Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 25 March 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr B Aspinell	Cllr S Kane

1. Membership, Apologies, Substitutions and Declarations of Interest

No apologies or substitutions were received.

Councillor P Thorogood declared an interest in item 4.3 of the agenda (Minute 50) concerning Bradwell Quarry, Church Road, Bradwell as he had previous objected to the item. Cllr Thorogood considered that as he had previously expressed a view on the site, he would withdraw from the Chamber during the item.

2. Minutes

It was noted that the Secretary of State for Levelling Up, Housing and Communities did not exercise call in in relation to item 4.1 (Rivenhall Airfield, Coggeshall Road (A120), Braintree) considered by the committee at the meeting of 25 February 2022 and that the decision therefore stood.

The minutes of the meeting held on 25 February 2022 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

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

4.1) Widdington Pit, Hollow Road, Widdington

To consider report DR/13/22 relating to the:

- Continuation of use of land for skip hire, waste recycling, waste transfer and green waste composting operation, without compliance with condition 2 (time limit) and condition 28 (percentage of imported material to be retained on-site) attached to planning permission ref: ESS/30/19/UTT to allow the use and associated development to continue/remain until the adjacent quarry is restored and increase the percentage of material imported permitted to be exported;
- Continuation of excavation of sand and restoration of land to agricultural use, including deposit of inert waste, without compliance with condition 4 (time frame) attached to planning permission ref: ESS/35/18/UTT to allow

an additional period of time to complete the infilling and restore the site; and
- Demolition of an existing workshop and the construction of a replacement building (in a revised location)

Location: Widdington Pit, Hollow Road, Widdington, CB11 3SL
Refs: ESS/67/21/UTT, ESS/68/21/UTT and ESS/80/21/UTT

Public speakers:

- On behalf of Widdington Parish Council: Cllr Ian Southcott – speaking against.
- Local resident: Mr John Rhodes – speaking against.
- On behalf of the applicant: Mr Mark Leivers – speaking for.
- Local member: Cllr Ray Gooding – speaking against.

4. Widdington Pit, Hollow Road, Widdington

The Committee considered report DR/13/22 by the Chief Planning Officer.

Members noted the addendum to the agenda and changes to proposed condition 6.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

1. Background
2. Proposed Extension of Time
3. Proposed Change to Condition 28
4. Assessment of Proposed Timeframe and Percentage Change
5. Other Issues and Considerations: Phasing and Landscaping, Amenity, Highways and Cumulative Impacts
6. Planning Consolidation

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ian Southcott, speaking on behalf of Widdington Parish Council. Cllr Southcott made several points:

- Widdington was a village in a rural location with one road running through it. The industrial operation at Widdington Pit was not in keeping with the rural setting of the village.
- There was another quarry on the other side of the village which was soon to commence infilling operations. This operation had approved vehicle movements similar to those within the recommendations for Widdington Pit.
- The earliest possible completion of operations, removal of all buildings, cessation of all movements and restoration of the land was the ideal result.
- Widdington Parish Council had employed a planning consultant to challenge the applications who had been in meetings with the operator and Planning Officer in August 2021.

- The timings proposed for the infilling were unrealistic and unambitious.
- Access to the site was unviable.
- The previous owners of the site had mismanaged it. On one occasion this had resulted in a fire which had taken days to extinguish.
- The current owner had further industrialised the site. Whilst it appeared to be being operated safely, the Parish Council had been denied access.
- A building had been erected on the site without planning permission and lights had been operated without any constraint overnight.
- Should planning permission be granted, no further time extensions should be allowed.

In accordance with the protocol on public speaking the Committee was addressed by Mr John Rhodes, speaking as a local resident. Mr Rhodes made several points:

- In 2002, 22 acres of restored land were secured from the former operators of the Pit, however, the operating pit remained.
- The Minerals and Waste Planning Authority had wanted the site to be closed and restored rather than to be converted to a permanent waste recycling site.
- This had not been achieved, partly due to the actions of past operators of the site and partly due to failure to monitor operations.
- To resolve this a completely different regime was required.
- The key issue was if Widdington Recycling should be allowed to continue a skip and recycling operation on this site, and if so, for how long.
- The 2009 Appeal Inspector had commented that the waste recycling facility could only be justified by a substantial contribution of suitable infill for the adjacent sandpit.
- The report questioned whether a 18.75% contribution from the transfer station could be considered substantial. This in turn questioned whether there was a need for the Waste Transfer Site as a supporting ancillary operation.
- Widdington Recycling Limited appeared more interested in using the site for a skip operation rather than restoring the site.
- It was proposed that the Waste Transfer Site be restored in the three years following the closure of operations in August 2032.
- HGV movements associated with the quarry were proposed to be 80 a day.
- The justification for a 13-year extension raised doubt about the availability of materials. 40,000 tonnes per annum was an unambitious target.
- There was no need for the site to be built back up to its previous levels.

In accordance with the protocol on public speaking the Committee was addressed by Mr Mark Leivers, speaking on behalf of the applicant. Mr Leivers made several points:

- When Widdington Recycling Limited took the site on there were significant stockpiles of waste at the site, contaminated water runoff into the adjacent fields and 2-foot-deep mud within the site.
- In the two years following this, Widdington Recycling had moved all non-conforming waste, placed a concrete pad down to improve working conditions and made a significant difference to the site.

- Widdington Recycling remained committed to ensuring the site was well run and fully restored.
- An application for the construction of the materials recovery facility was submitted in 2019 following liaison with the Environment Agency and Planning Authority. 9 months later, the applicant took the decision to commence operations in the full knowledge that if planning permission were not approved, they would have to dismantle the building.
- Given the restricted access road to the site and the limitations on vehicle movements, the site could never be more than a low tonnage local facility. This was reflected in the time extension sought.
- At the time of the meeting, the applicant was required to retain not less than 70% by weight of material imported to the site for the use in infilling and restoring the adjacent landfill. The applicant was hoping to revert to retaining 50% of material as per the previous 2009 appeal decision.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ray Gooding, speaking as the Local Member. Cllr Gooding made several points:

- Mismanagement of the site by operators and lack of enforcement by Essex County Council had contributed to the general mistrust between residents, the Parish Council and the applicant.
- Residents wanted to bring the end date of this operation forward. However, this could leave a dangerous and derelict site if the applicant was not given enough time to restore the site.
- Widdington Recycling had carried out considerable work to tidy up the site.
- There was a need to ensure that the conditions were robust enough to be properly enforced and that Essex County Council would have the ability to enforce them.
- This had to be the last chance that the applicant had to extend the operation.

Following comments and concerns raised by public speakers, it was noted:

- Importation of material to Newport Quarry would commence in the near future, hence, if planning permission was granted, the two sites would be running concurrently. It was not, however, considered that this would give rise to adverse highway implications.
- Officers had forwarded site monitoring reports onto the Parish Council and attended a liaison meeting in August 2021 in order to build trust with the Parish Council. Under the proposed Section 106 Agreement, a liaison meeting would be required going forward. This would be chaired by Cllr Gooding, and would include a representative from the Minerals and Waste Planning Authority, the applicant or operator and the Parish Council, as well as any members of the public who wished to attend.
- Vehicle movements were limited to 40 movements for the quarry and an additional 40 movements for the Waste Transfer Site. These had been combined in the report, hence 80 was listed. There was not a proposed increase to the overall number of HGV movements.

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

- There was no requirement to capture methane gas as material being landfilled was solely inert.
- As an inert landfill, less settlement change would occur over time in comparison to a municipal (black bag) landfill.
- There was a condition requiring an agricultural aftercare scheme to be submitted. Following restoration, there would be a five-year period of agricultural aftercare, during which an external consultant would produce a report to ensure that the site had been restored and was capable of delivering the after use proposed. It was likely that, following restoration, the site would be used for grazing.
- If an extension was not agreed, the applicant would have until 2023 to restore the site. In this scenario, it was likely that the site would largely be left unrestored, albeit potentially with the buildings removed. Following this, a decision would have to be made with regard to enforcement action and how to best deal with the site and its restoration moving forward.
- Officers noted that the recommendation before Members was robust and provided certainty that Essex County Council would be able to monitor the site effectively.
- The proposed conditions and Section 106 Agreement would contain strict restrictions and clauses to ensure that restoration would be completed and that the waste business would not become the predominant use of the site.
- Retrospective planning permission had been granted for the erection of the building on the site.
- The proposed time scale was for both the quarry and the recycling operation.
- The proposed time frame had been suggested by the applicant based on 40,000 tonnes per annum of material coming into the site. A tighter time frame would require an increase of the operator's annual target. The applicant had submitted data which sought to justify the amount of material they could bring in.
- The terms of the local liaison group would be set out in the Section 106 Agreement and would likely occur on a six-month basis; however, could be more frequent.
- The recommendation could be altered to include the requirement for the liaison group to meet initially at least every six months.
- The site was currently monitored every six months by officers, and this was likely to increase to a quarterly basis. Reactive visits following complaints could also take place.
- The Section 106 Agreement would require topographical survey information to be submitted on an annual basis to demonstrate that the site was being restored in line with the application.
- A report could be put to Members to request authorisation for taking necessary enforcement action, however, it would not be possible to update the Committee regularly on this site.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor J Fleming. Following a unanimous vote, it was

