPPF indicate development should be restricted.

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 greenhouse gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

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

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

benefits or that specific policies in the NPPF indicate such development be restricted.

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

#### **4. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – Object and make the following comments;

The first “In terms of the site restoration, the Council objects on the basis that the site is within an area of search for the proposed garden community at West of Braintree.

Some additional work carried out showing what likely development could look like, and this area is shown as being part of the built extent of the village. There is limited scope for development to be moved further north due to potential impact on Great Saling and its historic park and garden located on the south side of the village.

The site is identified under part 1 of the Publication Draft Plan under policy SP10 – West of Braintree Garden Community for a site of between 7,000 and 10,000 homes of which 2500 will be within the plan period up to 2033. The majority of the development will take place after 2033 up until approximately 2050. As such there should be plenty of time to extract and make suitable for development the minerals site. The phased restoration of the site should enable the development of it for a garden community as set out in the Draft Plan.....

In the short term, it is important that the impact of the mineral extraction is minimised particularly on Rayne which is the closest village. It should also be specified that no minerals traffic should go through Rayne or Great Saling”.

Following the submission of the additional information Braintree made further updated comments that “.... The Draft Plan was submitted to the Planning Inspectorate on 9<sup>th</sup> October 2017. It is anticipated that the public inquiry into the Plan will take place in January 2018.

As part of the garden communities’ project a consultation will be taking place commencing 13<sup>th</sup> November 2017 on a West of Braintree Development Plan Document (DPD). This document will be going to Local Plan Sub-committee on 6<sup>th</sup> November to seek Members approval to go to consultation.

At this early stage, details of the precis location and layout of the West of Braintree Garden Community are not known. As such it will be necessary for continued co-operation between the Councils involved and the developer of the site. The phasing of the extraction is likely to influence which areas are developed first, and any remedial measures taken once extraction has finished will need to factor in the requirements and overall development of the garden community. The concept restoration proposals do not make reference to the potential for the West of Braintree Garden Community, and as such proposals for additional wildlife and

recreational uses and public rights of way would have to be considered in the context of a wider West of Braintree Garden Community Master Plan. As such the restoration plan could be considered unrealistic.

I would also reiterate that in the short term, it is important that the impact of the mineral extraction is minimised particularly on Rayne which is the closest village. It should also be specified that no mineral traffic should go through either Rayne or Great Saling. In addition suitable screening should be in place to minimise any visual impacts, and measures to ensure that local residents are not impacted by noise, and dust”.

UTTLESFORD DISTRICT COUNCIL (ADJOINING) – Make the following comment:  
“As I am sure you are aware the application site forms part of a potential new settlement west of Braintree straddling the Braintree/Uttlesford administrative boundary. It is probable that this will be a proposal in Braintree District Council’s Local Plan submission version. Uttlesford District Council are also actively considering including the site for inclusion as a proposal in their Regulation 18 draft Plan.

AECOM [Planning consultancy] have been undertaking some concept framework planning for both Authorities. It is critical in the determination of this planning application that consideration is given to the Concept Framework as the access, phasing and aftercare of the quarry will be critical to the development and implementation of the new settlement proposal”.

BRITISH HORSE SOCIETY – No comments received.

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT PLANNING  
CASEWORK UNIT – No comment to make.

COUNCIL FOR THE PROTECTION OF RURAL ENGLAND – No comments received.

ENVIRONMENT AGENCY (EA) – No objections. The Agency advise the applicant that an Environmental Permit may be required and for this to be addressed with the Agency.

The Agency note support of the Biodiversity Enhancement Plan.

ESSEX BRIDLEWAYS ASSOCIATION – Note the Concept Restoration Proposals and further provision for public rights of way but no mention as to their accessibility by other user groups such as cyclists and equestrians as previously requested in consultation responses.

In this absence an objection still stands as given the site abuts a bridleway network any newly created paths should be of bridleway status in accordance with the NPPF, Rights of Way Improvement Plan and ECC’s Minerals and Mineral Policies.

ESSEX WILDLIFE TRUST – No objection.

HISTORIC ENGLAND – No comment to make.

NATURAL ENGLAND (NE) – Under its respective areas of interest:

- Soils, Land Quality and Restoration - No objection.
- Protected Species – NE advise consideration of its standing advice.
- Priority Habitats and Species – NE draw attention to its on line web pages for habitat locations/inventories and advice on how to enhance such interest.
- Biodiversity Duty – NE draw attention to the responsibility of the Council for conserving biodiversity as part of the decision making process.

NE offer suggestions for conditions to address protection of water courses; soil handling and replacement; differential settlement and aftercare.

National Health Property Services and Mid Essex Clinical Commissioning Group - No comments received.

#### UTILITIES:

UK Power Networks; National Grid (Gas and Electricity); Anglian Water - Provide information in respect of the location of their apparatus.

GTC PLANT ENQUIRY SERVICE – No assets within vicinity of application site.

AFFINITY WATER; ESSEX AND SUFFOLK WATER; THAMES WATER PROPERTY SERVICES Either “no comments received” or “do not have apparatus within the vicinity of the application site”.

#### COUNTY AIR QUALITY CONSULTANT – Comments:

##### “1. Air Quality from Traffic Emissions during Operation

It is anticipated that the increase of traffic flow with the proposed development is unlikely to have an effect on the local air quality and the impact on air quality is not significant.

##### 2. Emissions, Dust and Particulate during operation

The dust assessment concluded that a slight adverse effect is predicted at the sensitive receptors identified, during operation with extraction related activities in Phases 5-8, the construction of the permanent landform, and stockpiling of fine material within the Plant site.

The assessment also identified operation areas with “designed-in” measures required to reduce the potential disamenity effect. Mitigation measures are also recommended in the ES for each operation activities, including preparation and restoration, material handling, mineral extraction, mineral processing, stockpiling and exposed surfaces, on and off site transportation, as well as general site management. Additional source-specific mitigation measures are also recommended at the north-east of the site, where moderate adverse effects are predicted. These include daily wetting down of soil and overburden on permanent landform during construction and continuing until a sufficient crust has formed or

planting has stabilised the surface sufficiently; daily visual monitoring at site boundary undertaken when operations are within 250m receptors; and internal haulage routes to be routed a minimum of 250m from off-site receptors.

It is considered that these mitigation measures are sufficient and effective to control and minimise the dust effect. It is suggested that planning conditions in respect to dust should be recommended with the proposal to ensure the proposed mitigation measures will be undertaken:

- Preparation of a Dust Management Plan (DMP) to detail the site management and the proposed mitigation measures, including designed-in mitigation measures;
- DMP to be approved by the authority prior to the site operation;
- A minimum of 100m stand-off between extraction areas and residential receptors, and;
- advance planting on the northern and eastern site boundaries prior to the site operation of Phases 5-8.

Overall it is anticipated that there would be temporary (12 years of operation) and minor effect on dust during the operation phase. With appropriate site specific mitigation measures the effect of the dust should be minimised and not significant.

### 3. Emissions, Dust and Particulate during Construction

The installation of processing plant and ancillary buildings and infrastructure, and the construction of a quarry access onto the B1256 Dunmow Road, are likely to have an adverse effect in terms of dust emission. However it is anticipated that the effect of dust could be minimised with appropriate mitigation provision. A Construction Environment Management Plan (CEMP) for these installations and the access road should be prepared to minimise environmental impact including dust and air quality from the construction phase of the development”.

COUNTY LIGHTING CONSULTANT – No objection subject to a condition requiring a scheme of external lighting to be imposed.

COUNTY NOISE CONSULTANT – No objection and states “The TN [Technical Note] demonstrates that comments previously provided have been taken into account. Revised noise level predictions have been performed resulting in slightly increased noise levels than previously presented in the Environmental Statement. The predictions do remain within the agreed noise level limits; albeit these are close at a number of receptors. However, I am content that the assessment takes a reasonable worst case approach, and I am therefore satisfied, based upon the information provided, that I am content that the site can operate without exceeding the noise limits, thus conforming to the requirements of PPG.

Notwithstanding the above I would recommend compliance noise monitoring be undertaken to demonstrate compliance with the agreed noise limits”.

HIGHWAY AUTHORITY (HA) – No objection subject to conditions to address:

- Prior to commencement of the development a construction traffic

management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway. The development shall adhere to the agreed plan during its construction and life time

- No beneficial use of the development shall take place until the site access off the B1256 as shown in principle on the planning application drawings has been provided or completed.

The HA also request that prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

- That all or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority).
- All highway related details should be agreed with the Highway Authority

HIGHWAY AUTHORITY (PUBLIC RIGHTS OF WAY) – make the comment: “The proposed quarry has no effect on existing public paths, so there is no objection.

The proposal to create new public footpaths when the site is restored after the expected 12 year operational life is welcomed. They would improve connectivity and amenity in the Public Right of Way network, and thereby satisfy the requirements of the ECC Rights of Way Improvement Plan.

The creation of the paths should be included in a Planning Agreement. A Public Path Creation Agreement could be appended to the Planning Agreement, which should be signed by all relevant landowners, but not sealed and therefore not coming into force until required. The proposed paths lead eastwards outside the planning application boundary so it would be important for all the landowners to be party to the agreement. Our department can assist with the preparation of a Creation Agreement.

If the public paths are created by a Creation Agreement in this way, they become maintainable at the public expense. Our maintenance liability should be offset by the developer paying a commuted sum, which could also be secured in the Planning Agreement”.

LOCAL LEAD FLOOD AUTHORITY – No Objection subject to conditions to address :

- (i) A surface water drainage scheme.
- (ii) A Maintenance Plan
- (iii) Maintenance log.

A number of informatives are also proposed that, should planning approval be forthcoming could be attached to any planning permission.

PLACE SERVICES (ECOLOGY) – The Place Services Ecology Officer comments



(PSEO) are set out in Appendix D

PLACE SERVICES (HISTORIC BUILDINGS) – No Objection and comment  
“There are primarily two groups of listed buildings whose settings will be affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have an lesser impact than on the previously identified groups.

The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.

These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.

The construction of the quarry will impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, as it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial, as per paragraph 134 of the NPPF”.

PLACE SERVICES (HISTORIC ENVIRONMENT) – No objection subject to conditions

PLACE SERVICES (LANDSCAPE) – The Place Services Landscape Officer comments (PSLO) are set out in Appendix D

PLACE SERVICES (TREES) - Comment that their areas of interest covered under the Landscape comments.

PLACE SERVICES (URBAN DESIGN) - No comment.

ESSEX COUNTY COUNCIL’S SPATIAL PLANNING TEAM – Make the following comments:

“The following are recommended for consideration when determining the application.

The planning application has been prepared within the context of the MLP and the Braintree Local Plan Review 2005 and the Core Strategy 2011. However, the planning context has changed nationally with the National Planning Policy Framework (NPPF) requiring Local Authorities to significantly ‘boost the supply of housing’. To initiate this requirement Braintree District Council is significantly increasing its housing requirement in its new Local Plan and through the NEGC

[North East Garden Communities] project (Braintree, Colchester, Tendring and ECC) is supporting the potential for two new Garden Communities within Braintree District, one being located at West of Braintree. It should be noted that ECC is a partner of NEGC.

Land covered by the planning application lies within the 'Area of Search' of the proposed West of Braintree Garden Community (Policy SP10 of the Braintree Draft Local Plan). This land is being considered in terms of the phasing and development opportunities for the new Garden Community. In so doing, it is the intention to ensure the extraction of mineral reserve progresses alongside the potential development of the new Garden Community and does not impede extraction.

The application proposes a Restoration Masterplan, including Restoration Aftercare Programme, largely consistent with the MLP Biodiversity Flagship status. However, given the changed planning context and the provision of a new West of Braintree Garden Community in the Braintree District Draft Local Plan, consideration needs to be given to opportunities to provide a balance between restoration and aftercare, and a community resource enabling informal/formal recreational use and access.

Further investigation will be required to consider the implications and opportunities arising from the above with regards the provision of biodiversity provision. It is suggested this should cover:

- Integration of biodiversity objectives with recreational use – to consider the scope for the requirements of the 'Flagship Scheme' (50 ha) to be delivered within the context of a new country park/recreational use. Further analysis would be required to provide robust evidence to demonstrate how this could be achieved without comprising the creation and maintenance of the 50 ha of Priority Habitat. Is there land availability to enable both uses to be provided on site post extraction?
- Biodiversity Offsetting – to investigate the opportunities for 'offsetting' the 50 ha to an alternative site, either within the new Garden Community Area of Search, landowner, Braintree District, or alternative allocated MLP site. Any alternative location would be required to fulfil the SPG and preferred approach criteria.
- Essex Habitat Bank (EHB) see: <http://www.placeservices.co.uk/what-we-do/natural-environment/habitat-bank/>. To investigate opportunities to provide a no-net loss of biodiversity through the EHB via Place Services in accordance with NPPF.

It would also be helpful to know what flexibility there is to amend the Restoration Masterplan, including Restoration Aftercare Programme, in light of the above context, and in the absence of an adopted Local Plan that establishes the West of Braintree Garden Community. The Braintree Local Plan is scheduled to be adopted in 2018".

SHALFORD PARISH COUNCIL – The Parish Council are concerned that site vehicles would use Salford as a short cut to access Braintree without using the A120. Minor roads are already being used as a short cut and verges are being damaged.

The Parish would like to support comments made by Great Saling Parish Council for a policy that all site traffic must use the A120. Westbound site traffic should access the A120 and travel east turning around at the first Braintree junction.

RAYNE PARISH COUNCIL – Make the following comments:

1.           “The comments in this document relate to the Minerals Extraction site Planning Application ESS/19/17/BTE (ECC’s reference 407.0573.00004).  
The work already completed by the Parish Council, working with Tarmac, means that comment on this Planning Application is limited.
2.           Background and history
  1.           The Parish Council’s involvement in the County’s Mineral Plan began in 2010.
  2.           There was significant resistance from the village to the County’s plans with significant resistance to the forecasts for the demand of minerals through to 2028.
  3.           This sustained resistance culminated in presentations to the Examination in Public (EIP) in November 2013. The Inspectors conclusion agreed to some degree with the Council’s protestations and some reductions were applied to the demand for the County. Some sites, not Broadfields Farm, were moved into a “reserved status”.
  4.           Following the approval and publication of the EIP outcomes in mid-2014 there was a flurry of activity in most of the other sites included in the County Plan. Broadfields Farm was notable for the lack of action. This left a dark cloud hanging over the village resulting in the loss of the original enthusiasm for resistance.
  5.           In mid-2016 there were signs of work in the village which we discovered to be preparatory work by Tarmac and the production of their Environmental Assessment. This has now developed/moved on to the current Planning Application.
3.           Review of Planning Application
  1.           Restoration of the Broadfields Farm site has always been a major concern for the village. Current facilities in the area are extremely limited.
  2.           The Parish Council has invested significant time and effort in working with Tarmac to gain a better appreciation of all that was involved in the life of the Mineral Extraction site.
  3.           Tarmac are to be congratulated in their openness and wish to work with the Parish Council. This included a visit to a show-site to their Broom site in Biggleswade. It has since been confirmed that the Broadfields Farm site is also to be a “show-site” demonstrating Tarmac’s wish to confirm 21<sup>st</sup> Century methods of sand and gravel extraction.
  4.           ECC Responsibility for the monitoring of and adherence of the operator and the land-owner to the Plan
4.           North Essex Garden Communities
  1.           ECC are one of four equal stakeholders in the North Essex

Garden Communities (NEGC) initiative. As such they have a significant responsibility in the current Local Plans that extend through 2033

2. This initiative includes the West of Braintree proposal.
  - a. One of the current options for the development sites includes building on Broadfield Farm and the restored land
  - b. Building/construction on “newly” restored land is a significant risk, particularly when both the depth and thickness of the sand and gravel seams are considered.
  - c. In effect the land is being provisioned for two conflicting uses
    - i. The current plans for the restored land at Broadfields Farm is for it to be retained for 25 years after restoration. This extends from 2028 through to 2053
    - ii. It is anticipated that some building will be completed at the West of Braintree site in 2028/2033 with more scheduled in the period of the next Plan (2034/2049).
    - iii. It is impossible to consider and approve both these proposals/applications, owing to the conflict between the two initiatives.
  - d. This is an issue for ECC to comment and act upon. The village has, as stated, had the shadow of the minerals extraction site hanging over it for far too long. A lot of time and work has been invested in negotiating the restoration plan as detailed in the Planning Application. It is our intention to keep to that strategy and the agreement on restoration which will result in the WoB proposals being reduced to two options!
    - i. One of the options does identify the Broadfields Farm site as a possible Country Park, this aspect closely aligns to the Parish Council’s view.
  - e. It is noted that the newly approved road for access on Broadfields Farm is not shown on maps contained in the Planning Application. The build of this road and its extreme proximity to a local dwelling has been a cause for concern from the Parish Council.