Resolved

That planning permission be granted subject to the following conditions:

That subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring:

- the submission of annual site surveys and waste import/export records and biennial reviews which would seek to identify any issues in terms of the restoration timetable and its delivery, together with potential solutions/amendments (if appropriate);
- confirmation that, in the event that through submission of annual waste returns (material imported, landfilled etc…) the operator for two consecutive years fails to meet the 50% import/export restriction, the skip element of the operation/use will cease immediately;
- a scheme of highway improvement/repair works;
- a highway condition survey post completion of the aforementioned;
- a highway condition survey and works schedule to remedy any issues or damage post completion of the site restoration;
- creation and attendance of a local liaison group/meeting to initially occur at least every six months;
- and consolidation of all extant planning permissions within the area owned by the applicant so that all operations are covered by one planning permission/reference going forward

planning permission be granted subject to the below conditions.

1. The development hereby permitted shall be carried out in accordance with:
   i) The details submitted by way of application reference ESS/43/05/UTT dated 5 October 2005, together with the supporting statement dated 18 October 2005, email dated 2 November 2005 and email dated 28 November 2005.

   As amended by details submitted with application reference ESS/49/07/UTT dated 30 September 2007 and appeal reference APP/Z1585/A/08/20805431NWF dated 3 July 2008, together with drawing

Plan Ref	**Date**	**Description**
004/107- D	Oct 07	Waste Recycling & Transfer

   As amended by the details submitted with application reference ESS/35/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013 and drawing numbers:

Plan Ref	**Date**	**Description**
K9.1-20-005	27 May 2013	Application boundaries and Site Location

K9.1-20-006	22 May 2013	Site Layout at 1:1000
K9.1-20-006/1	24 June 2013	Site Layout at 1:2000

And emails from Wiser Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with application reference ESS/30/19/UTT dated 25/04/2019, supporting statement dated May 2019, supporting statement addendum dated August 2019 and drawing numbers:

Plan Ref	**Date**	**Description**
WIDD/MRF/02	April 2019	Waste Transfer Building Layout
18606-01-JOD-WID-SHD-01 (Rev C1)	1-Apr-19	Waste Transfer Shed Plans and Section
18606-01-JOD-WID-SHD-02 (Rev C1)	1-Apr-19	Waste Transfer Shed Elevations
WIDD/MRF/04 v2	April 2019	Waste Recycling Operational Areas
K303.1-20-004	2020-10-08	Combined Drainage Plan

As amended by the details submitted with application reference ESS/67/21/UTT dated 25/06/2021, supporting statement dated July 2021, supplemental submission, dated November 2021 and drawings:

Plan Ref	**Date**	**Description**
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

ii) The details submitted with the application reference UTT/911/89 dated 11 May 1989 and Bidwell Drawing No. B3062 received 18 May 1989, letters from

Bidwells dated 30 October 1989, 24 November 1989 and 15 January 1990.

As amended by planning application reference ESS/33/02/UTT/REV dated 14 June 2002 along with:

- Application letter from and Statement of details by Molyneux Planning dated 10 September 2002;

- Plan Ref. RH/MSE/1877-3 Extraction Contours dated 27/08/02;

- Location Plan 1:2500, received 25 September 2002, indicating area edged blue (NB area edged red defined by Bidwells Drawing no. B3062 received 18 May 1989);

- Letters dated 8 November 2004, 20 November 2004, 11 January 2005 and email dated 10 November 2004 from Wiser;

and drawings:

- RH/MSE/1877-4 Post settlement contours dated 29/10/04;

- RH/MSE/1877-5 Pre-settlement contours dated 29/10/04;

- RH/MSE/1877-6 Areas of reinstatement dated 8/7/05; and

- WIS/MSE/2523-8 Application Site dated 10/01/06.

As amended by planning application ESS/44/08/UTT dated 12 August 2008 (subject of planning appeal APP/Z1585/C/08/2111890), covering letter dated 17 September 2008 and supporting statement reference K9.3-08-002 dated August 2008, together with drawing numbers:

- WIS/MSE/2523-1 Site boundary dated 27/10/05;

- WIS/MSE/2868-3 Site Areas April 2008 dated 16/05/08;

- WIS/MSE/2868-2 Volumetric Analysis dated 6/05/08; and

- WIS/MSE/2523-8 Application site dated 10/01/06 .

As amended by the details submitted with planning application ESS/34/13/UTT dated 6 June 2013, covering letter dated 6 June 2013, Supporting Statement Document Reference K9.3~08~009 dated June 2013, together with drawing numbers:

Plan Ref No	Date	Description
WIS/MSE/2523-1	14.10.2005	Location Plan
KP.3-20-014	24.06.2013	Site Location
WIS/MSE/2523-8	10.01.2006	Application Site
WIS/MSE/2868-21	18 04.2013	Volume Summary
K9.3~20~015	24.06.2013	Landfill application boundaries

WIS/MSE/2784-2D	02.03.2010	Restoration Phases
WIS/MSE/2868-2	06/05/2008	Volumetric Analysis April 2008
WIS/MSE/2868-21	18.04.2013	Volume Summary 2012-2013
WIS/WSE/2868-23A	16.07.2013	Site survey March 2013, Post-Settlement Contours & Existing Surrounding Ground Contours

And emails from Wiser Group dated 28 June 2013, 2 July 2013 and 27 November 2013 (with letter from Smith Gore) and letters dated 25 July 2013 and 11 November 2013.

As amended by the details submitted with planning application ESS/35/18/UTT dated 23 October 2018; Supporting Statement, dated October 2018; and drawings titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018; 'Proposed Restoration Levels Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018; 'Restoration Cross-Section Locations', drawing number: WIS/MSE/2868-46B, dated 03/09/2018; 'Restoration Cross-Sections (Post Settlement Levels), drawing number: WIS/MSE/2868-46C, dated 19/09/2018.

As amended by the details submitted with application reference ESS/68/21/UTT dated 25/06/2021, supporting statement dated July 2021 and drawings:

Plan Ref	**Date**	**Description**
WIDD/TEX/01	Feb 2019	Site Ownership Plan
WIDD/TEX/02 V2	June 2021	Operational Areas

iii) The details submitted by way of the application reference ESS/80/21/UTT dated 01 September 2021, together with drawing numbers/documents:

- 'Site Location Plan', drawing no. WIDD/WOR/01, dated August 2021;

- 'Workshop – Existing Site Layout', drawing no. WIDD/WOR/02, dated August 2021;

- 'Workshop – Proposed Site Layout', drawing no. WIDD/WOR/02, dated August 2021;

- 'Workshop – Proposed Detailed Site Layout', drawing no. WIDD/WOR/03, dated August 2021;

- 'Proposed Workshop', drawing no. PL-101, dated 28/07/2021;

- 'Supporting Statement, dated August 2021; and

- 'Design and Access Statement', dated August 2021.

iv) The details submitted by way of the application reference ESS/09/16/UTT, dated 10/02/2016, together with drawing numbers/documents:
- 3637-01A Proposed Site Location Plan;
- 3637-02C Existing and Proposed Office Plans and Elevations;
- 3637-03 Proposed Site Plan;
- 3637-04 Proposed Storage Bay; and
- Planning Statement incorporating Design and Access Statement, prepared by Artisan Planning and Property Services, dated January 2016.

v)The details submitted by way of the application reference ESS/83/19/UTT dated 25 September 2019 (as amended by email from Avison Young, dated 28/01/2020 [08:54]), together with drawing titled 'Bank Stability and Drainage Plan', drawing no. WIDD/BSD/02, dated Sep 2019; and drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies S1, S6, S10, S11, S12 and DM1 of the Essex Minerals Plan (2014); policies 1, 2, 4, 5, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN1, GEN2, GEN3, GEN4, GEN5, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

2. All operations associated with the winning and working of sand, the processing of the same and inert landfilling hereby permitted across the landfill as shown on drawing titled 'Operational Areas', drawing no. WIDD/TEX/02 v2, dated June 2021, shall cease/be completed by the 31 August 2031 and this area shall be fully restored by 31 August 2032 or within 6 months of the achievement of the approved restoration contours on the last phase/cell, whichever date is the earlier, with the exception of agricultural aftercare.

   Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

3. All activities and operations associated with use of land for skip hire and commercial waste recycling, waste transfer and green waste composting and the importation of non-indigenous aggregates shall cease by 31 August 2031. All stockpiles of materials and waste, structures, buildings, plant, machinery, foundations, hardstandings and roadways used shall be removed by 31 August 2032, except those required to facilitate restoration of this area which shall have been previously approved to be retained by the Mineral and Waste Planning

Authority pursuant to condition 4 of this permission. The site shall then be fully restored, with all development removed from the site, by the 31 October 2035 in accordance with the approved restoration contours and landscape scheme.

Reason: To ensure the temporary nature of the waste use and operations is maintained, to limit the impact of the site on local amenity, to ensure restoration of this part of the site within a reasonable timescale and to comply with policies 5, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

4. Within twelve months of the proposed completion of landfilling of cells 1-5, or in any event no later 31 August 2030, details of the infrastructure proposed to be retained to facilitate restoration of the land used for the skip hire and commercial waste recycling, waste transfer and green waste composting shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall detail any buildings, structures, plant, machinery, foundations, hardstandings and/or roadways proposed to be use in connection with the restoration of this part of the site. For the avoidance of any doubt, in accordance with condition 3, it is expected that infrastructure proposed to be retained would be limited to that only essential, with the main waste transfer/recycling building removed. Only infrastructure approved to be retained shall remain on-site after 31 August 2032. When such infrastructure is no longer required for the purpose for which they were retained they shall be removed, or in any event they shall be removed by the 31 October 2035, to ensure restoration of the entire site in line with the completion date.

   Reason: To enable the Mineral and Waste Planning Authority to adequately control the development, ensure progressive restoration and the removal of built form, to ensure that only infrastructure essential to restoration is retained on site following cessation of the skip hire and commercial waste transfer/recycling operation and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7 and GEN4 of the Uttlesford District Council Local Plan (2005).

5. In the event of a cessation of the infilling/landfilling hereby permitted for a period in excess of 12 months, prior to complete restoration of the site, which in the opinion of the Mineral and Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted for review and approval in writing. Such a scheme shall be submitted within six months of notification of a permanent cessation from the Mineral and Waste Planning Authority. Any such scheme would be expected to include an up-to-date survey of the site; propose an interim or alternative restoration scheme for the site which for the avoidance of doubt would be expected to show all built form removed from the site; and detail a clear and precise schedule and timetable for works which would to be undertaken.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

6. Operations authorised or required by this permission (including temporary operations) shall only be carried out between the following times:
   07:00 to 18:30 hours Mondays to Fridays

   07:00 to 13:00 hours Saturday

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

   For the avoidance of doubt, all vehicles in excess of 7.5t gross vehicle weight and contractors vehicles in excess of 3.5t gross vehicle weight associated with the operations shall not be allowed to enter or leave the site outside of these times, unless a schedule for such vehicle movements has been submitted to and approved in writing by the Mineral and Waste Planning Authority.

   The aforementioned times shall be subject to the following exception for the shredding of green waste which shall only take place between 09:00 to 16:00 hours Mondays to Fridays, and at no other times.

   Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN5 and ENV11 of the Uttlesford District Council Local Plan (2005).

7. All plant and machinery shall operate only during the permitted hours of operation, except in emergency, and shall be silenced at all times in accordance with the manufacturers recommendations.

   Reason: In the interests of limiting the effects on local amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

8. Within one month of the date of this decision, a Noise Impact Assessment shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The Assessment, which is to be submitted in accordance with PPG:minerals, BS5228-1:2009+A1:2014 and BS4142:2014+A1:2019 shall seek to address/confirm the following points:
   - That for normal mineral operations noise levels will not exceed background noise levels (LA90, 1h) by more than 10dB(A) during normal working hours at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House. In any event, that the total noise from normal mineral operations will not exceed 55dB(A) LAeq, 1h (free field).

- That for temporary mineral operations noise levels will not exceed 70dB(A) LAeq 1h (free field) at nearby noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House and that any such operations would be limited to 8 weeks in any year.
- That for industrial (waste) operations, i.e. those operations not covered by the minerals guidance, noise levels will not exceed a rating level equivalent to the background noise level, subject to context, when assessed in accordance with BS4142:2014 +A1:2019, during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.
- That cumulatively, the total noise emissions from the site will not exceed 55dB(A) LAeq 1hr (free field) during normal working hours at noise sensitive receptors including Holly Cottages, Camfield and Jock Wood House.

The findings of the Assessment, and the site noise levels approved, shall form the basis of the regularly monitoring submissions required by condition 9 of this permission.

Reason: In the interests of limiting the effects on local amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

9. Within one month of the date of this decision, a scheme for monitoring noise levels arising from the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall confirm that noise monitoring submissions will provide:
    - Attended measurements by a competent person of LA90 and LAeq 15-minute noise levels over 1 hour at each of the monitoring locations used as part of the Noise Impact Assessment, approved as part of the submission pursuant to condition 8, as representative of Holly Cottages, Camfield and Jock Wood House;
    - Details of equipment and calibration proposed to be used for monitoring;
    - Details of noise monitoring staff qualifications and experience;
    - The logging of all-weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including ‘paused out’ extraneous noise events;
    - Procedures for characterising noise from mineral versus industrial noise sources and extraneous noise (if required);
    - Confirmation that monitoring will be undertaken during typical working hours with the main items of plant and machinery in operation;
    - Details of any noise related complaints received and procedures for handling such complaints; and
    - Actions/measures to be taken or proposed in the event of an exceedance of the noise limits.

    Noise monitoring, in accordance with the approved scheme, shall be undertaken at six monthly intervals with the results forwarded to the Mineral and Waste Planning Authority within one calendar month of the monitoring being carried out for review and approval in writing. The frequency of monitoring shall not be

reduced, unless otherwise approved in writing by the Mineral and Waste Planning Authority.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

10. No audible warning device shall be used on any mobile plant except in accordance with details to be submitted to and approved in writing by the Mineral and Waste Planning Authority.

    Reason: In the interests of amenity and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

11. Within one month of the date of this decision, a revised working/phasing plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The development shall subsequently be undertaken in accordance with the details approved.

    Reason: On the basis that it is considered that seeking to work or restore in a slightly revised order may give rise to some landscape/screening benefits as operations within the yard continue, to ensure that the site is progressively restored, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

12. Within one month of the date of this decision, a restoration plan for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The restoration plan is expected to follow the principles/land levels as shown on drawing titled 'Proposed Restoration Contours Pre-Settlement', drawing number: WIS/MSE/2868-51, dated 04/09/2018 and 'Proposed Restoration Contours Post-Settlement', drawing number: WIS/MSE/2868-52, dated 19/09/2018. The development shall subsequently be undertaken in accordance with the details approved.

    Reason: To ensure that the site is restored to an acceptable profile and is capable of returning to an agriculture afteruse, in the interests of landscape and visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

13. All indigenous and imported topsoil, subsoil and soil making material shall be retained on the site for use in the restoration of the site.

Reason: To prevent the loss of soil and aid the timely final restoration of the site in compliance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

14. Only inert waste shall be deposited within the quarry void/landfill area and/or used as part of the restoration of the wider site.

    Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

15. Subsoil shall be placed to an even depth of 700mm over the overburden/clay cap to achieve pre-settlement levels less 300mm to allow for topsoils. The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil and to conform to the approved restoration contours. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

    Reason: To ensure the site is properly restored and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

16. Soil placement shall be implemented in accordance with the details submitted and approved on 15 May 2009 under condition 32 of planning permission ESS/33/02/UTT/REV. The approved soil placement details are set out in letters from Wiser dated 18 February 2008 and 10 March 2009 and document reference K9.3-08-001 dated 11 February 2008 and drawing nos. WIS/MSE/2523-1, WIS/MSE/2784-1 dated 22/10/2007 and RH/MSE/1877-4 dated 29/10/2004

    Reason: To ensure the site is properly restored and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

17. There shall be no placement of subsoils and/or topsoils on any area ready for restoration until a topographical survey at 0.5m intervals of the area for restoration has been submitted to the Mineral and Waste Planning Authority for review and approval in writing.

    Reason: To ensure the placement of subsoils and/or topsoils would facilitate the approved restoration contours/profile and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

18. Within one month of the date of this decision, a landscape scheme for the development hereby permitted shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. The scheme shall include details of all planting, screening/mitigation bunds, buffer areas to field boundaries and any boundary and inter-boundary fencing proposed to be installed. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and for those to be retained, measures for their protection when works are proposed within close proximity. The scheme shall include detail of all areas to be planted with species, sizes, spacing, protection and a programme of implementation. The scheme which is expected to suggested progressive implementation shall be implemented as such with planting occurring within the first available planting season (October to March inclusive). Any tree or shrub forming part of a landscaping scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral and Waste Planning Authority.

    Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

19. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted Scheme/s shall be expected to following the phases of working, as confirmed as part of details submitted pursuant to condition 15, and:
    a) Provide an outline strategy for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme; and

    b) Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

    With regard to the above, it is noted that an aftercare scheme for cell 1 has already been approved by the Mineral and Waste Planning Authority under application reference ESS/35/18/UTT/24/1. No further submission is therefore expected or required in respect of cell 1 unless the operator wishes to amend

any of the details previously approved.

Reason: To ensure the satisfactory restoration of the site for agriculture and in accordance with policies S10, S12 and DM1 of the Essex Minerals Plan (2014); policies 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies S7, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

20. The development shall be carried out in accordance with the method of composting details approved under planning application reference ESS/35/13/UTT/8/1 dated 22 July 2014. Composting shall be undertaken in the area identified for composting on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019. No wood waste shall be mixed with green waste for composting. Green waste composting shall be undertaken in accordance with the approved details.

    Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017)

21. No stockpiles of green waste, shredded green waste, windrows of composting material or stockpiles of composted material shall exceed 3m in height.

    Reason: In the interests of visual amenity and to comply with policy 6 and policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2 and GEN4 of the Uttlesford District Council Local Plan (2005).

22. No composted material/soil improver shall be removed, sold or exported from the site, and shall be used to aid restoration of the site. No composted material/soil improver or composted material/soil improver mixed with soils or recovered soils shall nevertheless be spread, until the quality of the material has been independently verified and evidence of such submitted to the Mineral and Waste Planning Authority. Such material shall be spread at a depth no greater than 0.3m over cells 1-5.

    Reason: To ensure materials remain on site and to ensure beneficial restoration of the site.

23. No shredding of green waste shall take place in periods of adverse weather conditions, particularly during periods of high wind from the south west. No turning or moving of composted material shall take place in periods of adverse weather conditions, particularly during periods of high wind from the south west. The odour complaints scheme shall be implemented and adhered to in accordance with the details approved on 14 March 2007 by the Waste Planning Authority under condition 14 of planning permission reference ESS/43/05/UTT. The approved odour complaints scheme is as set out in letters dated 28 November 2006 and 21 February 2007.

    Reason: To minimise the risk of adverse impact from dust and odour, in the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policy GEN4 of the Uttlesford District Council Local Plan (2005).

24. The throughput of green waste at the site shall not exceed 15,000t per annum and the operators shall maintain records of their monthly throughput, which shall be made available to the Mineral and Waste Planning Authority within 14 days upon written request.

    Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

25. No more than 200 tonnes of imported aggregates shall be stored on the site at any time and this shall solely be stored within the areas identified as such on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (orange hatching).

    Reason: To ensure the development is operated at the scale proposed, in the interests of local amenity and in accordance with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

26. Within one month of the date of this decision, a detailed layout plan of the site shall be submitted to the Minerals and Waste Planning Authority for review and approval and writing. The layout plan shall clearly detail all development (structures, static plant and machinery, bays and bunds) within and around the yard, including details of size, construction, form and materiality. The development shall be maintained in accordance with the approved details.

    Reason: To ensure that the Minerals and Waste Planning Authority has a layout plan which accurately shows all existing development on-site.

27. No stockpiles of waste or materials shall exceed 3m in height or 100m AOD (whichever is the lesser).

    Reason: In the interests of visual amenity and to comply with policies 6, 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

28. The operator shall maintain records of their weighbridge sales; of the quantity of aggregates imported for resale; and the quantity of indigenous aggregate sales. All records shall be made available for the Mineral and Waste Planning Authority within 14 days of a written request.

    Reason: To enable the Mineral and Waste Planning Authority to monitor the scale of development is in accordance with that approved, in the interests of local amenity and to comply with policies 10 and policy 12 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1, GEN2, GEN4 and ENV11of the Uttlesford District Council Local Plan (2005).

29. Not less than 50% by weight of the material imported to the site, and handled/processed through the waste transfer/recycling station, shall be retained within the Widdington site for use in infilling and restoring the quarry void/landfill.

The operator shall maintain records of tonnages of materials imported and exported from the site and shall make these records available to the Mineral and Waste Planning Authority within 14 days of a written request.

Reason: To ensure the waste recycling facility is contributing to the restoration of the quarry void/landfill and to comply with polices S12 and DM1 the Essex Minerals Plan (2014); policies 5, 6, 9, 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

30. No handling, deposit, processing, storage or transfer of waste shall take place outside the areas identified for 'Waste Stockpiles, Handling and Recycling' and 'Crushing and Screening Operations' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (dark blue and yellow hatching).

    Reason: In the interests of visual amenity and to comply with policy 10 (Development Management Criteria) of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

31. No storage of full, empty or damaged skips shall take place outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

    Reason: In the interests of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

32. No storage of plant or machinery whether functional or not shall be stored outside the area identified for 'Storage area for Skips, Plant and Materials' on drawing titled 'Waste Recycling Operational Areas', no. WIDD/MRF/04v2, dated April 2019 (cyan hatching).

    Reason: In the interests of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

33. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be sited on an impermeable base or installed within an impermeable container with a sealed sump or bund capable of holding at least 110% of the vessels capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage with no direct discharge to any watercourse, land or underground strata. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site.

    Reason: To minimise the risk of pollution to water courses and aquifers and to comply with policies S10 and DM1 of the Essex Minerals Plan (2014); policy 10

of the Essex and Southend-on-Sea Waste Local Plan (2017); and policies GEN4, GEN7, ENV8 and ENV11 of the Uttlesford District Council Local Plan (2005).

34. No fixed external lighting other than that approved under planning application references ESS/04/16/UTT/23/1 and ESS/30/19/UTT/21/1 shall be erected or installed on-site (in the yard or attached to any building) until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Waste Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

    Reason: To minimise the potential for nuisance and disturbances to the surrounding area and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN4 and GEN5 of the Uttlesford District Council Local Plan (2005).

35. The total number of heavy goods vehicle* movements associated with the development hereby permitted shall not exceed the following limits:

    80 movements (40 in and 40 out) per day (Monday to Friday); and
    40 movements (20 in and 20 out) per day (Saturdays)

    No movements shall take place outside the hours of operation authorised by this planning permission.

    A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Mineral and Waste Planning Authority within seven days of written request.

    * *For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

    Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

36. No loaded lorry shall leave the site unsheeted.

    Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005).

37. The 180m surfaced section of the haul road, from the junction with Hollow Road shall be kept free of mud and to ensure that such material is not carried onto the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 (Access) of the Uttlesford District Council Local Plan (2005).

38. The access/haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to suppress dust.

    Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005)

39. Within one month of the date of this decision, details of a driver instruction sheet and enforcement protocol shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing in respect of vehicle routeing to and from the site and general consideration of nearby residential properties and local roads.

    Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005).

40. Signs shall be erected and maintained for the life of the development hereby permitted on both sides of the haul road at the point where Bridleway No. 14 crosses, to warn pedestrians of vehicles and drivers of pedestrians. The signs to read: 'CAUTION: PEDESTRIANS AND HORSES CROSSING' and 'CAUTION: LORRIES CROSSING'. The signs shall be maintained throughout the life of the development hereby permitted.
    Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

41. The drain located across the bellmouth at the site entrance shall be maintained in accordance with the scheme approved under planning reference ESS/34/13/UTT/33 and ESS/35/13/UTT/32, both dated 22/07/2014.

    Reason: In the interests of highway safety, safeguarding local amenity and to comply with polices S10, S11 and DM1 of the Essex Minerals Plan (2014); polices 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

42. The wheel and underside chassis cleaning facilities, approved under planning reference ESS/34/13/UTT/34/1 and ESS/35/13/UTT/33, both dated 16/12/2014 shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. No commercial vehicle shall leave the site unless the wheels and the underside chassis are

clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies S10, S11 and DM1 of the Essex Minerals Plan (2014); policies 10 and 12 of the Essex and Southend Waste Local Plan (2017) and policy GEN1 of the Uttlesford District Council Local Plan (2005).

43. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Construction Management Plan shall confirm:
    - Areas of the site which are proposed to be utilised for construction including how the site would be temporarily accessed;
    - Areas proposed for the loading and unloading/stockpiling of materials; and
    - Proposed hours of construction including details of any temporary development/welfare facilities and/or other provisions proposed to support the construction of the development.

    The Construction Management Plan shall furthermore include a specific section on environmental management, and biodiversity, in respect of limiting the impact of the construction phase on ecological habitats and include the:

    - Identification of biodiversity protection zones;
    - 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);
    - The location and timing of sensitive works to avoid harm to biodiversity features;
    - The times during construction when specialist ecologists may need to be present on site to oversee works;
    - Responsible persons and lines of communication; and the
    - Use of protective fences, exclusion barriers and warning signs.