5. Conclusions

1. The Parish Council has many concerns based around many initiatives grouped under the heading of “Local Development”.
2. The Council has a responsibility to its residents and this has been a major driver in the time and effort invested in the work with Tarmac.
3. The Council recognises the need to build new homes but needs to recognise the facts that the quality of home building is both sustainable and correctly positioned. Building on newly restored land does not meet either of these two factors.
4. BDC has committed to building/constructing the required infrastructure to support any development and the impact of the extraction site development also has to be included in this commitment. This will require very close liaison between BDC and ECC to confirm and progress their individual responsibilities”.

FELSTEAD PARISH COUNCIL No comments received.

GREAT SALING PARISH COUNCIL – Comment that “With regards to the traffic the maximum amount of traffic likely at the height of production is far more than the average figures given. In the Traffic and Transport section in the site assessment for it says that 50 vehicles out per day based on a 14-year working period.

Also, the numbers of Lorries going out also must come in making at total of 100 vehicle movements a day.

The Parish Council is also concerned that if vehicles are to go North East of Great Saling traffic would come through the village. This will affect not just Great Saling but all local villages. The minor roads that connect these small villages are already being used by large Lorries and they are damaging the verges in places. The Parish Council would like to see a policy put in place saying that all site traffic must use the A120. Traffic travelling west should join the A120 and travel east turning around at the first Braintree junction.

We would require a policy that working hours were restricted. The Parish Council would suggest no activity on Saturday afternoons, on a Sundays and Bank Holidays. Suggested hours should be 7.30-5.30pm during the week”.

Following the additional information the Parish remains concerned that vehicles needing to travel Northeast of Great Saling would travel through the village. This would affect local villages where minor roads are already affected by large vehicles which also damage verges.

The parish would like a policy put in that all traffic use A120. Westbound traffic to join A120 and travel east turning around at first Braintree junction.

LOCAL MEMBER – THREE FIELDS WITH GREAT NOTLEY – Any views received will be reported.

ADJOINING LOCAL MEMBER - THAXTED - Any views received will be reported.

## **5. REPRESENTATIONS**

As a result of site, press (Braintree and Witham Times and Saffron Waldon Reporter) and neighbour notification (62 properties) two letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Major imposition on village of Rayne with impacts on the inhabitants and surrounding countryside.	Noted. See appraisal
Mitigation aspects as identified in the wildlife and archaeological reports should be met in full and performance on these steps reported back to Parish	Should planning approval be forthcoming appropriate archaeological, restoration/landscaping and aftercare conditions would be imposed. It is not usual that reports are made to

	third parties. Schemes required by pre commencement conditions would be consulted upon with relevant third parties. A mechanism for reporting would be the liaison meetings.
Independent monitoring of the water courses and air quality particularly at nearby school	Monitoring requirements are usually undertaken by appropriately qualified consultants employed by applicants. Data is available for examination by the respective regulatory body.
New junction westbound at Felstead turnoff onto A120 desirable. If not possible then traffic to exit onto eastbound A120 and turn around at next junction if westbound route needed. B1256 should not be used for regular movements. If A120 closes then operations should cease until it reopens.	Traffic routeing has been addressed earlier in report. Appendix. Appraisal also picks up on this issue.
Operator should be responsible for road condition up to A120	This is not a requirement from the Highways Authority for road maintenance contributions.
Neighbours concerns/complaints should be taken on board and investigated.	Noted.
Restoration proposals do not go far enough in respect of enhancing public access with Public Rights of Way around whole site. Parish Council should be fully consulted/involved in restoration and management plans.	As addressed above, where specific pre commencement conditions may be imposed then appropriate third parties would be consulted on the details of those particular schemes based on the principal of those schemes having been established at planning determination stage.
Significant funds should be made to the community to enhance the environment not just benefitting the landowner.	Not a material consideration relevant for this application.
Future development should be banned for a period, eg 50 years, to allow enhancement of the created nature reserve.	See appraisal.
Equally any approval should not be taken that this is presumption for future site extensions.	See appraisal.
Dust generation affecting local business	See appraisal.

interests.

Potential lorry movements may affect local businesses. Suggestion for a new access off the Rayne roundabout to allow site vehicles easier access to A120.

This was a comment made also at the exhibition and applicant addressed. See Appendix B.

Air Quality aspects and health of local residents.

See appraisal.

Safety of pedestrians using the highway verges and quarry traffic

See appraisal.

## **6. APPRAISAL**

The principal issues in respect of these two proposals are:

- A. Principle of the development
- B. Landscape/Visual/Heritage Considerations
- C. Ecology
- D. Traffic
- E. Noise and Dust/Other environmental aspects.
- F. Restoration/Public Access/Afteruse.

### **A PRINCIPLE OF THE DEVELOPMENT**

The identification of the Broadfield Farm (BF) land parcel has been recognised and accepted as an allocation site (Site A9 Appendix A) within the Minerals Local Plan.

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 subject to appropriate planning permission being gained.

The site allocation, which has 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 site has its recommended “specific issues to be addressed” – or ‘development principles’. These are always subject to more detailed assessment when individual applications are eventually submitted. In respect of the Rayne site, the issue over separation distances for instance has been shown in the proposed working programme and noise /visual design to be able to accommodate a more reduced separation distance without impacting unacceptably on local amenities.

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.

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

Relevant policies to support this aspect are S1; S2; S3; P1 and SP1 (as referred to earlier in the report).

## B LANDSCAPE/VISUAL/HERITAGE CONSIDERATIONS

In general the footprint of the application land is one exhibiting a predominantly level parcel of land with minimal overall gradient across it. Some early (up to 10 years old) planting has been undertaken by the landowner/applicant along parts of the site perimeter together with more recent perimeter planting along parts of the northern boundary. Whilst these belts are welcome and assist in mitigating views into the site, the comments of the Place Services Landscape Officer (PSLO) remain that parts of the proposed development would remain at some degree visible from certain outside vantage points.

The PSLO references these view points as being from the PROW located to the north; off Pods Lane to the east and Great Saling Road to the west. There would likely be additional views of the processing plant infrastructure from off Dunmow Road and viewpoints further to the south.

Existing and proposed screening provision in the form of additional planting, screen bunds and the general below ground working of the mineral would be effective in most cases to mitigate views. A balance needs to be taken over how much screening can effectively take place and whether any views that may remain of site activities are at a level that is considered acceptable to receptors.

From the PROW to the north the potential exists for views of certain of the proposed phases and elements of the processing plant infrastructure. The latter infrastructure is likely to be partially visible from more distant viewpoints to the south. In general the working phases would be transient and as machinery drops below ground level then the impact of such activities would reduce.

Elements of the upper structure of the processing plant are likely to be visible and in places set against the skyline. Again it is a matter of degree as to how much one tries to screen a feature or to mitigate it. The processing plant would be set at a lower platform level to assist its visual presence and whilst it would be noticeable its scale would not be considered overly dominant in the greater landscape vista. Appropriate control of such infrastructure could be exercised through condition, given the potential visual sensitivities of the site through uncontrolled development taking place, to ensure appropriate siting and design. The opportunity could also be for seeking an appropriate colour scheme of the plant to minimise its visual presence.

Design of the access entrance with internal bunding that would be grassed and



planted would mitigate any passing views of the internal site activities from passing road traffic and a scheme required by condition could address this aspect.

It is considered that certain of the openness element of the site activities could be addressed through an appropriate Landscape Management Plan.

Those individual properties adjoining/having frontage with the application land would be largely screened through a combination of the perimeter planting together with separation distances from the extraction boundary/provision of additional internal screen mounds and further planting.

The Landscape/Visual aspects are considered to be appropriate and would not prejudice policies S10; S12; DM1' DM2; DM3; CS8; RLP80; RLP81; LPP69; LPP 71 and LPP81.

In respect of the proposal impact upon the setting of nearby listed buildings the applicant carried out an assessment of indirect impacts on all cultural heritage assets within the study area shows that there are no identified significant indirect effects on the archaeological and heritage resource as a result of the proposed development (i.e. the settings of scheduled ancient monuments, listed buildings, conservation areas and registered parks and gardens). The applicant suggests the proposed quarry is not located within the primary setting of any surrounding cultural heritage asset.

Nonetheless, the Council's Historic Building's Advisor (HBA) confirms there are primarily two groups of listed buildings that would have their settings affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have a lesser impact than on the previously identified groups.

The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.

These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.

The HBA considers the quarry would impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, the HBA does state that it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial.

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 (LBA) states, inter-alia that; in considering whether to grant planning permission for

development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The site is allocated as a preferred site for extraction in the Minerals Local Plan (MLP) and therefore the ‘need’ for the quarry has been assessed as part of the plan-making process. Accordingly the wider public benefits of providing a steady and adequate supply of sand and gravel have been considered and found acceptable in allocating the site in the MLP.

The applicant has provided significant information to demonstrate why the proposal is acceptable. In accordance with the NPPF, the economic, social and environmental benefits have been considered in detail, which include:

- being able to maintain local supplies of aggregate to construction projects in Essex in a way which minimises the carbon footprint associated with the delivery of aggregate to construction sites.
- The site helping provided materials to support the need to provide the supply of housing required to meet the needs of present and future generations, and
- enhancement of the biodiversity of the restored site.

Minerals planning advice confirms that when determining planning applications “great weight” should be given to the benefits of mineral extraction, including to the economy”.

Taking the above into account, whilst the impact of the development may have less than substantial harm on the setting of listed buildings, there are considered to be sufficient public benefits to outweigh this harm.

In respect of the impact upon archaeology the applicant carried out an assessment of this site has previously comprised a desk based study and geophysical survey which was followed by a limited targeted programme of trial trenching largely to assess the results of the geophysical survey. The County’s Historic Environment Advisor states that it is clear from the report submitted that the methods and sampling strategy used for the assessment of the below ground archaeological deposits have not been sufficient to predict the extent of archaeological remains on this site. The present evaluation has provided a basic understanding that both prehistoric and Roman occupation is present but the nature or extent have not been defined.

A second phase of evaluation by trial trenching has therefore been recommended to define the extent and significance of the heritage assets (archaeological deposits) that have been identified and which will require excavation prior to development. Such works could be required by the imposition of appropriate conditions should permission be granted.

Accordingly, subject to the above, the proposal complies with policies S10, DM1 and DM2

## C ECOLOGY

The ecological interests exhibited by the application land are described earlier in this report, and to which the interests of both the PSEO and PSLO have been closely interlinked.

During the course of this application the interests of both these officers has been informed through the original application details; subsequent meeting with the applicant and their Planning, Ecology and Landscape consultants as well as to the further submission of details arising as a result of the PSEO and PSLO comments (Appendix D).

In respect of the PSEO the comments relate to the following areas; these are The Supplementary Planning Guidance (SPG) targets for habitat creation; a minor point regarding clarity over use of land on the north west boundary; the loss of Moors Spinney; and island planting of wet woodland.

Other ecological issues present on/associated with the land include Protected Species interests, ie Bats- including the rare Barbastelle bat-, barn owls, great crested newts; reptiles and nesting birds . Were planning approval to be forthcoming then such interests could be protected/addressed through the imposition of suitable conditions. For those particular ecological aspects identified here it is considered that the existing ecological interests would not be unduly prejudiced and so raise conflict with Policies S 10; S12; DM1; DM2; CS8; LPP67; LPP70.

The other areas of interest to the PSEO relate to the older habitats which will be lost- ie Moors Spinney and Moors Lane; and the proposed afteruse of the land. These issues interlink with those of the PSLO. The issues raised by both officers is addressed further in the report in the 'Restoration/Public Access and Afteruse' section.

## D TRAFFIC

In relation to traffic, the principal concerns relate to HGV movements through local villages and the representee comments about use of the A120.

The proposed scheme is stated as generating some 110 daily movements (55 in/55 out) and averaging some 10 movements per hour. The applicant has considered the spilt of these movements east and west travelling.

These movement levels are consistent with other similar sand and gravel activities and the positioning of the site access towards the east of the scheme would assist in reducing some site generated vehicle movements from passing the frontages of some of the adjoining properties.

The applicant notes that the B1256 now has reduced vehicle movements since construction of the A120 and there is highway capacity available without the scheme presenting unacceptable impacts on local amenities. The use of this road is not therefore considered inappropriate and at the levels of movement predicted this is neither at a level that would be considered intrusive.

Mineral traffic leaving sites do so principally to access market areas. The applicant considers these to be the larger conurbations such as Chelmsford and Braintree. Locations to the west could include therefore Great Dunmow. Local deliveries to villages that surround sites do occur and in such cases vehicles have to use the most appropriate route to their customers. However, such local deliveries are infrequent.

Where routeing all site traffic east out of the site directly onto the A120, whether intended east/west bound, this would see west bound traffic travelling to the nearest roundabout to turn around and travel back past the site on the A120. This "diversion" albeit short would also need to be undertaken in reverse for returning vehicles. Whilst such a route may be achievable it raises questions of adding unnecessary road miles and thereby being considered an unsustainable restriction; the existing routeing being in its own right considered broadly acceptable. There would also be questions of enforceability and policing of requiring all site-generated HGV's to abide by the direct accessing/exiting of the A120.

One local representee has expressed concerns that the passage of traffic across their frontage and lack of pavement access as being a potential issue. This representee is located west of the proposed access and would experience, if approved, that element of the site traffic identified for westbound travel.

Whilst the representees comments are noted, the existing road already accommodates HGV traffic and the numbers of site generated traffic even if not split between the east and west bound movements is not considered to be an overly intrusive frequency as to be so unacceptable such to warrant refusal of the application. The issue of lack of pavements is noted although neither the Highways Authority nor the Public Rights of Way team has considered this to be a requirement. From a planning viewpoint whilst possibly a desirable feature it is not considered that the scale and intensity of the proposed vehicle movements would justify incorporation of a footway along the stretch of road.

Should planning approval be forthcoming then an appropriate condition seeking adherence to a traffic routeing plan could be accommodated through condition. Monitoring the effectiveness of such a condition would be strengthened through the reporting mechanism of a site liaison group.

Overall from a traffic/highways perspective the proposal does not conflict with policies S3; S11; DM1 or DM2 by introducing unacceptable traffic impacts into the locality or impacting the efficiency or effectiveness of the local highway network.

## **E NOISE AND DUST/OTHER ENVIRONMENTAL ASPECTS**

In respect of noise and dust arisings the provision/operation and management of a sand and gravel scheme follows typically standard approaches. This particular scheme does not reflect any differences or warrant any particularly non-standard mitigation measures.

In respect of noise, the scheme has been designed along a fairly standard approach with typical plant and infrastructure, separation distances between sensitive locations and intervening buffer zones upon which temporary screen mounding could augment natural screening.

The applicant has demonstrated that in places extraction boundaries can be accommodated closer to the sensitive locations through sympathetic design and screening. Such provisions are supported by the CNC and also provide the operator with a more sustainable approach to their scheme through ensuring potential sterilisation of viable mineral reserves are not unnecessarily lost.

The CNC has recommended future noise monitoring and this is a standard approach and is useful in reviewing site activities against agreed controls.

In noise generation terms appropriate conditions could be applied to ensure noise levels are not unacceptable and so amenities are maintained without conflict with policy S10; and DM1.

In respect of dust emissions, the comments above in respect of standard approaches and practices remain relevant. The physical activities are proposed to be controlled through a set of approaches that are considered appropriate across the industry. The CAC has not raised objection and their detailed comments have been set out earlier in this report.

The CAC has recommended one condition for there to be a 100 metre standoff from extraction to residential properties (also reflected in the A9 site allocation see Appendix 1). The applicant has considered a reduced distance in two particular areas. In respect of the reduced distances proposed these have been calculated following the more detailed environmental assessments that the individual site is capable of. It can be demonstrated that extraction can, with suitable mitigation measures in place, be reduced is a positive aspect and as referred to earlier could allow viable mineral not to be needlessly sterilised.

Should planning approval be forthcoming then appropriate conditions to address a Dust Management Plan for the site would be required. Such a scheme could accommodate any specific detailed requirements considered necessary for closer proximity workings. In principle a reduced distance is not in itself be considered unacceptable. The areas of identified reduced distance working are programmed for periods within the working programme. An appropriately worded dust management plan could include such flexibility as taking on board actual site field conditions into its review such that experience could be translated into any specific programme of management necessarily identified for the reduced distance period of working.

The other aspect of dust emissions raised by representees has been the potential for impacts on local air quality.

The CAC has commented in these aspects and as previously stated the activities of the quarry working and generation of traffic exhibit fairly typical activities in terms of type of infrastructure used and method of working. Through knowledge and experience of such similar activities of sand and gravel sites around the country these have not given rise to substantiated concerns over detrimental impacts to air quality. Where issues have given rise to concern in the past has been the impact of additional HGV's on parts of the highway network where congestion/weight of traffic etc. has occurred and exacerbated air quality interests. This is not the case in this particular proposal and together with good fleet management operators such as the applicant operate their own internal Environmental Management Schemes that address vehicle management/maintenance and running issues. Good practice, such as restricting the conveying of lorries, speed control and route management, are aspects of reducing air quality issues and such practices are proposed by the applicant. The applicant's own Environmental Impact Assessment of the scheme has addressed this issue and it has not been found to prejudice air quality.

It is noted that the application land is not within an Air Quality Management Area and that suitable conditions would be proposed to control site activities. The operation of the processing plant itself would likely be controlled further through appropriate Permitting/Authorisations controlled by the Environment Agency/Environmental Health Authority.

Planning authorities are reminded by guidance that it is not the role of the planning system to duplicate control outside planning and that in line with the guidance of the NPPF that *"The planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the National Planning Policy Framework, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution."*

*In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively."*

In terms of dust arisings, it is considered that were planning approval to be forthcoming, appropriate dust control and monitoring conditions could be applied and overall dust generation is not considered to conflict with policies S10; DM1; DM2; DM3; DM4; RLP62 and LPP73.

#### Other environmental aspects

In respect of design and prevention of pollution aspects the scheme has been designed with appropriate facilities for handling surface water and ground water arisings. Following restoration the land would accommodate water areas that

would act as storage capacity for any surface water runoff. The proposals do not conflict with policies S3; RLP 69; RLP 72; LPP 74 and LPP78.

## F RESTORATION/PUBLIC ACCESS/AFTERUSE

The reinstatement concept has been to provide a landscape accommodating the best and most versatile arable land as well as the biodiversity enhancement ambition identified in the Minerals Local Plan.

Overall the provision of these features are considered broadly acceptable and to deliver some of the Priority Habitat elements envisaged in the policy/supplementary planning guidance.

### Ecological and visual aspects

In respect of the PSEO the comments relate to the following areas; clarity over use of land on the north west boundary; the Supplementary Planning Guidance (SPG) targets for habitat creation; the loss of Moors Spinney; and island planting of wet woodland.

The PSEO expresses concern relating to the creation of Priority Habitat types. The SPG - Supplementary Planning Guidance on Mineral Site Restoration for Biodiversity (June 2016) - identifies the Rayne application land as one of the 5 preferred mineral sites considered most suitable for delivering beneficial biodiversity aftercare. The SPG seeks a minimum of 50 hectares of priority habitat to be established at this location from an overall establishment total of some 200 hectares across the Allocation sites with each site identified for contributing specific habitat types.

The SPG seeks to address for the recreation of once common or lost habitat types.

For the Broadfield Farm location the SPG recognises the provision of Lowland Meadows; Lowland Acid Grassland and Reedbed.

The PSEO has commented that there is a potential shortfall in the recognised SPG target habitats creation offered by this application; despite the landowner having committed to the 50 hectare SPG target. The application proposals do put forward floodplain grazing marsh instead (which although listed within the SPG is not listed for creation at this particular site), as well as other habitats.

The PSEO considers that the proposed SPG priority habitats listed for this site equals some 42.53 hectares not the 48.48 advised by the applicant. The PSEO notes that the landowner has committed to 50ha of priority habitats, as detailed within the SPG, and there is currently a potential shortfall. If the floodplain grazing marsh is included in the figure it would amount to 47.87 hectares.

Some habitats are proposed to be lost, most noticeably Moors Spinney (0.49ha)

and Moors Lane which are the most historic elements of the centre of the site.

The other habitat types proposed for creation include those of arable field margins; Broadleaved woodland; waterbodies and hedgerows.

The PSEO has noted that some existing relatively recent plantation woodland “will be retained. Most of the perimeter habitats are to be retained. The western boundary is also the parish boundary, increasing the likelihood of the hedgerows along this boundary being historic”.

The PSEO reminds the authority of its “*duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006: “The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Lowland mixed deciduous woodland and hedgerows are listed as priority habitats under Section 41 of the NERC Act”.*

The SPG notes that “*If the MPA [Mineral Planning Authority] accepts deviations from these targets it must ensure that the target can be met elsewhere through the MLP [Mineral Local Plan] process. Other potential non- target habitats can also be created on the site and these include native woodland, hedgerows, ponds, grassland, arable and arable field margins.*

*The applicant could also offer other areas of the site for other biodiversity offsetting schemes not related to this planning application”.*

The PSEO has acknowledged that the overall scheme would create a positive gain for biodiversity, with any deviations to the habitat targets ultimately to the judgement of the MPA as decision taker.

The proposed habitat creation provides for varying habitat types some Priority Habitat as recognised in the SPG but not specifically “allocated” for this particular site. Some of the habitats whilst not listed within the SPG/ of priority habitat status are still valuable resources that contribute to overall biodiversity enhancement.

The proportion of habitat creation is welcome and this proposal has demonstrated the “difficulty” in interpreting and defining exact boundaries to habitat areas/coverage and defining what constitutes a specific habitat and whether buffers/margins are included. Notwithstanding the technical aspect, the overall hectareage creation would be supported.

The SPG supports the notion that any perceived shortfalls could be accommodated from other MLP provisions. In relation to the Broadfield Farm site it is considered that the biodiversity aspects could, with appropriate management plans including long term programmes, be achievable in relation to the proposals forming part of this application.

#### Moors Spinney/Moors Lane

In respect of the PSEO and PSLO comments relating to the Moors Spinney (0.49ha) /Moors Lane hedge it is understood from the discussions with the agent



that a combination of the geology, depth of working, landform design and need for appropriate standoffs prohibit retention of these features, even though they are the most historic elements of the site (except for the perimeter).

The comments by PSEO and PSLO about the relationship/appropriateness of some of the features including the provision of the proposed woodland feature on the island and the nature/layout of the woodland blocks are valid. They have raised concerns for the following reasons.

The key issue is that introduction of woodland on the island would reduce the ecological functional ability of the neighbouring SPG priority habitats.

With respect to visual aspects the planting design features neither lend themselves nor strengthen the habitat or landscape features but are more disjointed individual planting blocks divorced from any linkage to other vegetation features. The planting blocks would be seen as individual blocks visibly/read as “divorced” from associated neighbouring features.

The equivalent size woodland placed elsewhere could also create help to enhance habitat connectivity.

Whilst the concept restoration/landscaping plan could be considered deliverable the concerns of both the PSEO and PSLO are acknowledged in seeking to provide a more connected biodiversity habitat creation with landscape features that both support the biodiversity interest as well as having a more purposeful design. As such it is considered appropriate, should planning approval be forthcoming, that a condition be imposed such that the concept landscape plan is amended to reflect the above areas of concern.

#### West of Braintree Garden Village

The concept restoration plan and the long term afteruse of the land has been considered by Braintree District Council as potentially unrealistic. The District Council, referring in their comments to the need for liaison between the mineral operator and the interested Council's concerned in respect of the West of Braintree Garden Community initiative (WBGC). The District Council consider the mineral phasing of this particular scheme likely influencing the WBGC design. Likewise, the District Council consider the concept restoration proposals as not referencing the WBGC initiative with the inclusion of the additional wildlife and recreational uses/public access arrangements needing to be considered in the wider context of the WBGC initiative. As such the District Council reflect that the restoration proposals could be considered unrealistic.

Whilst an acknowledgement should be given to the WBGC initiative it is not considered that, at this stage, this should influence the determination of this mineral application.

The identification and subsequent allocation of the Broadfield Farm site has been in the pipeline for a number of years and it became an Allocation site in the Adopted Minerals Local Plan in July 2014. It was not until late 2015 that the Government announced the potential for seeking Garden Community development

with a site identified in North Essex. This concept has evolved into the proposed West of Braintree Garden Community and inclusion of Policy SP10 “West of Braintree Garden Community” in the joint Strategic Section 1 of the Tendring District, Colchester Borough and Braintree District Councils’ Publication Draft Local Plans.

The Braintree Local development framework programme has been set out earlier in this report and for clarity Policy SP10 would require the preparation of a Strategic Growth Development Plan Document (DPD). The proposed programme for which is understood to be taking place through “A Plan for the West of Braintree Garden Community, Issues and Options Consultation”, which is asking for views on a Braintree only option, and joint proposal with Uttlesford. The consultation lasts between 13<sup>th</sup> November and 22<sup>nd</sup> January 2018. The Local Development Scheme timetable at the moment envisages

Consultation Preferred Options Draft DPD	Spring/Summer 2018
Consultation of Submission Draft DPD	Autumn – Winter 2018
Examination	Winter 2018/2019
Adoption	Spring/Summer 2019

The emerging BDLP can at this time only be afforded minimal weight given it’s very early stage and uncertainty moving forward.

Nonetheless, should the Garden Community proposals come forward in an adopted DPD and later planning application(s), then the impact the Garden Community would have on the minerals site including the impact upon restored areas, should be properly considered at that time. If, for example, permission is granted for the extraction proposal at Rayne and the habitat/restoration scheme is later proposed to be undone as a result of the Garden Community, then the Minerals Planning Authority could object unless suitable compensatory measures/habitat can be secured as part of the Garden Community Plans. Nonetheless, at this time, in the absence of an adopted DPD, greater weight should be given to the policies of the Minerals Local Plan and the accompanying Biodiversity Planning Guidance.

The scheme before the committee is one of a deliverable phased mineral programme and restoration. As other initiatives may or may not develop around it then it is always open to applications coming forward to seek amendments where appropriate. In such circumstances and where the site may still be within its 5 year statutory aftercare period then such applications could be deemed ‘County Matter’ applications and be determined by the Minerals Planning Authority.

#### Public Rights of Way

However, there are concerns related to post mineral development raised by certain consultees; Essex Bridleways Association (EBA) object on the lack of bridleway access being offered; the ecological aspects and with Braintree District Council questioning the realistic nature of the proposals set against the emerging Garden Community interests and so representing potential conflict.

Taking the EBA comments first, their objection on lack of bridleway provision at the site has been responded to by the applicant who states “reference to the ROW map confirms that there is no ‘bridleway network’ abutting the site – merely a remnant length of public highway some 223m in length across the northern edge of the Dunmow roundabout which is designated as a ‘bridleway’. This is not a bridleway network, and it offers no connection to a wider bridleway network. Moreover, there is nothing in planning policy at a national or local level which requires the provision of bridleways: planning policy encourages access to the countryside and this would be delivered via the footpaths which are proposed.

Thus, whilst we note their interests, we do not feel it necessary to amend the scheme to accommodate their suggestions. The scheme as proposed makes substantial provision for the introduction of rights of way (footpaths) within the restored site, in an area which does not currently benefit from any rights of way, and this should be regarded as a positive benefit of the scheme”.

Whilst the line of the proposed route does not reflect that cross linking route envisaged within the Minerals Local Plan appendix for this specific allocation site (Blake End to Moors Lane) the provision of the routes being proposed are welcome. It is noted that the MLP Allocation itself did not seek to promote a bridleway creation across this land. Also was the applicant to propose a route in the north of the site as per the MLP then because of separate landowner ship issues such a route could not under this application be delivered.

The Highways Authority has, following review of the latest restoration concept plan expressed encouragement for the upgrade of the proposed east to west PROW to bridleway so allowing potential access onto PROW 15 20 (a bridleway that links onto the Fitch Way south of the A120).

It is understood that the landowner at this point in time does not wish to promote an upgrading. It is noted that at the time of the scheme first being submitted the status of the PROW was only a permissive route. The proposal now is for a permanent line to be established.

The proposed footpath does create a deliverable new right of way where one does not exist at present. The opportunity to create/upgrade rights of way/bridleways in the future as the overall network develops should be addressed at that time. The potential for a wider review of the public rights of way network/opportunities may come forward as a result of other initiatives such as the WBGC initiative.

In respect of afteruse of the land this brings in two aspects; those relating to the appropriateness of the landscaping/habitat aspects and also to the suitability of the afteruse for other emerging landuses.

Subject to the imposition of appropriate conditions to address the above aspects the overall restoration proposals for the land could be supported through policies S10; S12; DM1; DM2 and SP10.

## **7. CONCLUSION**

This application is being made on the basis of securing, and contributing to, the future delivery of mineral supply within the county. The application land is a recognised allocated site within the adopted Minerals Local Plan where such allocations are acknowledged as being suitable for future aggregate supply.

The application recognises that the proposal would be a temporary development taking place in a phased manner securing mineral provision and contributing to planning policy objectives of maintaining “steady and adequate supplies”. Restoration of the land would be achieved through progressive reinstatement accommodating arable farmland within the southern area of the site with the rest of the land parcel designed to deliver biodiversity, including Priority Habitat creation as provided for within the Minerals Local Plan and Supplementary Planning Document.

The application would be considered as contributing to the security of mineral supply into the Plan period from an appropriate location whilst delivering biodiversity/Priority Habitat aspirations.