    The development shall be implemented in accordance with the Construction Management Plan subsequently approved.

    Reason: In the interests of highway safety, minimising the potential for environmental impact during the construction phase of the development, safeguarding local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

44. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until specific design details for the surface water drainage scheme, as shown in principle on drawing titled ‘Surface Water Drainage’, drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall confirm that discharge rates are limited to 5l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change; that all storage features can half empty within

24 hours for the 1:100 plus 40% climate change critical storm event; include final modelling and calculations for all areas of the drainage system; include detailed engineering drawing of each component of the drainage scheme; and a final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.

Reason: To ensure the effective operation of the surface water drainage scheme over the lifetime of the adjacent development and to comply with policies 10 and 11 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN3, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

45. No development pursuant to the construction of the drainage lagoons, as originally approved as part of ESS/83/19/UTT, shall take place until detailed construction drawings/designs for the surface water drainage scheme, as shown in principle on drawing titled 'Surface Water Drainage', drawing no. RAB2189B/001 (Rev 2), dated 16/12/2019 have been submitted to the Waste Planning Authority for review and approval in writing. The details submitted shall include confirmation of the engineered shape of the lagoons and design specification of the lagoons; associated landscaping/planting (including reed specification); fencing; and the connection point from the yard. The development shall be implemented in accordance with the approved details.

    Reason: To ensure the specific design details of the development are acceptable, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

46. Prior to beneficial use of the surface water drainage and treatment scheme hereby approved a maintenance and management plan for the development shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The plan, in addition to covering general maintenance and management arrangements, shall include specific consideration of biodiversity in the form of a Biodiversity Enhancement Plan which should support the principles of the development design which have the potential to deliver biodiversity gains.

    Reason: To ensure the development is appropriately managed and maintained, in the interest of landscape and visual amenity and biodiversity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017) and policies S7, GEN2, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005).

And that it is not considered expedient to take enforcement action against operations continuing on-site, during the period allowed to complete the required legal agreement. If progress with regard to the legal agreement is stalled and it is considered this is unlikely to be completed, then the situation with respect to enforcement action will be reviewed given the existing end date of the extant permissions would have lapsed.

5. Chelmsford North-East Bypass

The Committee considered report DR/16/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 4, 11, 18, 19, 29 and 31.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

A. Principle of Development
B. Traffic Assessment
C. Public Rights of Way
D. Minerals
E. Landscape & Visual Impact
F. Ecology/Biodiversity
G. Heritage
H. Amenity (including noise and vibration, air quality and lighting)
I. Geology and soils
J. Population and Human Health
K. Road Drainage and Water Environment
L. Climate Change
M. Cumulative effects

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

- This road would link the A120 with the A12. Essex Highways had put forward a favoured route for the connection between Braintree and the A12 which was being considered by National Highways along with other options.
- Drainage had been designed with the expansion to a dual carriageway in mind.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a unanimous vote of in favour, it was

Resolved

That, subject to there being no intervention by the SoS, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 06/10/2021, together with the following drawings:

Drawing No	Description	Date
CNEB-JAC-GEN-P1_000-DR-Z-0100 Rev P00	Site Location Plan	Aug 2021
CNEB-JAC-GEN-XXX-DR-Z-0002 Rev P00	General Arrangement Key Plan	Aug 2021
CNEB-JAC-GEN-XXX-DR-Z-0001 Rev P05	General Arrangement Notes and Key	Aug 2021
CNEB-JAC-GEN-P1_000-DR-Z-0001 Rev P05	General Arrangement Phase 1 Sheet 1 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0002 Rev P05	General Arrangement Phase 1 Sheet 2 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0003 Rev P05	General Arrangement Phase 1 Sheet 3 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-DR-Z-0004 Rev P05	General Arrangement Phase 1 Sheet 4 of 4	27/08/2021
CNEB-JAC-GEN-P1_000-SK-W-0003 Rev P00	Phase 1 Construction Phasing	Aug 2021
CNEB-JAC-HGN-P1_S1A-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 1A Sheet 1 of 2	27/08/2021
CNEB-JAC-HGN-P1_S1A-DR-C-0002 Rev P04	Plan and Profile Phase 1 Section 1A Sheet 2 of 2	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 1 of 3	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0002 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 2 of 3	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-0003 Rev P04	Plan and Profile Phase 1 Section 1B Sheet 3 of 3	27/08/2021
CNEB-JAC-HGN-P1_S2-DR-C-0001 Rev P04	Plan and Profile Phase 1 Section 2 Sheet 1 of 1	27/08/2021
CNEB-JAC-HSR-P1_S1A-DR-C-0001 Rev P01	Plan And Profile Phase 1 Side Roads Conveyor Bridge Crossing	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0001 Rev P01	Plan and Profile Leighs Road Sheet 1 of 1	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0002 Rev P01	Plan and Profile Cranham Road/Drakes Lane Sheet 1 of 3	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0003 Rev P01	Plan and Profile Cranham Road/Drakes Lane Sheet 2 of 3	27/08/2021
CNEB-JAC-HSR-P1_SR-DR-C-0004 Rev P00	Plan and Profile Cranham Road/Drakes Lane Sheet 2 of 3	August 2021
CNEB-JAC-HGN-P1_S1A-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 1A	27/08/2021
CNEB-JAC-HGN-P1_S1B-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 1B	27/08/2021
CNEB-JAC-HGN-P1_S2-DR-C-5001 Rev P04	Typical Cross Sections Phase 1 Section 2	27/08/2021

CNEB-JAC-LSI-P1_000-DR-Z-0010 Rev P00	Public Rights of Way Phase 1 Sheet 1 of 2	August 2021
CNEB-JAC-LSI-P1_000-DR-Z-0011 Rev P01	Public Rights of Way Phase 1 Sheet 2 of 2	06/01/2022
CNEB-JAC-SBR-XXX-DR-S-0016 Rev P01	Leighs Road Bridge General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0015 Rev P01	Cranham Road/Drakes Lane Bridge General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0008 Rev P01	Walkers Cyclists And Horse Riders Bridge General Arrangement	08/09/2021
CNEB-JAC-SRW-XXX-DR-S-0012 Rev P01	Whitbreads Farm Lane General Retaining Wall Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0004 Rev P01	Typical Culvert General Arrangement	08/09/2021
CNEB-JAC-SBR-XXX-DR-S-0014 Rev P01	Bulls Lodge Quarry Conveyor Bridge General Arrangement	09/08/2021
CNEB-JAC-LSI-P1_000-SK-Z-0001 Rev P01	Proposed Mitigation Bunding and Environmental Barrier Sheet 1 of 2	27/08/2021
CNEB-JAC-LSI-P1_000-SK-Z-0002 Rev P01	Proposed Mitigation Bunding and Environmental Barrier Sheet 2 of 2	27/08/2021
CNEB-JAC-HDG-P1_000-DR-D-0060 Rev P00	Drainage Layout Plan Phase 1 Sheet 1 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0061 Rev P00	Drainage Layout Plan Phase 1 Sheet 2 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0062 Rev P00	Drainage Layout Plan Phase 1 Sheet 3 of 4	Sept 2021
CNEB-JAC-HDG-P1_000-DR-D-0063 Rev P00	Drainage Layout Plan Phase 1 Sheet 4 of 4	Sept 2021
CNEB-JAC-GEN-P1_000-SK-W-0001 Rev P02	Phase 1 Compounds And Haul Routes Scheme Wide	July 2019
CNEB-JAC-HLG-XXX-DR-EO-0001 Rev P00	Lighting Layout Plan Notes and Key	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0001 Rev P00	Lighting Layout Plan Sheet 1 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0002 Rev P00	Lighting Layout Plan Sheet 2 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0003 Rev P00	Lighting Layout Plan Sheet 3 of 4	Jan 2022
CNEB-JAC-HLG-P1_000-DR-EO-0004 Rev P00	Lighting Layout Plan Sheet 4 of 4	Jan 2022

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S5, S9, S10, S11, DM8, DM13, DM14, DM15, DM16, DM17, DM24, DM29, DM30 and Minerals Local Plan adopted 2014 (MLP) policy S8

3. No development (including demolition, ground works, vegetation clearance) shall take place until a project/construction schedule has been submitted to and approved in writing by the County Planning Authority. The schedule shall include details on the proposed phasing and timetabling of the development, including reference to any specific stages in the construction period (e.g. advance works and main works contract) and the areas to which each stage includes which in turn will provide clarity and allow for partial or phased discharge of details submitted pursuant to other conditions. The development shall be implemented in accordance with the approved project/construction schedule unless a revised schedule is submitted and approved by the County Planning Authority.