From a landscape/visual aspect the proposal could be undertaken with appropriate conditions including a Landscape Management Plan without unacceptable impact on the local amenities. Post extraction the report recommends amendments to the restoration and landscaping scheme to ensure that the long term landscape features are better integrated into the overall landscape and assist the long term biodiversity interest of the accompanying habitat creation. Subject to appropriate conditions the development would not have an unacceptable impact on the historic environment.

In ecological terms a similar assessment to that of landscaping. The ecological features present on the land could be accommodated through appropriate conditions. Likewise the long term establishment and development of the Priority Habitats could be safeguarded through appropriate long term biodiversity management plans. Provision for amendments to the restoration and landscaping plan would assist the long term biodiversity interest of the accompanying habitat creation.

From a traffic perspective the proposal seeks use of a purpose built access entrance onto the adjacent highway. Site traffic generation is considered acceptable for the designated highway capacity and the routeing proposals to gain access to the A120 as appropriate.

From a noise and dust generation aspect the proposal is not considered to introduce activities that are not already of a known nature, technology or operating practice that appropriate conditions could not control.

The restoration proposals for the land are considered a deliverable feature with phased restoration being undertaken. The report recommends that amendments to the landscaping scheme be sought to achieve a greater landscape feature in the future, strengthen the biodiversity interests and enhance the wildlife corridors in the landscape.

At this time plans for the West of Braintree Garden Community initiative are in their

infancy. Should such plans be taken through to adoption, then the design of the Garden Community could be influenced by the phasing and timing of the extraction proposals, which could mean that the restoration programme for the site is altered to accommodate the Garden Community. Nonetheless, at this stage given the current uncertainty regarding the Garden Community, greater weight should be given to the adopted policies of the Minerals Local Plan and accompanying Biodiversity Planning Guidance.

As such the proposal to extract sand and gravel at Rayne is considered acceptable and in conformity with the NPPF and Development Plan taken as a whole.

## **8. RECOMMENDED**

That:

subject to the prior completion of an appropriate legal agreement within 6 months of the date of this planning permission, to provide for:

- Management and funding for the care and maintenance of the afteruse and features of the application land as depicted on the Drwg No M15.131.D.004B entitled “Concept Restoration Proposals” dated December 2016 for a period of no less than 25 years following the completion of restoration ;
- Provision of a site liaison group, and;
- works to be undertaken in association with the construction of the site access onto the public highway and any future works affecting the public highway regarding the maintenance and removal of the access;

Planning permission be granted subject to the following conditions;

### **Commencement and Duration**

1. The development hereby permitted shall be begun before the expiry of 5 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.
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 the ground preparation works of any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access onto the B1256).
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 13 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with

Condition 2.

**Approved Details**

4. The development hereby permitted shall be carried out in accordance with the following details
  - a) Planning Application form from Tarmac Trading Ltd dated 10th March 2017
  - b) Planning Application Statement dated February 2017.
  - c) Drwg No: M15.131.D.002 entitled "Application Boundary" dated December 2016.
  - d) Drwg No M15.131.D.011 entitled "Revised Block Phasing" dated July 2016.
  - e) Drwg No M15.131.D.034 entitled "Site Access Plan" dated September 2016.
  - f) Drwg No M15.131.D.010 entitled "Initial Works/Phase 1 Strip" dated September 2016.
  - g) Drwg No M15.131.D.014 entitled "Phase 2" dated September 2016.
  - h) Drwg No M15.131.D.015 entitled "Phase 3" dated September 2016.
  - i) Drwg No M15.131.D.016 entitled "Phase 4" dated September 2016.
  - j) Drwg No M15.131.D.017 entitled "Phase 5" dated September 2016.
  - k) Drwg No M15.131.D.018 entitled "Phase 6" dated September 2016.
  - l) Drwg No M15.131.D.019 entitled "Phase 7" dated September 2016.
  - m) Drwg No M15.131.D.020 entitled "Phase 8" dated September 2016.

As amended by the E-mail from Graham Jenkins to Terry Burns dated 20th November 2017 at 14:08 and attached:

- a) Letter from SLR dated 20th November 2017 and
- b) Drwg No: M15.131 (G) D.004 Rev A entitled "Typical Restoration Profile and Landuse Cross Section" dated November 2017.

As amended by the letter from SLR dated 31st August 2017 and accompanying:

- a) Biodiversity Statement and Mitigation Plan Rev C from PleydellSmithyman dated August 2017.
- b) Biodiversity Enhancement Plan Rev C from PleydellSmithyman dated August 2017.
- c) Drwg No M15.131(g) D.001 entitled "Visual Receptor Locations" dated July 2017.
- d) Drwg No M15.131(g) D.004 entitled "Typical restoration Profile and Land Use Cross Sections" dated August 2017.

- e) Drwg No M15.131(g) D.005 entitled "Block Phased Restoration Stages" dated August 2017.
- f) Drwg No M15.131(g) D.034 Rev A entitled "Site Access Plan: Revised Alignment with Screen Planting" dated August 2017.
- g) Drwg No M15.131 D.004 Rev C entitled "Concept Restoration Proposals" dated August 2017.

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:

### **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.

### **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.
- 7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme for the provision and protection measures of the standoff/buffer for the protection of hedgerows/trees 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 hedgerow/trees.
  - 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.

### **Site Access Provision**

- 8. No sand and gravel extraction shall take place until a revised scheme based on Drwg No: M15.131.D.034A entitled "Site Access Plan –

Revised Alignment with Screen Planting” dated August 2017 has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall make provision for:

- a) Design parameters of the site access.
- b) Maintenance during the life of the permission.
- c) Provision for photographic and design record of the existing access arrangements to inform future works as reinstatement stage.
- d) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
- e) Construction area compound.
- f) Programme of implementation and completion before further soil stripping not connected with any archaeological investigations of the plant site area takes place.

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

### **Site Access Landscape Planting**

- 9 No site preparation works (as defined in Condition 2 of this permission) shall take place until a revised scheme of landscape planting based on Drwg No: M15.131.D.034A entitled “Site Access Plan – Revised Alignment with Screen Planting” dated August 2017 has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall make provision for:
- a) Details of the location, numbers, plant sizes and species.
  - b) Proposals for protecting, maintaining and managing the planting.
  - c) A programme of implementation.

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

### **Ecological Interest**

- 10 Prior to entry into any phase of working as depicted on Drwg No: M15.131.D.011 entitled “Revised Block Phasing” dated July 2016 written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests within the site areas/phases. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations.

### **Bird Nesting**

- 11 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.



## **Archaeology**

- 12 No soil stripping, over and above that required for the purposes of this condition, shall take place in “The Plant Site” or any Phase of working as defined on Drwg No: M15.131.D.011 entitled “Revised Block Phasing” dated July 2016 until a scheme to address archaeological interests has been submitted to, and received the written approval of, 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:
- a) Enhanced trial trenching based on the Cultural Heritage assessment set out in Section 8.2.8 page 60 of the Planning Application Statement within each Phase to further define a Mitigation Strategy.
  - b) The Mitigation Strategy shall, as appropriate, include a programme of further work which could include preservation.  
As a result of the Mitigation Strategy if further archaeological groundwork is identified this shall be completed until this is signed off by the Mineral Planning Authority
  - c) Submission, where appropriate, within 6 months of completion of each Phase of archaeological investigation, a post excavation assessment and production of interim report.
  - d) A whole site report to be produced which shall comprise:
    - i) Compilation of all Phases post excavation assessments.
    - ii) Whole site analysis of results.
    - iii) Commitment to production of a final report.
    - iv) Archive at a registered museum.

## **Landscape Planting Phase 1**

- 13 No ground disturbance beyond that required for archaeological investigation shall take place within Phase 1 as defined on Drwg No: M15.131.D.010 entitled “Initial Works/Phase 1 strip” dated September 2016 until a scheme of landscape planting based on that plan provision has been submitted to, and received the written approval of, 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:
- a) New woodland planting on eastern meadow
  - b) Programme for translocating hedgerows
  - c) Details of the location, numbers, plant sizes and species.
  - d) Proposals for protecting, maintaining and managing the planting.
  - e) A programme of implementation.

## **Topographical surveys**

- 14 Topographical surveys shall be submitted;

- (i) A survey of site levels within each phase of working as depicted on Drwg No: M15.131.D.011 entitled "Revised Block Phasing" dated July 2016 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 ground contours as depicted on Drwg No: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017 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.

### **Vehicle Routeing**

- 15 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.
- 16 No mineral shall be exported from the site until a Transport Plan for the routeing of HGVs to and from the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The plan shall be implemented as approved in writing by the Mineral Planning Authority. The scheme shall make provision for:
  - i) Monitoring both visual and written of the approved arrangements during the life of the site of the Transport Plan.
  - ii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements,
  - iii) Routeing map for use by drivers;
  - iv) Any site access signage;
  - v) Any disciplinary steps that will be exercised in the event of default by drivers.

### **Highway Cleanliness**

- 17 No mud or dirt shall be carried out onto the public highway by vehicles using the site.

### **HGV Movements**

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

Mondays to Saturdays: 110 movements (55 in/55 out)

Sundays and Bank/Public Holidays: None

### **Sheeting Vehicles**

- 19 All loaded HGVs shall be sheeted with fully serviceable covering before leaving the site.

### **Vehicle Maintenance**

- 20 No servicing, maintenance or testing of vehicles or plant shall take place other than within the northern quarry void or plant area.  
*(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).*

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

- 21 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

### **Time limit on development before further ecological surveys are required**

- 22 Prior to entry into any phase of working as depicted on Drwg No: M15.131.D.011 entitled "Revised Block Phasing" dated July 2016 an assessment by a qualified ecologist shall be undertaken to determine whether further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures required through Condition 21. The

supplementary surveys shall be of an appropriate type for the above 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.

### **Sale of Aggregate**

- 23 There shall be no retailing or direct sales of mineral to the public from the site.

## **ENVIRONMENTAL PROTECTION**

### **Hours of Operation**

- 24 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.*

### **Rubbish**

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

### **Burning**

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

### **Lighting**

- 27 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 Ordnance Survey mapping.
- 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.

### **Noise – Monitoring**

- 28 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 30 of this permission and as identified on the attached plan no: ESS/19/17/BTE/A entitled “Noise Monitoring Locations” during the life of the development.
  - b) Unless determined by the Mineral Planning Authority a less frequent period is required, noise monitoring 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 periods and for at least a total of 30 minutes at each monitoring location during the working day which shall include Saturday periods whilst typical site operations are occurring.
  - e) The logging of all weather conditions including wind speed and direction.
  - f) 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.
  - g) 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 30 of this permission.

### **Noise – Temporary Operations**

- 29 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 30 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.

### **Noise - Normal Levels**

- 30 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/019/17/BTE/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Pound Farm	50 dB
Rayne Primary School	54 dB
Leys Blake Farm	50 dB
Palm Trees	55 dB
Valentines Cottages	55 dB
Sunnyfield	55 dB
Petellens Kennels/Clovelly	55 dB
Rose Cottage	55 dB
Moor's Farm	50 dB
The Moorlands	55 dB

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.

### **Loudspeakers**

- 31 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.

### **Reversing alarms**

- 32 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.

### **Dust**

- 33 No site preparation works shall take place, as defined in Condition 2, until a scheme for dust monitoring/mitigation 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, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) A dust control plan.
- b) A dust monitoring plan to include:
  - I. The location(s) of dust monitoring points.
  - II. The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.
  - III. A programme of monitoring to commence prior to site preparation works as defined in Condition 2 of this permission to provide a baseline against which to compare future monitoring.
  - IV. A programme of implementation to include frequency of monitoring and locations during the various extraction phases and processing plant activities.
  - V. A log of complaints from the public and a record of the measures taken to be kept and submitted to the Mineral Planning Authority on request.
  - VI. The results of dust monitoring over each monitoring period shall be submitted to the Mineral Planning Authority within 21 days of the end of each monitoring period.

### **Surface Water Drainage and Pollution Protection**

- 34 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, 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:

- 1. Surface Water Drainage Scheme
  - a) Surface Water discharge during extraction should be managed within the scope of the rates agreed for discharge of ground water. No discharge should take place during

heavy rainfall and should be managed within the excavation voids and water management systems during this time.

- b) Limiting post restoration discharge rates to equivalent existing discharge rates for all storm events up to and including the 1 in 100 year rate plus 30% allowance for climate change.
- c) 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.
- d) Final modelling and calculations for all areas of the drainage system.
- e) The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- f) Detailed engineering drawings of each component of the drainage scheme.
- g) Final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.
- h) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

2. A Maintenance Plan for the scheme addressed in (1) above, providing for:

- 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.

35 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.

36 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 is multiple tankage, 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.)

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



- 38 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
- 39 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.

### **Fixed Plant and Buildings**

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

### **Handling and Storage of Soil and Soil Forming Material**

- 41 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.*

- 42 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 soils 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.*

- 43 All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.
- 44 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.

- 45 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.

### **Restoration**

- 46 Within two years of the date of this permission, a revised restoration scheme based on Drwg No: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017 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.
- b) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- c) Removal of all site structures including access entrance.
- d) Site water drainage.
- e) Layout and construction of the Public Rights of Way.

### **Landscaping**

- 47 Within three months of the date of this permission a scheme of landscaping, based on Drg no: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017, shall be submitted to the Mineral Planning Authority. The scheme should address the requirement to amend the provision of woodland within the marshy grassland, water body area and provide a greater coverage of broadleaf woodland planting to provide strengthened landscape corridors around the site perimeters. 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) A landscape management programme for the existing retained landscape features including all hedgerows, tree belts and woodland blocks.
- b) Husbandry management of the existing perimeter hedgerows/trees and buffer planting.
- c) Programme of works addressing the hedgerow translocation process including Ground/hedgerow preparation works,
- d) Opportunities for addressing tree belt management along eastern

- land parcel boundary.
- e) Provision of additional hedgerow tree planting along northern site perimeter boundary adjacent to the southern edge of existing ditch.
  - f) Design and ground preparation works for areas identified for woodland and tree planting.
  - g) Planting species including native berry bearing shrubs, size, density, numbers and location.
  - h) Grass seed mixes and rates.
  - i) A programme of implementation to include the provision for planting during the first available season following restoration within each working phase parcel.
  - j) A programme of maintenance.
- 48 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

### **Landscape and Ecological Management Plan**

- 49 Within three months of the date of this permission a Landscape and Ecological Management Plan shall be submitted to, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision managing all landscape and habitat types for the life of this permission and shall include the following:-
- a) A description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving the aims and objectives of the project;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) On-going monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanism(s) by

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

### **Agricultural Aftercare**

- 50 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.

### **Amenity Aftercare**

51 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 and public amenity 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) management and maintenance of the Public Rights of Way provision.
  - (d) For the woodland area the:
    - cultivation practices;
    - post-restoration secondary soil treatments;
    - soil analysis;
    - fertiliser applications, based on soil analysis;
    - drainage;
    - tree planting and maintenance;
    - weed control;
  - (e) 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.

### **Cessation**

52 In the event of mineral extraction being discontinued for twelve 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.

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## **BACKGROUND PAPERS**

Consultation replies

Representations

The consultation and representations received as available on the Planning website

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

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

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

The Mineral Planning Authority has engaged with the applicant prior to submission and during the consultation process for the application, advising on the validation requirements and likely issues. As a result of engagement through the encouragement and assistance of the Mineral Planning Authority the applicant and

third parties have been involved in negotiations over various aspects of the application resulting in beneficial aspects relating to provision of public access and nature conservation as set out in the report.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

#### **LOCAL MEMBER NOTIFICATION**

THREE FIELDS WITH GREAT NOTLEY

ADJOINING MEMBER - THAXTED

**ESS/19/17/BTE**

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR:**

**Proposal: A NEW SAND AND GRAVEL QUARRY AT BROADFIELD FARM, TO THE WEST OF RAYNE, NEAR BRAINTREE, COMPRISING THE PHASED EXTRACTION OF SOME 3.66M TONNES OF SAND AND GRAVEL; THE INSTALLATION OF PROCESSING PLANT AND ANCILLARY BUILDINGS AND INFRASTRUCTURE; THE CONSTRUCTION OF A QUARRY ACCESS ONTO THE B1256; THE CONSTRUCTION OF A PERMANENT SCREENING LANDFORM; THE CONSTRUCTION OF TEMPORARY SCREEN MOUNDS IN DEFINED LOCATIONS AROUND THE PERIMETER OF THE QUARRY; THE PHASED RESTORATION OF THE EXTRACTION AREA USING INDIGENOUS SOILS; OVERBURDEN AND CLAY FROM WITHIN THE APPLICATION SITE TO A LAND USE MIXTURE OF ARABLE AGRICULTURE, LOWLAND ACID GRASSLAND, LOWLAND MEADOW, WOODLAND, LAKE AND REEDBEDS; AND PUBLIC ACCESS VIA PROPOSED PUBLIC RIGHTS OF WAY.**

**Location: LAND AT RAYNE QUARRY, BROADFIELD FARM, DUNMOW ROAD, RAYNE, BRAINTREE.**

**Ref No: ESS/19/17/BTE**

An Environmental Statement (ES) has been submitted with the application and examines the potential impact of the proposal on the natural and built environment and considers, where necessary, ameliorative measures to reduce and minimise that potential impact. The EIA process has been undertaken with respect to that part of the site where there are proposed changes. The assessment has been undertaken according to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and through the consultation process the ES has been revised as required and mitigation measures introduced either by amendments to the proposal or as suggested planning conditions. The assessment covers the following:-

- Landscape and Visual
- Ecology
- Agriculture
- Hydrology
- Noise
- Dust/Air Quality
- Access and Traffic
- Cultural heritage

A summary of the potential effects assessed in the ES are set out below.

### **Landscape and Visual**

The assessment undertaken included a landscape and visual impact assessment (LVIA) of potential effects on the local landscape character and quality, together with an assessment of the sites visibility from the surrounding area.



The assessment considered the baseline with a description of the landscape noting the Natural England countryside character listing as within the Suffolk and North Essex Claylands and within the County's Landscape Character Assessment as Glacial Till Plateau Landscape characterised as irregular field patterns , mainly medium sized arable fields.

There are no recorded Sites of Special Scientific Interest (SSSI) located on the land.

The assessment considered various viewpoints from outside vantage points.

The assessment confirmed that site boundary vegetation would be retained and strengthened in additional planting at various points.

Mitigation measures:

- a) Advanced planting (in place for over 10 years) around site perimeter and newer planting (2014/2015) on northern boundary.
- b) Temporary provision of earth screening bunds.
- c) Progressive restoration.
- d) Early establishment of the eastern screening mound.
- e) Allowing site peripheral hedgerows to grow to around 4metres.
- f) Aftercare and management plan.

Comments: Conditioning the proposal to the proposed working programme together with a long term Landscape Management Plan could be secured.

## **Ecology**

The assessment identified the baseline conditions and included a desk top study; site visit and habitat survey including Protected species and faunal surveys.

The assessment found limited the site area to comprise a mixture of arable; mixed plantation woodland; semi improved grassland, hedgerows, a wet ditch and hardstanding.

The assessment considered that the site did not have a wide diversity of habitats or attendant fauna.

There were no designated sites within 2 km of the land that could be put at risk from the proposed development.

The assessment although noting that there would be loss of habitat although there would be a biodiversity enhancement over the medium to long term.

Mitigation: Ecological mitigation measures –

- a) Restoration scheme would compensate for the lost habitats through creation of the proposed habitats outlined earlier in this report. Such habitats helping to bolster UK/Essex wide declining habitats.

- b) Use of standard practice dust control and hydrology affects through retention of groundwater levels and recharge provisions would ensure habitats being safeguarded.
- c) Vegetation clearances being undertaken outside of the bird breeding season; creation of new habitats assisting declining farmland species.
- d) Proposals not considered likely to affect Protected Species/bat/reptile interests. Sensitive use of site lighting as well as noise and dust monitoring to avoid impacting on bat activities; fingertip searches of specific areas/time of year dependant for reptile interests if required.

Also considered enhancement measures to include:

- i. Provision of a wildlife area in arable restoration, this location could be informed through an ecological survey being undertaken before the landform is given over to arable use.

#### Comments

Appropriate conditions could be imposed to secure the mitigation and enhancement aspects through long term management plans.

#### Agriculture

The assessment found the application land to exhibit calcareous and non calcareous heavy clay loams and clay topsoil.

Soils on the land were identified as being of Agricultural Land Classification Grades predominantly 3a and 3b with some grade 2.

Mitigation: the scheme provides for:

- a) Use of indigenous soil types matched to most appropriate afteruse.
- b) Minimise soil storage and maximise direct replacement.
- c) Use of indigenous overburden as opposed to use of imported fill for ground engineering works.
- d) Use of indigenous calcareous soils for arable restoration and the non-calcareous to the other grassland types.

Comments: The scheme seeks to ensure that the best and most versatile land grade soils would be utilised in the proposed restoration programme and put back to agricultural use. Other soils would be utilised in the Priority Habitat parcels. Appropriate conditions could be imposed to safeguard site soils and their handling.

#### Hydrology

The assessment addressed the existing surface water drainage; the overlying hydrological regime; the underlying hydrological conditions and historic flooding records.

The assessment noted that the site lies between the surface water divide of the River Ter to the south and Pods brook to the north. The broad area

encompassing the application land being drained by natural and man made channels.

The assessment found the application land to be wholly within Flood Zone 1 (Low probability). There are no records of historic flooding in the locality.

Mitigation. The assessment noted that the principal groundwater flow is northeast to south/southwest.

- a) Areas of insitu gravel to be retained in various parts of the proposed extraction area to accommodate full thickness of the aquifer and ensure continued passage of groundwater through the site.
- b) Anticipated low groundwater flows through the site and as such no predicted impact on drawdown of upstream elevations. In light of no licensed ground or surface water abstractions in close proximity to the site there is no anticipated impacts on such interests.
- c) Applicant would however maintain monitoring at three locations to allow periodic review and confirmation of actual impacts.
- d) Use of standard pollution and contamination measures would be employed to mitigate against such impacts.

Comment: Surface water management for the restored land could be addressed through appropriate conditions.

### **Noise**

The assessment calculated the predicted noise levels for the proposed development. A noise survey was undertaken to assess the change in noise levels from site activities from the baseline conditions.

A number of surrounding properties identified were taken as being the representative sensitive locations around the application land.

Calculations were undertaken to consider the extraction and processing plant activities against the receptors to determine appropriate standoff/bunding and extraction limits.

Mitigation –

- a) Noise monitoring undertaken at six locations representative of sensitive premises surrounding the site.
- b) Noise mitigation measures in the form of separation distances and bunding identified for the individual properties in close proximity to the site particularly along the southern boundary at Valentines Cottages; Rose Cottages and The Moorlands, together with the location at Clovelly on the south western boundary.
- c) The applicant notes that without bunding, the closest the extraction boundary could approach and be within suggested noise limit would be 125 metres for Rose Cottages and the further away property at Valentines Cottage and 145 metres for



The Moorlands. The applicant considers this distance could be reduced through incorporating site perimeter bunding/fencing with a barrier of 3 metres above existing ground level on site boundary between the properties and the extraction boundary. The proposed scheme has therefore incorporated a 3 metre high temporary soil screen mound positioned along southern boundary between the inner side of the existing perimeter planting and extraction limit.

**Comments:**

Site working layout and provision of appropriate mitigation measures together with a scheme for undertaking monitoring at locations representative of adjacent residential properties could be secured through condition.

**Dust/Air Quality**

The assessment found the existing local air quality to be good in the locality of the site.

The assessment noted that the nature of the proposal would be that mineral is likely to be damp on extraction and reduce potential for dust emission. Based on worst case the assessment found that with an additional contribution for the quarry the local air quality would remain within national air quality standards with no significant impact predicted.

**Mitigation**

- a) Standard good practice measures would be employed.
- b) Anticipated that the nature of the extracted mineral post dewatering would be damp and so not give rise to dust concerns. Standard damping down of mineral during dry and windy conditions if wind-blown dust becoming evident.
- c) Processing plant to employ standard measures such as reduced drop heights, maintenance and effective operation of the designed inbuilt dust suppression system.
- d) Transport activities employing standard approaches including driving habits; haul road maintenance, vehicle loading limits. Use of conveyor system would reduce potential for dust arisings.
- e) Sheeting of all loaded HGV's leaving site.
- f) Provision of an appropriate Site Dust Management Plan.

The assessment recommended that dust mitigation practices would be implemented.

Air Quality aspects were also regulated through the Environmental Permit process.

**Comments:**

Appropriate conditions could be imposed to secure dust management.

### **Access and Traffic**

The assessment considered the existing situation of the land parcel having two existing site access entrances. Further to detailed review the proposal put forward an entrance design onto the B1256 Dunmow Road based on the eastern most of the two access points.

The assessment proposes site HGV traffic travelling along the B1256 in both directions to access the A120 dual carriageway.

The assessment does not propose any further mitigation measures and no impact on the existing highway capacity.

The assessment noted that the proposal would generate some 110 (55 in/55 out) HGV movements per day over a working year of 275 days. Operating times would be between 0700 am to 1900 Monday to Friday and 0700am to 1300 Saturdays.

#### **Mitigation:**

- a) Construction of a purpose built site access entrance.
- b) Provision of wheel cleaning facilities.
- c) The applicant does not consider that further mitigation measures in respect of this aspect would be required.

Comments: Appropriate conditions could be imposed to address site entrance design and landscaping and a traffic routing plan.

### **Cultural Heritage**

The assessment undertaken included desk based assessment, geophysical survey and trial trenching.

The assessment confirmed that there were no World Heritage Sites nor Battlefields or Registered Parks and Gardens in the search area around the application land.

The assessment found that the site contains only one recorded feature, a north to south linear cropmark possibly relating to a field boundary.

A geophysical survey was undertaken and identified a number of potential features of interest. Further trial trenching (eighty in number) of the features revealed no features in over half the trenching. Those trenches with features ranging from Late Bronze Age to early Roman.

#### **Mitigation:**

- a) Considered that there are archaeological features present although not of significant interest to prevent the development. It is considered that appropriate archaeological investigation works could be accommodated through planning condition.

Comments: Conditioning the proposal to the proposed working programme and a scheme of archaeological investigation/evaluation could be secured.

**A9 Broadfield Farm, Rayne**

Site	A9
Address	Broadfield Farm, Rayne
District	Braintree
Estimated Yield	4.2 mt
Area:	90 ha
Estimated life	14 years
Method of exportation	Road
Method of Restoration	Low level restoration
After-use	Restoration to a range of managed habitats (Inc. arable)

**Specific issues to be addressed**

A new site located to the west of Rayne and east of Blake End. It has been demonstrated that a satisfactory junction arrangement could be provided to serve this site from the B1256. There are no HGV restrictions on the B1256 and westbound vehicles could access the A120 at Great Dunmow. Eastbound vehicles have more direct access to the A120. A very small section of the south-west of the site is within Flood Zones 2 and 3 but extraction is considered compatible with fluvial flood risk.

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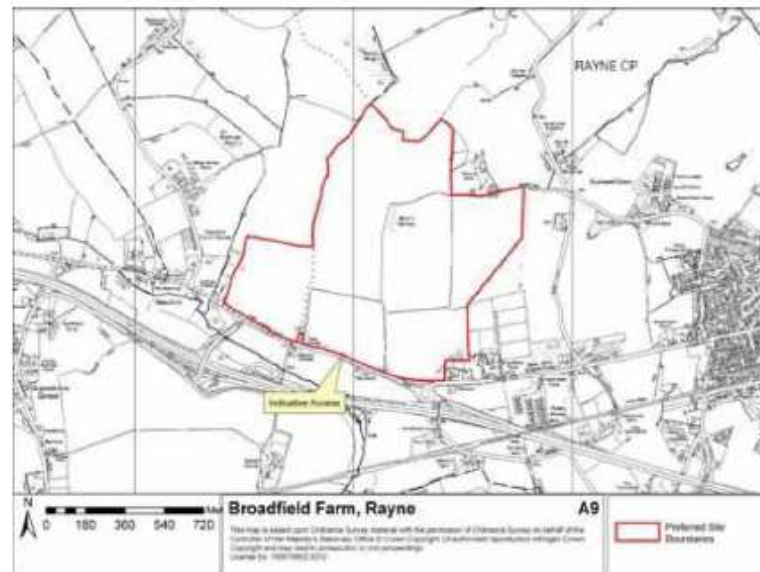
1. Advance planting is well established on the southern boundary and provides effective screening which would increase with time. The northern area is currently very open and would require appropriate bunding/ screening.
2. Rumley Wood Local Wildlife Site lies 60m beyond the northern boundary and Blackbush Wood Local Wildlife Site 300m to the north-west. An appropriate buffer of at least 15m would be required from both sites to protect them from the impacts of extraction.
3. There is evidence of and potential for protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/EIA.
4. A minimum of 100m stand-off distance from the extraction area must be maintained from the closest residential properties, most of which are on Dunmow Road.
5. There is a high possibility for disturbance of below ground level remains within close proximity to the Roman road, including possible remains of a high status Roman villa and prehistoric and Palaeolithic archaeology. A historic environment assessment would be required with any application/ EIA.
6. A number of water abstraction points lie within close vicinity to the site. A hydro-geological assessment would be required with any application/ EIA.



7. Careful consideration must be given to the final low-level restoration contours to ensure the final landform blends with the surrounding topography and that Grade 2 agricultural soils are retained on site.

8. Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site, and the addition of a new Public Right of Way from Blake End to Moors Lane.