   Reason: For the avoidance of doubt as to the proposed construction timetable and to enable the County Planning Authority to effectively consider whether information required pursuant to other conditions is required before any development takes place or if some works may be permissible.

4. In accordance with the project/construction schedule approved pursuant to condition 3, no development shall take place on each stage of construction until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority for that construction stage. The CEMP shall specifically seek to confirm the location and layout of construction compounds, provide details on proposed hours of working, hours of deliveries, access/haul roads and routes, construction vehicle access and routing, any temporary traffic management/signage, proposed traffic management for deliveries and contractors, measures proposed to reduce the potential for increased flood risk or pollution/contamination from surface water run-off and groundwater during construction, any temporary mitigation measures proposed during the construction phase to reduce the potential for amenity impacts, wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas, contractor and visitor parking, turning, loading and unloading of plant and materials, the management of excavated soils/materials, a material audit and schedule of material movements (both import and export), in addition to the other topics and information indicatively covered within the 'Outline Environmental Management Plan', document reference: CNEB-JAC-EGN-P1_000-RP-LE-0008 | P00, dated 15/09/2021 incorporating the Register of Environmental Actions and Commitments (REAC) and the Climate mitigation and enhancements identified in Chapter 14 of the Environmental Statement Section 14.8

   The REAC shall be updated to incorporate the following matters:

   - NV2 to be strengthened to ensure that the proposed plan, along with noise limits proposed, will be agreed in advance of the works by County Planning Authority.

- Noise impact of traffic during construction should be reassessed once construction routes have been finalised
- Noise impact of traffic diversions routes during construction, due to full carriageway closures, should be reassessed once details are known
- Noise impact assessment should be undertaken for diversion routes for side roads (Leighs Road, Cranham Road and Drakes Lane) during construction due to full carriageway closures required for tie in works to the two new bridges.
- Noise impact upon the Beaulieu Park development should be kept under review to take account of changes to the programme of development which may result in delay or coming forward of development in different phases/areas to those assessed as part of the EIA.
- NV25 to be updated to refer to temporary noise barrier" rather than "standard hoardings"
- The exact position and length of temporary noise barrier shall need to be confirmed once the details of construction are known to ensure they deliver the desired level of mitigation
- Use of low vibratory or non-vibratory plant when working within 100m of a vibration sensitive receptor

and in terms of environmental management, and specifically biodiversity, the plan shall also seek to cover include the following:

a) Risk assessment of potentially damaging construction activities;

b) Identification of biodiversity protection zones;

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs; and the

i) Containment, control and removal of any Invasive non-native species present on site

j) Details of the Potential species road side verge (PSRV) protection and reinstatement

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of the environment, highways, amenity and biodiversity, to ensure suitable accountability for mitigation and measures proposed during the construction period and to comply with CLP policies S2, S3, S4, S10, S11, DM13, DM16, DM17, DM29 and DM30

5. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a dust management scheme has been submitted to and approved in writing by the County Planning Authority for that stage.. The scheme shall include details of all dust suppression measures and the methods proposed to monitor emissions of dust arising from the development during the construction phase. The development shall be implemented in accordance with the approved scheme.[1]

   Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period and in accordance with CLP policies S4, DM29 and DM30

6. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the County Planning Authority for that stage. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

   Reason: To ensure that any archaeological interest (including that within associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with CLP policy S1, S3, SGS6 and DM15.

7. In accordance with the project/construction schedule approved pursuant to condition 3, prior to commencement of development but following completion of the archaeological work required by condition 6 in each construction stage, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval in writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. . With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

   Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified undertaken in accordance with CLP policies S1, S3, SGS6 and DM15.

8. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 6, a post-excavation assessment

[1] For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 4 if preferable to the applicant.

shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure 'preservation by record' of the archaeological sites which will be destroyed by road construction and 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, and in accordance with CLP policies S1,S3,SGS6 and DM15

9. The milestone 78m north of the junction of the A131 with Whitbreads Farm Lane (identified as heritage asset 61 in Chapter 7 – Cultural Heritage of the Environmental Statement) shall only be removed if necessary for its protection. Prior to its removal its location shall be recorded and the milestone shall be safely stored during construction and reinstated post construction. If removal is not required it shall be protected from damage with appropriate fencing during the construction period.

   Reason: To ensure protection of heritage assets and in accordance with CLP policies S1, S3,SGS6 andDM13

10. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a detailed surface water drainage scheme for that stage, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

    - Levels should be provided in design drawings of the proposed drainage system. Detailed engineering drawings of each component of the drainage scheme
    - A written report summarising the final strategy and highlighting any minor changes to that set out with the Planning Application and Environmental Statement.
    - And supporting information which was included in the Planning Application and Environmental Statement to support the above elements.

    The approved scheme shall subsequently be implemented prior to first public use of the CNEB.

    Reason: To prevent flooding, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with CLP policies S1, S2 and SGS6.

11. In accordance with the project/construction schedule approved pursuant to condition 3, no works with respect to a stage of construction shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that stage has been submitted to,

and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented as approved

Reason: To minimise discharge of excess water arising from construction due to dewatering and removal of soils by ensuring the satisfactory storage of/disposal of surface water from the site. To minimise pollution to water. And in accordance with The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with CLP policy S2.

12. Prior to the commencement of development hydraulic modelling for the development supporting the Flood Risk Assessment shall be submitted to the County Planning Authority for approval in writing. Upon approval of the hydraulic modelling the Flood Risk Assessment shall be submitted for approval by the County Planning Authority. The Flood Risk Assessment shall be implemented as approved.

    Reason: To verify the hydraulic modelling that forms the basis for assessing the submitted Flood Risk Assessment and to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere, to minimise the risk of flooding and in accordance with CLP policies, S1, S2 and SGS6.

13. Prior to first public use of the CNEB hereby permitted, a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to the County Planning Authority for review and approval in writing. The development shall be maintained in accordance with the approved plan. Records of maintenance shall be made and retained and provided upon a written request of the County Planning Authority.

    Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with CLP policies S1, S2 and SGS6.

14. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

    The lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above

species using their territory or having access to their breeding sites and resting places.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with CLP policies S1, S2, S3, S11 and DM29.

15. The entire length of the CNEB between Dere's Bridge and Roundabout 4 on the Radial Distributor Road hereby permitted shall be provided with a Low Noise Road Surface as part of its design. For the avoidance of doubt, noting there are many Low Noise Road Surfacing products, as a minimum the product to be used for the CNEB shall have a Road Surface Influence of -3.5 dB or less for speeds exceeding 75 km/h.

    Reason: In the interests of amenity, to reduce the impacts of road noise and to comply with CLP policy DM29.

16. All site compounds (excluding those associated with the advanced works on the Conveyor Bridge and Silt Lagoon) shall be surrounded with solid 2m (minimum) high temporary noise barriers.

    Reason: In the interests of amenity, to reduce the impacts of construction activity and to comply with CLP policy DM29.

17. Noise mitigation measures both during construction and upon operation shall be in accordance with the mitigation described in Chapter 11 of the Environmental Statement, section 11.8.

    Reason: In the interests of amenity, to reduce the impacts of construction and operation of the CNEB and to comply with CLP policy DM29.

18. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until detailed designs of the footway/cycleway and walker, cyclist and horse rider (WCH) path, the at grade crossing on the CNEB, the Toucan crossing on the A131, hereby permitted as part of this development and part of the stage of construction, have been submitted to the County Planning Authority for review and approval in writing. The details shall seek to confirm the proposed legal use of the path and crossings; the proposed construction finish of the path, crossings; any lining and signage proposed; and any lighting and/or barriers/fencing proposed. The footway/cycleway/WCH and crossings shall be constructed as approved prior to first beneficial use of the CNEB hereby permitted.

    Reason: To ensure that the footway/cycleway/WCH is fit for purpose, is delivered in a timely manner and to comply with CLP policies S1 and S9.

19. No development that would obstruct, alter or in any other way affect the definitive lines of the PROW within the site shall be permitted to commence until such time as an Order has been confirmed securing the extinguishment and/or diversion of the existing definitive rights of way, as identified on plans CNEB_JAC-LS1-P1_000-DR-Z-0011 rev P01 and CNEB_JAC-LS1-P1_000-DR-Z-0010 rev P00, to a route to be agreed with the

County Planning Authority and the new route has been constructed to the satisfaction of the County Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and in accordance with CLP policies S1, S9 and SGS6.

20. The public's rights and ease of passage over public rights of way shall be maintained free and unobstructed at all times.

    Reason: To ensure the continued safe passage of the public on the definitive right of way and in accordance with CLP policies S1, S9 and SGS6.