#### A9 Broadfield Farm, Rayne





## COMMUNITY ENGAGEMENT 10

Table 10-1 Public Exhibition 9<sup>th</sup> November 2016: Key Issues

Issue Raised	Key Comments	Response
<b>Access: B1256</b>	<p>Concerns were expressed regarding the routing of vehicles along the B1256 to and from Dunmow, with suggestions that the road is inadequate to cater for HGV traffic.</p> <p>It was suggested that all traffic approaching the site would need to leave the A120 at Dunmow which would exacerbate HGV problems on the B1256.</p> <p>It was also suggested that the grade separated B1256 / A120 junction at Rayne should be improved to provide an eastbound off road slip and a westbound access slip road, or that westbound traffic should initially proceed east along the A120 to the Pods Brook roundabout, and then turn around to rejoin the westbound A120 carriageway.</p>	<p>The B1256 previously constituted the A120 trunk road prior to the construction of the new A120 dual carriageway. Following the construction of the new A120, traffic flows on the reclassified B1256 have reduced substantially. However, the B1256 retains the characteristics of its former trunk road status, and now has substantial spare capacity.</p> <p>All traffic approaching the site would not need to travel along the B1256 from Dunmow: traffic approaching from the east, along the A120 would exit at the Rayne junction with the B1417 and then travel along the B1256 from the junction with the B1417 some 670m to the west of the proposed site entrance.</p> <p>It would not be economic to construct a new grade separated junction with the A120 for the temporary operation associated with the quarry development.</p> <p>The suggestion of routing westbound vehicles initially eastbound to the A120 Pods Brook Road roundabout would add circa 8km to the westbound journey; it would be difficult to police and enforce; and overall it would not be in the interest of sustainability.</p>
<b>Access: traffic through Rayne Village</b>	Concerns were expressed that HGV traffic would travel along the B1256 through Rayne Village, including returning traffic from the east which could exit at Braintree and travel along Pods Brook Road and then through Rayne.	This scenario would not be possible since there is a 7.5 tonne weight restriction on the B1256 through Rayne, with prominent signage both to the east and west of the village. Tarmac has made a commitment that they would not transgress this legal requirement, and they could be prosecuted for any such offences.
<b>Access: amenity concerns</b>	Concerns were expressed regarding the amenity effects of HGVs in the immediate vicinity of the quarry, and in particular, the need for HGVs to pass the isolated properties which front onto the B1256 in the vicinity of the proposed site entrance.	This concern is noted and has been carefully considered in the selection of the proposed site access position. Given the frontage with the B1256 which is available, it is inevitable that HGVs would pass some of the properties. However, by locating the access towards the eastern side of the site frontage, it would mean that all traffic exiting the site and

## COMMUNITY ENGAGEMENT 10

		wishing to travel east (circa 50%) would be able to travel to the A120 junction without passing any residential properties. The issue also has to be considered in context and the substantial HGV movements which travelled along the B1256 (A120) prior to the construction of the new A120: the additional movements associated with the quarry would be insignificant compared to those historical movements.
<b>Noise and dust</b>	General concerns were raised regarding noise and dust and the need to control such emissions	These issues are acknowledged and have been addressed in detail as part of the EIA. The scheme itself has been designed with in-built mitigation measures in terms of the increased distance between the extraction area and the closest part of Rayne Village; the screening landform between the site and the village; the substantial perimeter advance landscaping; and the range of operational dust and noise control mitigation measures which have been proposed, and which could be enforced by planning conditions imposed on a planning permission.
<b>Existing wildlife habitat</b>	Whilst there was general support for the proposed restoration scheme and the new habitats to be created, a small number of respondents raised concerns about the loss of the existing habitats and wildlife currently at the site.	Again this issue has been addressed as part of the EIA which has included a detailed habitats survey and a suite of surveys to assess the presence of protected and other species at the site.  Overall, the study concludes that the intensively farmed nature of the site contains limited ecological interest, but mitigation measures have been proposed to safeguard the interests of the wildlife which is present. More positively, the restoration scheme has been expressly designed to significantly enhance the ecological interest and biodiversity value of the site.
<b>Landscape</b>	Again, there was general support for the details of the restoration scheme, but a number of additional comments were made regarding (i) the need for early replanting of hedgerows as part of the restoration scheme; (ii) the need for additional tree planting along the northern boundary; (iii) existing hedge along eastern boundary is insufficient and should be widened; and (iv) no removal of existing hedges.	The restoration scheme will be implemented progressively, and both tree planting and hedgerow planting will be implemented as soon as practically possible following completion of restoration works in the respective phases.  Substantial additional tree planting was undertaken along the northern boundary of the site in the 2014 / 2015 planting season, and the benefits of this will become apparent in the short / medium term as the planting begins to mature.  There is a very substantial mature linear woodland belt along the eastern boundary of the site and this does not need to be supplemented. However the screening value

## COMMUNITY ENGAGEMENT 10

		<p>will be supplemented by the screening landform proposed for land to the west of the eastern woodland belt, which itself will incorporate substantial tree planting.</p> <p>It will not be possible to implement the sand and gravel extraction scheme without removing the existing hedgerows, but the scheme includes proposals for the translocation of lengths of hedgerow in locations to be defined.</p>
<b>Restoration Land Uses</b>	<p>As noted above, there was general support for the restoration scheme, but a small number of respondents suggested that the scheme should include wider land uses such as sports pitches, pavilion and parking as a future amenity for the village.</p>	<p>The scheme has been designed to meet the requirements of Essex CC regarding the very specific nature conservation focus to be provided. Tarmac are thus constrained by these requirements in terms of the restoration land uses to be provided.</p>
<b>Restoration Implementation</b>	<p>A number of respondents raised issues as to who would be responsible for the restoration works, and what would happen in the event of the operator experiencing financial difficulties.</p>	<p>Tarmac would have an obligation to complete implement the restoration strategy as proposed and this would be imposed as a planning condition on a planning permission. They would also be required to undertake 'after care' works to ensure the successful establishment of the restoration land uses and the tree and shrub planting etc. This is a conventional requirement and process for which Tarmac has extensive experience.</p> <p>Tarmac are members of the Minerals Products Association (MPA) which is a trade organisation representing the minerals industry. The MPA administer a 'restoration guarantee fund' which can be called upon in the event that one of its members defaults on restoration obligations. There is no suggestion that a company of the size and standing as Tarmac would need to call upon the provisions of such a scheme, but it is nevertheless available as a safeguard.</p>
<b>Rights of Way</b>	<p>There was general support for the provision of public access as part of the restoration scheme, but a number of respondents suggested that additional rights of way should be provided more extensively across the restored site, and that the right of way should be formal rather than permissive.</p> <p>Additional representations were made by representatives of the</p>	<p>There are currently no rights of way across any part of the application site. The Minerals Local Plan sets an objective for a mineral development scheme at the site to provide an east – west path from Moors Lane to Blake End. This was included as part of the draft scheme together with other links to existing rights of way.</p> <p>The scheme has consciously not included a right of way across the grassland / marshy grassland/ wetland area, partly for logistical and safety reasons, partly to avoid conflict</p>



## COMMUNITY ENGAGEMENT 10

	<p>Essex Bridleway Association to the effect that consideration should be given to creating multi use paths for use as cycleways and bridleways as well as footpaths.</p>	<p>with livestock which will be grazing the area, and partly to avoid interference to the habitats to be created.</p> <p>The scheme thus makes provision for access and for viewing areas across the wetland areas to allow the public to enjoy the amenity of the area which will be created. The paths shown on the plan extend to over 2.3km in length.</p> <p>The comments regarding permissive paths as opposed to formal public rights of way are noted. The Applicants and landowner have responded positively to this, and the scheme has been revised to now include formal public rights of way rather than permissive paths.</p> <p>At this stage the Applicants prefer to focus on public footpaths rather than multi use paths given the conflicts which can occur with conflicting user groups, but the matter can be reviewed further at a later date.</p>
<b>Hours Working of</b>	<p>A number of respondents considered that the proposed hours of working (07.00 – 19.00 Mondays to Fridays and 07.00 - 13.00 on Saturdays) were excessive, and that shorter working hours should be employed.</p>	<p>The hours of working proposed are standard in the minerals industry, and reflect demand for aggregates at construction sites particularly in the early morning period.</p> <p>The working hours proposed thus provide flexibility to respond to demand and are consistent with government guidance regarding noise limits to be applied during these daytime working hours. The EIA noise study has been undertaken accordingly and concludes that with the proposed mitigation measures in place, the development could proceed in accordance with government noise limits throughout the proposed working hours period.</p> <p>In practice, mineral sites have more limited activity after circa 16.00, particularly in the winter months.</p>
<b>Environmental Studies</b>	<p>One resident raised concern that the various site reports (e.g. hydrology, archaeological, environmental impact etc) were not available at the presentation which made it difficult to understand and comment on the potential impact.</p>	<p>The purpose of the exhibition was to introduce the draft scheme and to outline the environmental issues which were being considered. The respective environmental studies had not been fully completed at the time of the exhibition, but all studies will be reported in detail as part of the environmental impact assessment which will accompany the application, and will be available for scrutiny as part of the processing of the application.</p>

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
T: 0333 013 6840  
www.placeservices.co.uk



13 November 2017

Dear Terry,

**Application No:** ESS/19/17/BTE.

**Proposal:** A new sand and gravel quarry at Broadfield Farm, to the west of Rayne, near Braintree, comprising the phased extraction of some 3.66m tonnes of sand and gravel; the installation of processing plant and ancillary buildings and infrastructure; the construction of a quarry access onto the B1256; the construction of a permanent screening landform; the construction of temporary screen mounds in defined locations around the perimeter of the quarry; the phased restoration of the extraction area using indigenous soils; overburden and clay from within the application site to a land use mixture of arable agriculture, lowland acid grassland, lowland meadow, woodland, lake and reedbeds; and public access via proposed public rights of way. (Revised wording)

**Location:** Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA

With reference to the above named application and submitted documents received by Place Services on the 05/10/2017, asking for comments from Landscape and Urban Design, Ecology, Historic Buildings, Historic Environment and Trees. As per the agreed timescale, our comments on the Planning Application as submitted are made below:

**Ecology (Emma Simmonds)**  
**No Objection Subject to Conditions**

**NB Our earlier comments from 28<sup>th</sup> June 2017 are not on the website these must be added urgently as the comments below refer to them, but do not repeat them in full.**

Please find my additional comments set out below. These are further to:

- my previous response of 28<sup>th</sup> June 2017;
- our office meeting with Tarmac, SLR and the ECC Minerals and Waste team on 17<sup>th</sup> July;
- the additional recent updates to documentation submitted; and
- SLR's letter of 31<sup>st</sup> August 2017, entitled 'Summary of Additional Documents' on the ECC planning portal.

Please note that some of my previous comments are included, which are in *blue italics*.

**EUROPEAN PROTECTED SPECIES**

Place Services is a traded service of Essex County Council





#### **Great Crested Newts (GCN)**

*There is a ditch and remnant ancient hedgerow on the northern boundary of the site, which is not shown on the phase 1 habitat map but this pond has not been surveyed or even described or assessed and there is no justification for this in the GCN report. A view from the ecologist must be provided prior to the granting of planning permission.*

The applicant's ecologist has advised that the pond was dry when they were undertaking the GCN surveying, which is why it was not included.

I note that it is stated that ponds will be created; however, I am unable to see any on the restoration plans, only one large lake. This would not particularly benefit great crested newts.

#### **Bats**

*At least five species of bat (common pipistrelle, soprano pipistrelle, noctule, Barbastelle and Myotis sp.,) were detected foraging and commuting within the site.*

*There was one tree present within the site which offers moderate roosting potential for bats; this is a mature pedunculate oak tree in Moors Lane (which will be lost).*

*The planting of connected woodland in close proximity to water is important in ensuring that this species is protected during and after the works. However, please note that the mitigation proposed for bats (linear features eg hedgerows and linear woodlands) is contradictory with the requirements for grazing marsh. This should be acknowledged and it should be demonstrated that this issue has been addressed.*

No change

#### **HABITATS**

##### **Concept Restoration Proposals**

*PART II section 2.2.8 (pg. 42) of the SPG states that "the landscape form consists of the proposed contours and their relationship to the existing contours of the area. The contours should be carefully designed to create the new landform. Contours should be shown at 0.5 metre intervals on proposed restoration plans and adequate sections provided to show the relationship of existing and proposed landform. Gradients should be designed to provide the right conditions for biodiversity, agriculture and amenity."*

*These contours need to be provided as soon as possible for the lake areas.*

I note that a Typical Restoration Profile and Land Use Cross Sections (August 2017) has been submitted, which is helpful.

Please be advised that there are fundamental discrepancies which need to be amended or clarified prior to determination. On the Concept Restoration Proposals plan the light blue colour is defined as shallows/ reedbeds on the key and there is an additional strip of marshy grassland (coastal and





floodplain grazing marsh priority habitat) outside of this all the way round the lake. However, this marshy grassland appears to have disappeared on the profile plan.

In addition, the aquatic marginal vegetation which is 1 to 1.5 m deep. This should not be more than 1 metre in depth where it is to create and maintain the reedbed.

Wet damp scrubland- a different name has been used? Presumably this is the same as wet woodland?

#### **Adherence to the SPG target of 50ha of priority habitat**

*It is not clear that the proposals meet the 50ha target set out and details require further clarification. The recently submitted planning application proposes altering the proportions of priority habitat from that proposed within the SPG; most noticeably less acid grassland is proposed.*

*It is also not clear how much reedbed would be created.*

At the July meeting we were advised that 5.9 hectares of reedbed will be created

My current understanding is that the priority habitats- as listed within the SPG and MLP- are proposed as follows:

- **Lowland meadows** (also referred to in the supporting documents as 'lowland neutral grassland/ meadow) – 34.1 ha. This includes 7.77ha on the screening bund but excludes 5.85ha (4.56 ha of semi-improved neutral grassland to be lost).
- **Lowland Acid grassland**- 2.53 ha
- **Reedbeds**- 5.9ha

This amounts to **42.53 ha** priority habitat, not 48.38ha as stated by the applicant (who has included the arable field margins in the figure).

The landowner has committed to 50ha of priority habitats, as detailed within the SPG. The other new habitats proposed by this application as part of the restoration process; as part of the mitigation and enhancement are:

Habitat	Hectares gained	Hectares lost	Balance (ha)
Marshy grassland /floodplain grazing marsh)	5.34	0	5
New broadleaved woodland 6.55 ha of existing relatively recent plantation woodland will be retained	5.49	0.49 including Moors Spinney	5





(12.04 ha total including existing boundary woodland)			
<b>Waterbodies/marginals</b>	9.3 ha	0	9.3
<b>Hedgerows</b>	3360 metres created (in addition to the areas retained)	931 metres of hedgerow, including Moors Lane, to be lost	2429
<b>Arable</b>	22.36 ha	77.82 ha	-55.46
<b>Arable field margins</b>	5.85		

Most of the perimeter habitats are to be retained.

The inclusion of other new habitats (as compensation, mitigation and enhancement), including other priority habitats, is welcomed and it is recognised that plans can change as they are developed. But these priority habitats are not within the SPG for this site and there is currently a slight potential shortfall in order to meet the SPG target. Having said that, floodplain grazing marsh is listed within the SPG and so is particularly welcomed and it would help to meet the SPG target shortfall (although, as stated above, it is not included within the profile plan). But, as explained previously, this habitat (ie the birds using this habitat) requires large areas of open space without woodland (see further discussion below).

#### **Mitigation, compensation and enhancements**

*It is difficult to separate mitigation and compensation from enhancements as the habitats have been proposed for both.*

*Mitigation and compensation is set out in part 8 of the Planning Application Statement (PAS), within the Environment Statement (ES), within individual species reports (Appendix 7 of the ES) and within the Biodiversity Statement and Mitigation Plan.*

The PAS has not been re-submitted, but the position has been clarified in SLR's letter of 31 August 2017 (point ii).

*Enhancements are set out within part 7 of the PAS, the BEP and with the ES.*

*The planning application documents propose that restoration will be successional, which is welcomed. However, biodiversity/ habitat creation is not shown on the Phased Working and Restoration drawings until the final phase; it would be helpful if the restored habitats could be shown on these phased plans to help to demonstrate what will happen and when.*

There appears to be a slight discrepancy between the Concept Restoration Proposals plan (August 2017) and the plan entitled Block Phased Restoration Stages (August 2017). The corner in the north west is shown on the former plan as being Lowland Neutral Grassland. It is currently arable and it is shown on the latter plan as undisturbed land, implying that there will be no management to create grassland.



*The Planning Application Statement (PAS) creates some confusion with priority habitats as it uses different terminology (in section 7.4 and 7.5) from the national priority habitat list (used in the SPG) and includes non-priority habitats as priority habitats. Equally, the restoration plans do not use the standard terminology and the key should be altered to reflect the standard nomenclature.*

The PAS has not been re-submitted. It would be helpful if any future documents submitted refer to the formal priority habitat name.

#### **WOODLANDS AND HEDGEROWS**

##### **Loss of Moors Spinney and Moors Lane**

*Moors Spinney, is proposed for removal within the application. We have not located any justification for the change of plans for the Spinney within the EIA.*

This has still not been formally provided though it is understood to be necessary for the viability of the scheme.

My concerns about the principle of the loss of more Spinney and Moors Lane remain. The applicant proposes that 5.49 hectares of compensatory broad-leaved woodland will be created. Should the LPA decide that sufficient justification has been provided and that the overall gains of the proposals would outweigh the loss- I recommend that broadleaved semi-natural woodland is not created on the island for the following reasons. The wet woodland proposed for the island is a different habitat from that which it proposes to compensate. The water levels require very careful management for wet woodland to be successful. Furthermore, the wet woodland would reduce the ecological functional ability of the floodplain grazing marsh (though not necessarily the reed beds), eg by encouraging raptors which could predate the eggs and chicks of wading birds.

**I would therefore recommend that broadleaved semi-natural woodland should be created elsewhere on the site, preferably with connectivity to hedgerows. Any additional overburden could be used up around the perimeter of the lake.**

##### **Other woodland and hedgerows**

*Mountain ash is not a locally native tree species and should not be planted in trees or hedgerows.*  
Amended

*Formative pruning is not necessary.*  
Amended

*There is a discrepancy regarding the management of hedgerows within different documents. 8.22 states that hedgerows will be cut yearly. However, in the bird report it recommends 3 yearly. Hedgerows should not be cut every year and should be cut on a rotational basis every two or three years.*

This has been updated to say three years within the BEP (section 8.22)





*Coppicing is preferable to laying hedgerows as coppicing is the traditional technique in Essex. This has been updated within the BEP (section 8.21).*

*Hedgerow translocation* -The principle of the translocation of hedgerows to alternative locations has been established. Final details can be secured by condition.

#### **Grasslands/ Lowland meadow /arable field margins**

*The existing semi-improved grasslands will be lost as result of the proposals and the Environmental Statement (ES) states that 39.95ha of lowland meadow will be created (including field margins) and 2.53 ha acid grassland. The lowland meadow area figure appears to include 7.77ha on the screening bund*

*Using bunds to create semi-improved grasslands with wildflowers is welcomed, but the final figure for lowland meadow priority habitat should not be included in this figure. To include it, the bunds would need to be permanent, should not be too steep and the soil will need to contain low nutrients. Top soil bunds would be likely to be too high in available nutrients.*

We were advised in the July meeting that the gradients would be sufficiently gentle for these areas to be managed effectively. Also that they will be permanent: "This will be established as a permanent feature as a large scale profiled landform with gently sloping margins."

*Field headlands are not the same as unimproved grassland, although they are described as such here. They are included within the area figures for lowland meadow priority habitat, but should not be included within these figures.*

This is referred in section (i) *Adherence to the SPG target of 50ha of priority habitat* of SLRs letter of 31<sup>st</sup> August and I have listed it in my table above. They are a welcome facet to the scheme but should not be included within the proposed Lowland Neutral Grassland area figure and the Concept Restoration Proposals should be amended accordingly.

#### **Waterbodies/ margins & Coastal and floodplain grazing marsh priority habitat ('marshy grassland')**

*9.3 ha of standing water, scrapes and margins will be created. It is not clear exactly how much of this area would be reedbed, which is the target priority habitat. This needs to be clarified for the purpose of monitoring and for meeting the targets within the MLP/SPG.*

This was clarified in the July meeting as being 5.9ha.

*It is not necessary to create an island as this creates management difficulties and would require the retention of substantial amount of material to create it. It would be more advantageous to use this material to create a greater extent of irregular margins and gently sloping banks around the*



*margins. Should an island be created it should not contain woodland and instead be low lying and designed for nesting waders.*

The applicants explained at the July meeting that the wet woodland on the island had been included in order to help compensate for the loss of the woodland (Moors Spinney) and it would help to use up the overburden and maintain essential water flows. My views on this are set out in the woodland section above.

*The habitat referred to as 'marshy grassland' is understood to be the 'coastal and floodplain grazing marsh' priority habitat. This habitat is listed as one of the priority habitats within the SPG, although not specifically for this site. It is proposed to locate this around the perimeter of the waterbody. In order to attract breeding waders there needs to be a large expanse of open habitat with no trees or bushes nearby. The SPG advises the following in PART IV 1.0 Coastal and Floodplain Grazing Marsh.....*

My views on this are set out in the woodland section above. The proposed woodland should be reduced near to the lake for the coastal and floodplain grazing marsh priority habitat to be effective. As mentioned above, there is a discrepancy with the profile plan which need amending urgently.

#### **Biodiversity Enhancement Plan (BEP) (aftercare and extended aftercare period)**

This can be updated by condition and through the S106, as required.

#### **Habitat and document naming**

*It would be helpful if the applicant could alter any future versions of documents to ensure that habitat names are used consistently to provide clarity, using the priority habitat name.*

This has not been done yet and the priority habitat names should be used on any future documentation.

*The front page title of the Biodiversity Statement and Mitigation Plan (Vol 5) is not the same within the document- ie Biodiversity Statement and Management Plan*

This has been updated

#### **Conditions**

I recommend that the conditions are used as previously proposed on 28<sup>th</sup> June.

#### **Conclusions**

While I still have concerns with some of the details, as highlighted above, it is anticipated that there would be an overall net gain in biodiversity, and the proposals would go towards meeting the priority habitat targets set out for this Flagship site within the Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity Minerals SPG, while not completely fulfilling them (42.53





ha out of the 50ha priority habitats originally proposed for this site). There will be less lowland meadow than is implied due to the inclusion of arable field margins within the calculations.

Should the Minerals Planning Authority be minded to accept the alterations as well as the loss of Moors Spinney and Moors Lane and to grant planning permission, most of the above points can be dealt with posting permission through conditions and a section 106 agreement.

However, the Typical Restoration Profile and Land Use Cross Sections (August 2017) plan, requires urgent attention, and should not be left until after permission is granted as this would be a significant divergence in habitat from the Restoration Proposals Plan.

#### **Historic Buildings (Richard Broadhead)**

##### **No Objection**

*There are primarily two groups of listed buildings whose settings will be affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have an lesser impact than on the previously identified groups.*

*The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.*

*These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.*

The construction of the quarry will impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, as it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial, as per paragraph 134 of the NPPF.

#### **Historic Environment (Teresa O'Connor)**

##### **No Objection (Subject to Condition(s))**

Assessment of this site has previously comprised a desk based study and geophysical survey which was followed by a limited targeted programme of trial trenching largely to assess the results of the geophysical survey. It is clear from the report submitted that the methods and sampling strategy used for the assessment of the below ground archaeological deposits have not been sufficient to predict the extent of archaeological remains on this site. The present evaluation has provided a basic understanding that both prehistoric and Roman occupation is present but the nature or extent have not been defined. (The typical



evaluation percentage used in Essex is for a 4% sample of the development area to be trenched with a further 1% of trenching retained to further refine interpretation). The methodology recommended by ECC advisors is supported by the results of the PLANARCH survey (Hey and Lacey 2001).

A suitable mitigation strategy can only effectively be achieved by using a sound understanding of the location and extent of archaeological remains as defined within the NPPF. The present work undertaken has not fully achieved this and the mitigation proposed does not take this into account.

A second phase of evaluation by trial trenching will be required in order to define the extent and significance of the heritage assets (archaeological deposits) that have been identified and which will require excavation prior to development.

A phased approach to archaeological work will be required. Suggested wording for the archaeological conditions is set out below. Completion of each component of archaeological work will trigger the phased discharging of the conditions

Condition 1: Archaeological evaluation by trial trenching shall be undertaken in each phase of mineral extraction in order to fully evaluate the archaeological potential and to further define areas for potential excavation. This work shall be undertaken to the standards required by the local planning authority acting through its historic environment advisors.

Condition 2: An archaeological mitigation strategy detailing the excavation/preservation strategy shall be agreed with the local planning authority through its historic environment advisors.

Condition 3: No development or preliminary groundworks can commence until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and signed off by the local planning authority through its historic environment advisors .

Condition 4: The applicant will submit to the local planning authority a post-excavation assessment for each phase of mineral extraction (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

Condition 5: The applicant will submit to the local planning authority a post-excavation assessment for the whole site on completion of all fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority, through its historic environment advisors).

Reason for Condition 1: To enable full evaluation of the total area with a more suitable methodology to enable a better understanding of the nature and extent of the archaeological remains within the development

Reason for Condition 2: To ensure that any areas of archaeological significance identified through evaluation are dealt with using suitable mitigation methods.





Reason for Condition 3: To ensure the implementation and completion of the mitigation strategy on site, including any excavation required prior to the commencement of any development on site in order to ensure preservation by record

Reason for Condition 4: To ensure that the results of the fieldwork of each phase are reported on and made available to the HE Officer and public in a timely and appropriate manner, in order to inform on subsequent phases

Reason for Condition 5: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record

**Landscape (Anne Westover)**

**No Objection**

*No objection, subject to some further considerations, and conditions relating to details of landscape and restoration.*

In response to this further consultation following receipt of amended documentation I have considered my previous comments (Place Services response 28<sup>th</sup> June 2017) in *blue italics below* and have updated these as follows:

**1. Minerals Local Plan Appendix 1 noting the following specific issues to be addressed.**

*Issue 1. I have noted that the southern boundary planting does not effectively screen views of the site area from the road but this is a matter which could be remedied over time. Additional tree and hedge planting has recently been introduced to the northern boundaries of the site area.*

The management of the tree belt to ensure improvements to the density of plant growth and effectiveness of screening can be covered by a landscape management condition requiring works to commence at same time as the commencement of any quarrying operations.

*Issue 4. I note the requirement for a minimum stand-off distance of 100 metres (Para 5.20 MLP) between the closest properties and the extraction area. The closest properties to the extraction area are Rose Cottages (zone 1) some 70 metres from extraction area, and Clovelly (zone 5) also some 70 metres away. The visual impacts arising from operations on these two residential receptors have been assessed as Moderate-adverse and Moderate (respectively). This will be very much dependant on the management of the tree planting belt, the detail of the proposed bund (where space is limited) and further planting which may be required. The reduced stand-off distance will result in greater visual impacts beings experienced in addition to other potential impacts from noise and dust.*



As above with Issue 1 and in respect of the landscape buffer planting the management of the tree belt to ensure improvements to the density of plant growth can be covered by a landscape management condition.

*Issue 5. The proposal to create a new public right of way between Blake End and Moors Lane has not been incorporated into the restoration plan. Indeed Moors Lane is proposed to be removed by the extraction, phase 8. Note my point below at \*.*

This matter has not been fully addressed by the agent. The footpaths proposed with the recent addition of a link through to Pods Lane will provide some beneficial walking routes but do not create the wider benefits which could have resulted from the objective behind the site allocation Issue 5. This matter in addition to those concerns expressed by the Bridleways Association should still be addressed within the restoration proposals. There may be scope to require the final scheme of access routes via condition.

## **2. The submitted Environmental Statement, LVIA and LVIA figures**

Previous errors relating to submitted documentation relating to LVIA receptor locations, LVIA tables, and the zone maps have been addressed. Further information has been provided for clarification on the Visual receptor location plan, the Visual receptor references and the Photographic Location Plan.

## **3. The proposal and visual impacts**

*I have some concerns about the proposal as it is currently designed. Whilst I am satisfied that views into the site from public areas are limited there are views into the site area and landscape features proposed to be removed which need to be considered and evaluated in more detail.*

*The young-maturing perimeter planting belts provide some containment to the site however there are views through and across the tree belts and boundary hedges from points along Pods Lane in the east and the Great Saling road in the west.*

*I am concerned that there appears to have been a limited review of viewpoints from Zones 1 and 2 and with little reference to the possible impacts arising from the plant site, equipment, buildings and the site access onto the Dunmow Road. There is little detail on the latter aspect and the visual impacts/mitigation resulting from visibility splays and loss of sections of roadside hedge.*

The site access plan has been amended with the design of this providing a little more screen bunding and planting. The detail relating to this plan can be required by condition, with implementation carried out at early stage.

*I note the reference to the plant site elements in LVIA para 6.5.3 with the mineral processing plant set at 15 m in height. The ZTVI was helpfully based on an 18 metre height. However the LVIA does set out the consideration to the visual impacts arising from the plant site nor the design or*





*mitigation employed to deal with visual impacts. It would seem likely that there will be views of these elements both from nearby properties, views from the south (beyond Zone 1), the Dunmow Road, B1417 flyover and through the site access opening.*

*The screening value of the perimeter tree belts to the site area appears to be overestimated. I noted many views through the planting from both the Dunmow Road and Pods Lane. This could perhaps be partially remedied over time through positive management, coppicing of some species (to produce thicker lower growth subject to the penetration of natural light) and additional planting. However no specific management recommendations have been proposed at present (this could be conditioned). There are references to hedgerow translocation in both the Planning and Environmental Statement but no detail. There may be scope to use the relocated hedges to improve the boundary screening, however care would need to be taken with respect to disturbance of established plantings and there may be delay on effectiveness.*

*The tree survey has identified some young tree groups of having poor vitality, and some groups where failures have occurred, e.g. G15 and G36. Where new plantings are of poor quality this will need to be remedied. The presence of non-native poplar, laurel and conifer in the tree mixes will need to be addressed through management to ensure that their initial screening value is maintained but that inappropriate species are not retained into the longer term. This is a topic requiring discussion, and clarification. Planning condition/s will be needed to secure long term management.*

*The principle of the translocation of hedgerows to alternative locations, particularly Hedge H1 and H16 has been agreed. Final detail of both this aspect and other management matters referred to above will need to be secured by condition linked to the full landscape and management details.*

*Zone 2 from Pods Lane there is a particularly notable gap in the screening vegetation at the southern end of tree group G36. It seems likely that the plant site will be partially visible from the lane as some of the structures will rise above the finished raised eastern landform but I have not found reference to this. It is not clear whether the new planting located within the eastern landform area has been designed to achieve visual mitigation or for other reasons.*

*The LVIA process has not considered potential views from Rayne and from the public right of way (ECC ref 103/24) located to the east of Pods Lane.*

*Viewpoints from the east have not been specifically evaluated. Final planting design and detailing within the eastern landform to be carried out as part of initial Phase 1 works will need to be conditioned. I also advise that the long term management of the tree belt bordering the east of this area of land (and partly situated beyond the red line of the application area but appearing to be located within current landowners land) should be subject to the Landscape management plan, secured by condition.*

*Zone 3 There will be views into the working site area particularly during phases 6, 7 and 8 from the public right of way (ECC ref 103/4) and from Old Hall Cottages. The assessment from within Zone 3 appears to be limited in its scope.*



*The assessment text on pages 89 and 90 appears to state both that individual receptors will experience views of the site areas (phases 5 – 8) and some may notice soil stripping activities but also that ‘no visual receptors within this zone will currently have a view of the site and nor will they receive any change in view as a result of the proposed development’.*

*It is possible that this text is misplaced and refers to views from Zone 4? This was confirmed at the meeting on July 19th. Adverse visual impacts are likely to be experienced by properties within Zone 3.*

*I think it likely that views from this Zone 4 will be largely screened by the presence of Rumley Wood and Golden Wood. The LVIA table refers to Onchor’s, Muchmores and Park Farm although these farms all lie beyond Zone 4. The viewpoint locations are not annotated LVIA zone map. The Zone 4 Figure 12 map contains two photographs but their locations points are not specified.*

These points have been addressed on the new plans showing both the viewpoint and photograph locations points.