21. The verges on the Leighs Road and Cranham Road/Drakes Lane bridges are to be hard surfaced.

    Reason: To ensure a safe route is provided for pedestrians across the bridges and in accordance with CLP policies S1 and S9.

22. Cycle routes to be LTN 1/20 compliant. Details to be agreed at the detailed design stage.

    Reason: To provide high quality cycle routes in the interest of highway safety and accessibility and in accordance with CLP policies S1 and S9.

23. Improvements to the capacity of radial distributor road (RDR) roundabout 4 to be completed prior to the connection of the RDR to the Boreham Interchange and prior to public opening of the bypass. The improvements shall include and not be limited to: widen northbound approach to Roundabout 4; improve flare to northbound approach; re-instate western path and pedestrian approach to crossing; and diversion of utilities.

    Reason: To provide increased capacity at the roundabout to accommodate the predicted traffic movements in the interest of highway safety and in accordance with CLP policies S1, S9 and SGS6.

24. A conveyor bridge for Bulls Lodge quarry to be constructed, as shown in principle on drawing CNEB-JAC-SBR-XXX-DR-S-0014 rev P01. The bridge to allow for future upgrade to accommodate a permanent bridge for the proposed Chelmsford Garden Community, including cycleway and footway provision.

    Reason: To facilitate movement of materials associated with the quarry over the CNEB and to allow a future multi-modal connection for the Chelmsford Garden Community and in accordance with CLP policies S1, S9 and SGS6.

25. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction, shall take place until a detailed hard and soft landscaping scheme (inclusive of all boundary treatments, fencing and gates) for such stage has been submitted to the County Planning Authority for review and approval in writing. The scheme shall be based on the landscape, environmental design and related sustainability objectives and principles detailed within Chapter 2 of the Environmental Statement section 2.8 and the Outline Environmental Management

Plan Document no. CNEB-JAC-EGN-P1_000-RP-LE-0008 Rev P00 dated 21 September 2021 and the following indicative drawings:

Title	**Date**
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 1 of 4	Sept 21
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 2 of 4	Sept 21
Environmental Statement – Figure 2.4 v1 - Indicative Landscape and Environmental design sheet 3 of 4	Jan 22
Environmental Statement – Figure 2.4 - Indicative Landscape and Environmental design sheet 4 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 1 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 2 of 4	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 3 of 4 as amended for Section FF by Figure 2.6	Sept 21
Environmental Statement – Figure 2.5 – Indicative Landscape Design Cross Sections Sheet 4 of 4	Sept 21
Environmental Statement – Figure 2.6 – Indicative Landscape and Environmental Design Cross Section FF Year 1 and 15	Jan 22

and shall include details of areas to be planted with species, sizes, spacing, protection measures (i.e. rabbit/deer shelter guards should be non plastic and in areas of woodland planting rabbit fencing/netting is required rather than individual shrub shelter guards.); proposed seed mix for grassed areas; and programme of preparation, implementation, materials Soils and mulch) any management regimes (including watering schedules) to support establishment. *Sorbus aucuparia* (Rowan) should not be used as individual trees when gapping up native hedgerow (see ref. Appendix 4 – Appendix 9.10 Indicative Species Plant Mixes) but instead increase the number of *Quercus spp* (Oaks) or *Carpinus betulus* (Hornbeam).

The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The scheme shall include the sensitive design of attenuation ponds to integrate these into the landscape, reduce visual intrusion and enhance visual amenity. The landscape scheme shall be implemented as approved.

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

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to

mitigate impacts of the development on the natural environment and in accordance with CLP policies S1, S4, S11, DM16, DM17, DM24 and SGS6.

26. In accordance with the project/construction schedule approved pursuant to condition 3, no development with respect to a stage of construction shall take place until a Landscape and Ecological Management Plan (LEMP) for such stage there has been submitted to and approved, in writing, by the County Planning Authority a Landscape and Ecological Management Plan (LEMP) for a minimum of 25 years.

    The Plan shall include but not be limited to, in respect of landscaping:

    1. Drawings showing the extent of the LEMP

    2. Written Specification detailing:

    a) All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.

    b) All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.

    c) All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.

    3. Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

    and for ecology:

    a) Description and evaluation of features to be managed, including PSRV;

    b) Ecological trends and constraints on site that might influence management;

    c) Aims and objectives of management;

    d) Appropriate management options for achieving aims and objectives;

    e) Prescriptions for management actions;

    f) Preparation of a work schedule (including an annual work plan capable of being

    rolled forward over a 25 year period).

    g) Details of the body or organisation responsible for implementation of the plan.

    h) Ongoing monitoring and remedial measures.

    The management plan shall as a minimum cover 25 years post first public use of the CNEB and shall be implemented in accordance with the approved details.

    Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, and to make appropriate provision for conserving and enhancing the natural environment with and in accordance with CLP policies S1, S2, S4,

S11, DM16, DM17, DM24 and SGS6. In the interests of the natural environment and biodiversity and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

27. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement Volume 2 Chapter 8 – Biodiversity & Environment Statement Volume 4: Appendix 8.1 to 8.16.

    Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with CLP policies S1, S4, S11, DM16, DM17, DM24 and SGS6.

28. No works shall commence that will impact the breeding/resting place of Great Crested Newt unless the County Planning Authority has been provided with either:

    a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

    b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended)

    authorizing the specified activity/development to go ahead; or

    c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

    Reason: To conserve protected species and allow the LPA to discharge its

    duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

29. No works shall commence that which will impact the breeding / resting place of Bats unless the County Planning Authority has been provided with either:

    a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

    b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

    Reason: To conserve protected species and allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime &

Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

30. The closure of badger setts shall not commence unless the County planning authority has been provided with either a copy of:

    a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorising the specified activity/development to go ahead; or

    b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

    Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998 and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

31. In accordance with the project/construction schedule approved pursuant to condition 3, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the County Planning Authority following the recommendations made within the Environmental Statement – Chapter 8 – Biodiversity. The content of the Biodiversity Enhancement Strategy shall include the following:
    a) Purpose and conservation objectives for the proposed enhancement measures;
    b) detailed designs to achieve stated objectives;
    c) locations of proposed enhancement measures by appropriate maps and plans;
    d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
    e) persons responsible for implementing the enhancement measures;
    f) details of initial aftercare and long-term maintenance (where relevant).

    The Biodiversity Enhancement Strategy shall be implemented in accordance with the approved details.

    Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with CLP policies S4, S11, DM16, DM17, DM24 and SGS6.

32. The Bulls Lodge Quarry Conveyor Bridge as shown on drawing No. CNEB-JAC-SBR-XXX-DR-S-0014 Rev P01 shall be constructed and be available for beneficial use prior to the CNEB construction works impacting the access route to Park Farm, part of Bulls Lodge Quarry (as permitted by CHL/1890/87 or any subsequently amending permission) and/or the mineral operator requiring to start sand and gravel extraction in the Park Farm area of Bulls Lodge Quarry.

    Reason: To ensure no adverse effects on the effective working of Bulls Lodge Quarry and in accordance with MLP policy S8.

33. The replacement silt lagoon to be constructed east of the CNEB alignment shall be constructed and available for beneficial use prior to the proposed development adversely impacting the existing silt and water management regime at Bulls Lodge Quarry.

Reason: To ensure no adverse effects on the effective working of Bulls Lodge Quarry and in accordance with MLP policy S8.

Informatives

Construction traffic to use the proposed haul routes as shown in principle on drawing CNEB-JAC-GEN-P1_000-SK-W-0001 Rev P02. Where local routes are required to be used for construction vehicle routing Wheelers Hill and Cranham Road should be used rather than Waltham Road to minimize the number of trips through Boreham and Hatfield Peverel . Routing via Waltham Road to be limited to essential construction vehicles if access to the construction compounds from the west is temporarily closed or unsuitable.

No construction traffic to use Drakes Lane, Leighs Road north of the works area, and the protected lane section of Boreham Road between its junction with Cranham Road and Drakes Lane

Cranham Road is to be used as a construction route for the proposed Longfield Solar Far. The construction periods are likely to overlap there will therefore need to be co-ordination between the contractors for both schemes particularly if temporary closures of the construction vehicle routes are required.

The Highway Authority to consider what additional road signage is required on the following routes B1008, A120, A131, Essex Regiment Way to ensure traffic uses the CNEB, particularly to encourage traffic travelling from the M11 to A12" to use the A120, A131 and the CNEB.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found here https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

6. Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon

The Committee considered report DR/14/22 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Latest position regarding the Legal Agreement.
- No change in relevant planning policy or other material circumstances since last consideration by Committee.