*Zone 5 The LVIA indicates that there are viewpoints of the quarry site from both individual properties and from the Blake End Craft Centre. This is a popular tourist attraction and recreational facility with the shops, café and wider attractions of mini golf and the Maize Maze. The LVIA page 92 states that impacts from views will be remedied ‘simply’ by letting the northern boundary hedge to Phase 3 grow up in height. It is stated that some supplementary planting could be beneficial, but the form that this may take is not described or shown on plans.*

I think that continuing hedge management is important, there is scope to allow a little more height to develop but continued management to ensure well-formed dense hedge growth is important. However there is scope to add hedgerow trees set in alongside the southern edge of the ditch here, not to interfere with ditch management but to provide additional landscape screening and structure. This can be dealt with by condition.

*I think it is likely that the visual impacts on views from the properties along the road, the Great Saling road and Blake End will be greater than indicated in the Table 6-11 particularly due to the presence of the plant site and at Phase 8 when the removal of the central hedge and Moors Spinney takes place. I have not noted an analysis of these impacts or an assessment of the landscape mitigation needed to remedy these impacts.*

*The LVIA on page 92 states that new opportunities for people to access and visually experience the restored quarry site will be created, however the proposed routes all link onto the Dunmow Road and not to any other publically accessible points within Zone 5 (note my point at start of this response\*).*

The proposed route has been extended through to Pods Lane, but not along Moors Lane, this represents a minor improvement to the route option.





*This is a good point to mention the blue line plan indicating the applicant's ownership. I have not located this plan but if there are opportunities to deal with both visual and landscape impacts through measures taken off-site and within the landowners control then these should be explored. Again if there are public rights of way improvements which can be achieved either within or beyond the landowners control then these also need to be considered at an early stage. I have noted para 5.48 of the MLP and the opportunities to provide new or enhanced rights of way. This matter is also referred to on page 39 of the submitted Environmental Statement but I am unclear why a more comprehensive footpath network has not been proposed.*

#### **4. The proposal and landscape impacts**

*I have concerns that the assessment process and resulting quarry design has not fully explored the possibility of retaining the most prominent landscape features, that of the Moors Spinney, Moors Lane and its associated mature trees and hedgerow.*

*These are significant landscape features and typical of the small woods and sinuous often fragmented hedgerows of the local landscape character type. However they have not been fully assessed either in terms of their landscape value or the impacts on landscape character which will result from removal.*

In respect to Moors Plantation (remnant ancient woodland) and Moors Lane hedge and mature trees this more full evaluation has not been provided. Neither landscape feature have been specifically identified in Table 6-3 Page 77 'Effect on landscape receptors'. The loss of both types of features has been described in broad terms as resulting in a Low adverse magnitude of effect. However given that these landscape features (small woods, sinuous hedgerows and hedgerow trees) are scarce in the locality, visible and provide historic evidence of past landscape I consider that their loss will result in a Moderate adverse magnitude of effect.

*The need to safeguard such landscape features is set out in the MLP. I have noted in particular para 5.39. Neither the Planning Statement (PS) nor Environmental statement fully evaluate or describe the landscape feature or set out the reasons why retention and assimilation into the phased extraction scheme is not achievable. Pages 38 and 39 of the PS covering woodlands and hedgerows make no mention of Moors spinney or Moors lane.*

*The species composition of the woodland and hedgerow are set out in the tree survey and we noted whilst on site that the centre of Moors Spinney still retains its native species. Later less appropriate perimeter plantings (conifer and poplar) have increased its presence in the landscape but also given it the appearance of a plantation. The historic mapping presented in the Planning appendices (Phoenix Consulting for Lafarge) clearly indicate that the spinney and lane are part of a much wider more ancient woodland area. The process of removal appeared to take place at separate times in both the C19<sup>th</sup> and C20<sup>th</sup>. The remaining woodland is the last remnant of the older woodland area and may also contain important understorey and groundcover species and seed source.*



*The retention of the Moors Lane element of planting would be particularly beneficial (if practically achievable) in terms of achieving the objective of MLP Issue 5 and a new public right of way.*

*I have noted Figure 5 of the LVIA and the related description of the local landscape types (LVIA page 74) but this does not clearly set out the importance or landscape value of the most prominent remaining features.*

*There are clear views of Moors Spinney from the B1417 flyover. Here the wood forms a prominent skyline feature and will likely form a backdrop to views of the plant site until removal in Phase 8. Further assessment of the visual and landscape impacts of the woodland and its possible removal is needed.*

This has been carried out and the assessment is contained in Drawing No. M15.131 (g).D.003. This is an additional viewpoint but is not shown or numbered on the visual receptor location plan. The assessment concludes that the overall visual effect to road users/receptors using the B1407 flyover will be Moderate/slight adverse taking into account the loss of woodland and views of the quarry operations. However the prominence of Moors Spinney is well illustrated by the additional viewpoint photograph.

Given that the woodland and trees are a skyline feature and visible in the wider landscape I consider that any approved removal/loss needs to be more adequately compensated by new woodland planting on the west, north and east boundaries to Phases 5, 6, 7. This would enable the advanced planting blocks, which are currently of minimal size to be expanded to create greater landscape impact in future. In particular the blocks which could be expanded by new planting are listed as G20 and G22 on Tree survey plan and schedule.

*I have noted that the avenue of plane trees (running north to south from Moors farm) has not been described as a landscape resource (and can understand the reason) and I question the value of retention given the objective behind the restoration scheme. The Planning Statement describes these as a 'locally characterful avenue', however they are immature trees and do not appear to be thriving.*

There will be scope to replant more appropriate native tree species in the new hedgerows proposed alongside this feature, this may provide better longevity in tree stock. This can be dealt with by condition.

## **5. Proposed plant species composition**

*I have referred to the Planning Statement section 7 with respect to plant species proposed for new tree, shrub and hedgerow planting. The species lists appear to be somewhat limited in their variety and there is likely to be scope for other native tree and shrub species to be included. It is highly*





*unlikely that ash will be available to use given the prevalence of ash dieback. Consideration will be needed as to removal and replant within existing young plantations.*

*Species choice will need to be carefully detailed across the site in order to that plantings are both suitable for the area but also characteristic of the landscape/habitat being created as part of the restoration concept. Hedge translocation options need to be explored further.*

We have discussed these matters with the agents and some have been attended to within the species mixes contained within the amended Biodiversity Enhancement Plan. There is a need to address the matter of a more comprehensive woodland planting scheme through the restoration proposals. At this stage matters of design and final species composition can be dealt with. This will need to be covered by condition.

*We have discussed obtaining the citations for the local wildlife areas/ancient woodland for Rumley and Golden Wood. Two points of interest: 1) what is the likelihood of ash dieback affecting the landscape presence, through loss of ash in the woodlands (noting the 2012 Landscape Institute LVIA advice note) and, 2) the species present in the woodland could be used as a guide for planting choices for the quarry landscape restoration scheme. Local provenance for new species should be obtained and there is time to plan ahead with local nurseries in order to achieve this.*

There will be scope to achieve this through monitoring and active forward planning in respect to plant availability will be through the planning and monitoring process. Any ash decline in the more recent plantings around the site perimeter will need to be monitored with management and possible replacement planting taking place to ensure that density is maintained.

#### **Conclusion**

Whilst I am broadly supportive of the proposed scheme I consider that there is still a need to consider some specific aspects of the proposal, in particular the loss of woodland (Moors plantation) and mature trees and hedgerow (Moors Lane), compensatory woodland planting and an improved restoration plan with a more comprehensive public right of way network.

#### **Conditions**

Suitable conditions will be needed to cover further detail for the following aspects:

Tree, hedge, woodland protection.  
Final landscape scheme, species, specification and phasing of implementation  
Detail of the site access and plant site, with bunding and planting details  
Compensatory woodland planting  
Landscape management plan and timescales for this.

I will happy to advise further on conditions in addition to the need for the S106 agreement to include clauses relating to implementation as required.



**Trees (Anne Hooper)**

**Comment**

Again, all points of interest to Tree Team have been covered thoroughly by landscape Team, in particular relating to the hedgerow and mature tree on Moor Lane, and the request for more comprehensive planting schedules.

**Urban Design (Martin Ivatt)**

**No Comment**

No Comment with regard to Urban Design.

I trust the above comments will be of use to you, should you have any queries please do not hesitate to contact me, or the named specialists detailed.

Yours sincerely,

Sally Gale  
Consultant, Place Services  
03330 136846  
sally.gale@essex.gov.uk



## **Supplementary Note to Terry Burns, Senior Planner**

**Application No:** ESS/19/17/BTE.

**Proposal:** A new sand and gravel quarry at Broadfield Farm, to the west of Rayne, near Braintree.

**Location:** Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA

**From:** Place Services, Anne Westover, Emma Simmonds, Landscape and Ecology

**Date:** 30th November 2017

Further to my comments contained within the Place Services responses dated 28<sup>th</sup> June and 13<sup>th</sup> November, I offer the following additional comments. These reflect our internal meeting on 21<sup>st</sup> November and the letter from G Jenkins SLR dated 20<sup>th</sup> November. Here are our supplementary comments.

### **Landscape (Anne Westover)**

**Public right of way** I am confirm that I am content to accept that the MLP Issue 8 relating to public rights of way will not be achieved but I wish to reiterate my concern that the wider benefits arising from a link between Blakes End and Moors Lane will not arise. Shorter walks linking from the Dunmow Road and through to Pods Lane will give the local community some additional walking options. These are not currently proposed to cater for cyclists or horse riders. I support the request from Highways to secure the proposed east to west PROW as a bridleway.

**Loss of woodland and trees** I continue to have concerns about the loss of Moors Spinney (remnant ancient woodland) and Moors Lane hedge and mature trees, but I accept that it may not be feasible or viable to extract sufficient mineral without their removal.

On the basis that the removal of these landscape features is approved by the MPA I continue to request further compensatory woodland planting as stated in the PS response of 13<sup>th</sup> November:

*'Given that the woodland and trees are a skyline feature and visible in the wider landscape I consider that any approved removal/loss needs to be more adequately compensated by new woodland planting on the west, north and east boundaries to Phases 5, 6, 7. This would enable the advanced planting blocks, which are currently of minimal size to be expanded to create greater*





*landscape impact in future. In particular the blocks which could be expanded by new planting are listed as G20 and G22 on Tree survey plan and schedule'.*

There is scope to extend, thicken and create stronger links between the small woodland planting blocks on the west and north boundaries, and to rationalise the blocks of planting on the eastern meadow. The latter can be achieved at early stage of operation. I note the desire by the applicant to provide the extent of wet woodland shown on the restoration plan but agree that this must be designed to reflect the advice provided by our ecologist Emma Simmonds to give maximum biodiversity potential. The species mix here will differ from the other woodland areas, which should more closely reflect local planting and ancient woodland composition.

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#### **Garden Community, potential site allocation**

I would expect any further mineral extraction in this area to be highly sensitive to retaining established landscape features in order that these are not compromised or eroded by extraction. Natural and established landscape features will need to form the basis for a well-designed master plan and green infrastructure for development. As such the retention of landscape features should be a high priority under any further extraction proposals. This should include any woodlands, copses and hedgerows.

Of particular importance and taken from the previous response comments are the following:

*'However given that these landscape features (small woods, sinuous hedgerows and hedgerow trees) are scarce in the locality, visible and provide historic evidence of past landscape I consider that their loss will result in a Moderate adverse magnitude of effect.... The need to safeguard such landscape features is set out in the MLP....'* There are likely to be other situations within the broader area where such loss would have more significant adverse landscape and visual impacts.

I have noted the response to the application dated 26<sup>th</sup> October 2017 from Braintree DC. It would seem likely that should the garden community land area be allocated as part of the adopted Braintree Local Plan then there will be a need to review and amend the quarry restoration landscape plan at a future date. This would need to reflect the master planning concepts (for the garden community) for green infrastructure, landscape, biodiversity, public rights of way and open space proposals.

#### **Suggested Conditions:**

##### **Pre-commencement conditions:**

- Tree, hedge, woodland protection.
- Final landscape/restoration scheme details for new planting areas, species, specification and phasing of implementation.





- Detail of the site access and plant site, together with bunding and planting details
- Compensatory woodland planting
- All other details relating to restoration works including the water bodies
- Landscape management plan for the existing hedges, tree and woodland blocks to be retained.

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**Post commencement conditions:**

- Landscape management plan and timescales for this. To be linked to S106 agreement

Anne Westover Landscape Architect Consultant  
29<sup>th</sup> November 2017

**Ecology (Emma Simmonds)**

**Adherence to SPG target**

I acknowledge that the overall scheme should create a positive gain for biodiversity and I have set out the ways in which the proposals will and won't meet the MLP target relating to Policy S12 (and reiterated within the accompanying *Mineral Site Restoration for Biodiversity* SPG) within my previous responses (28<sup>th</sup> June and 13<sup>th</sup> November). The level of importance that the MPA attributes to meeting these targets is a decision that the MPA will take.

**North West corner discrepancy**

It has been clarified in SLR's response of 20<sup>th</sup> November that the area in the north east corner will become lowland neutral grassland priority habitat as part of the restoration of the adjoining area, presumably as part of Phase 8; this is welcomed. Soil manipulation may still be required prior to habitat creation to ensure that it is appropriate for the grassland creation.

**Moors Spinney and island planting**

Like Anne Westover, I continue to have concerns about the loss of Moors Spinney (remnant ancient woodland) and Moors Lane hedge and mature trees, but I accept that it is likely that both will be removed by the proposal and that it does not appear to be feasible or viable to extract mineral without their removal. I also support Anne's comments with respect to the benefit of creating larger woodland blocks.

However, I have consistently requested that there is no woodland on the island and my comments still stand on this issue; I have also discussed this with ecology colleagues, who are in agreement with me. The reasons for the applicants wishing to retain the island are not explained in SLR's



recent correspondence (20 November) but my understanding from the meeting on 17 July 2017 is that the island is required to help aid water flows in the lake and that the woodland is proposed to help compensate for the loss of Moors Spinney. However, as stated previously, grazing marsh requires large open spaces to allow ground nesting birds to breed and the island should be low lying with no trees to encourage ground nesting birds. The equivalent sized woodland would be better placed elsewhere on the site, preferably by creating larger woodland blocks.

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On the basis that removal of the existing Moors Spinney is approved I continue to request the following, as stated in my previous response.

"The wet woodland proposed for the island is a different habitat from that which it proposes to compensate. The water levels require very careful management for wet woodland to be successful. Furthermore, the wet woodland would reduce the ecological functional ability of the floodplain grazing marsh (though not necessarily the reed beds), eg by encouraging raptors which could predate the eggs and chicks of wading birds.

I would therefore recommend that broadleaved semi-natural woodland should be created elsewhere on the site, preferably with connectivity to hedgerows."

I welcome further discussion on this subject if it is felt to be useful. Notwithstanding this point regarding the wet woodland, I assume that the other issues can be dealt with post planning permission through condition.

#### **Garden Community, potential site allocation**

I acknowledge that, should the garden community land area be allocated as part of the adopted Braintree Local Plan then there will be a need to review and amend the site restoration plan accordingly. If this occurs, I would hope that the priority habitats relating to Essex County Council's aspirational targets for biodiversity within the MLP would be created in an appropriate setting elsewhere.

**Emma Simmonds, Ecological Consultant**  
**30.11.17**