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

- The application before Members was for a two-month time extension to allow the legal agreement to be completed.
- Once the legal agreement was signed, the funding would be provided to Essex County Council. Essex County Council would then implement the bridge improvement scheme.
- Whilst the improvement to the bridge would be beneficial, they were not essential for the landfill to operate. It was unlikely that Essex County Council would be able to organise for work to be carried out whilst the current phase of landfilling operations was taking place.
- In order to ensure that the work was not undertaken whilst the HGVs were crossing the bridge, it could be that Essex County Council would need to work around the next phase of landfilling.
- Officers would work closely with the applicant and Essex Highways to deliver the bridge improvement works as soon as possible.

There being no further points raised, the resolution, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a unanimous vote in favour, it was

Resolved

That planning permission be granted subject to the following conditions:

i. The prior completion, within 2 months (unless otherwise agreed with Chairman of Development & Regulation Committee), of Legal Agreements under the Planning and Highways Acts to secure obligations covering the following matters:

- Submission of outline long-term afteruse and management plans for the application site and Fobbing Horse Area, with programme of works to reviewed initially yearly for first 10 years and then at agreed intervals not more than 5 years apart thereafter. The outline long-term afteruse and management plans to be funded by developer drawn up by a suitably experienced consultant or environmental body in consultation with relevant stakeholders. Developer to implement and fund the works set out in the Management Plans.
- Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare giving permissive public rights of access
- Developer to fund improvements to the existing Pitsea Hall Lane Railway Bridge and improved road signage for cyclists up to £100,000
- Developer to fund vegetation clearance and surface clearance of the existing dedicated footpath cycleway on Pitsea Hall Lane
- Developer committed to allowing a revised route of National Coastal Path to pass through the site, if such a proposal were brought forward and fund works to achieve this.
- Provide for a liaison group to meet annually for the remainder of the restoration and aftercare works and as required during the management period

- Upon completion of the restoration not to use the Site other than for, aftercare, biodiversity, public open space for informal creation, agriculture necessary for aftercare to achieve enhanced biodiversity and public access purposes
- Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
- Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
- Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
- In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
- To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and to provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
- The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
- Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.
- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements per day (550 in 550 out). In addition no more than 100 HGV movements per day on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
- The southern wharf shall only be used for the importation of restoration and engineering materials. Upon completion of the 5 year aftercare across the whole site the Southern wharf shall cease to be used as a wharf without compensation.

ii. And conditions as set out below

1. The development hereby permitted shall be deemed to have commenced on the date of this decision notice.

   For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) would then supersede planning permission ref: ESS/35/06/BAS

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

2. The developer shall notify the Waste Planning Authority in writing within 7 days of the placement of soils on the last phase of the landfill.

   Reason: To enable the Waste Planning Authority to control the development, to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with WLP policy 10 and 12.

3. The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328).

   and the following drawings:

   - 16062/PA/01 - Location Plan
   - 16062/PA/02 - Planning Application Boundary
   - 16062/PA/03 - Environmental Information
   - 16062/PA/04 - Utilities Plan
   - 16062/PA/05 - Existing Situation
   - 16062/PA/06 - Proposed Restoration Phases
   - 16062/PA/07 - Proposed Pre-Settlement Contours
   - 16062/PA/08 - Pre-Settlement Cross Sections
   - 16062/PA/09 - Proposed Post-Settlement Contours
   - 16062/PA/10 - Post-Settlement Cross Sections
   - 16062/PA/14 - Existing Gas Management System
   - 16062/PA/15 - Proposed Gas Management System
   - 16062/PA/16 - Surface Water Management Plan
   - 16062/PA/17 - Currently Approved Landform and Consequences

   As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings

   - P/1 Site Context Plan dated June 2014
   - P/2 Site Restoration dated June 2014 – defining restoration contours
   - PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020
   - PIT/RES/453 Projected Restoration 2020 dated 07/02/2020
   - Figure 3 Revised Restoration Masterplan dated January 2018 – defining restoration habitat types

and the following amending letters and emails

- Letter from SLR dated 11 February 2015 and accompanying Heritage Statement
- Letter from SLR dated 27 May 2015 and accompanying Protection Measures for Protected Species dated October 2011
- Letter from SLR dated 9 June 2015
- Letter from Veolia dated 7th May 2020

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

Reason: For the avoidance of doubt as to the scope of the development hereby permitted, to ensure development is carried out in accordance with the approved application details in the interests of amenity, and to ensure compliance with adopted Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12, and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.

4. Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 28 Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 25 of this planning permission.

   Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.

5. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027.

   Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.

6. Operations authorised by this permission, including vehicles entering[1] or leaving the site, shall be restricted to the following durations:

   0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

[1]Vehicles shall not be considered to have entered the site until they have passed the weighbridge.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policy BAS BE12.

7. The total number of Heavy Goods Vehicles (a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

   1100 movements (550 in and 550 out) per day (Monday to Saturday)

   No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

   A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.

   Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.

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

   Reason: To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.

9. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.

   - Boundary with Wat Tyler Country Park monitoring location ML2
   - Boundary with RSPB Bowers Marsh Reserve monitoring location ML6

(Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.)

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

Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.

10. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

    Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. 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 Waste Planning Authority in advance of such a temporary activity taking place.

    Reason: In the interests of amenity and to comply with WLP policy W10E and the NPPF.

11. Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.

    Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.

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

    Reason: In the interests of amenity and to comply with WLP policy 10 and BDLP policy BAS BE12.

13. The development hereby permitted shall be implemented in accordance with the measures to control dust approved on 20 November 2008 under

Condition 12 of planning permission ESS/35/06/BAS. The approved measures to control dust are set out in the "Dust Management Plan" submitted with letter dated 25 July 2008.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policy BAS BE12.

14. All vehicular access and egress to and from the site shall be from Pitsea Hall Lane as indicated on drawing ref. P/1, dated June 2014. No other access shall be used by vehicles entering or exiting the site.

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

15. The development hereby permitted shall be implemented in accordance with the details for storage of restoration materials, including locations, heights, planting and maintenance of storage bunds on the site approved on 20 October 2010 under Condition 16 of planning permission ESS/35/06/BAS. The approved storage of restoration materials are set out in the "Restoration Material Storage" received with letter dated 25 July 2008 and drawing no. PIT/RES/289 received with letter dated 13 November 2008.

    Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.

16. The development hereby permitted shall be implemented in accordance with the details for machine movements for the stripping and replacement of soils details approved on 8 January 2009 under Condition 18 of planning permission ESS/35/06/BAS. The approved machine movements details are set out in the "Scheme of machine movements for the stripping and replacement of soils" received with letter dated 23 December 2008

    Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.

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

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

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.

18. All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.

    Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.

19. Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.

    Reason: To aid the final restoration of the site in compliance with WLP policy 10.

20. Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the pre-settlement levels as shown on drawing 16063/ES/A2 dated June 2006.

    Reason: To ensure proper restoration of the site and to comply with WLP policy 10.

21. a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration Masterplan dated January 2018

    b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 25 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.

    Reason: To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local

landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.

23. Protection and mitigation for legally protected species shall be in accordance with “Protection Measures for Protected Species” (Ref R4142) dated October 2011 prepared by AMEC.

    Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy W10E and BDLP policy BAS C7.

24. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.

    Reason: To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.

25. A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats set out within the Restoration Master Plan. The Restoration Management Plan shall:

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

    b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

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

    The development shall be implemented in accordance with the approved aftercare scheme.
    Reason: To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10

26. Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in

writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 25.

The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.

Reason: To ensure that the land is rehabilitated to a suitable condition to support amenity and nature conservation uses and to comply with WLP policy 10.

27. As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.

    Reason: To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.

28. In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.

    Reason: To ensure that the land is restored to a condition capable of beneficial use, within a reasonable time period, in the interest of local amenity, protection of the Green Belt and to comply with WLP policy 10 and BDLP policies BAS GB1, BAS C2 and BAS C7.

29. Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as “Existing semi-natural habitat” and “Screen Planting”. The Plan shall include:

    a) A description and evaluation of features to be managed;
    b) Ecological trends and constraints on site that might influence management;
    c) Aims and objectives of management;

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
i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill.

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.

The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10 and BDLP policy BAS C7

30. The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.

33. Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.

Reason: To ensure appropriate materials ae used in the access and monitoring tracks in the interests of visual amenity and to comply with WLP policies W10C and W10E and BDLP policies BAS C1 and BAS C7.

34. Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a life feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on

a website until such time as the site is made available for access by the public.

Reason: To enable public observation of the flora and fauna at the site until such time as public access is permitted.

35. All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viable during the aftercare period.

    Reason: To ensure management of the restored land is not impeded, to improve visual appearance and any adverse impacts of flora and fauna and to comply with policy 10.

36. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

    Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10.

37. Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be installed in accordance with approved details prior to first public access.

    Reason: To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.

7. Bradwell Quarry, Church Road, Bradwell

The Committee considered report DR/15/22 by the Chief Planning Officer.

Members noted the addendum to the agenda in respect of changes to proposed conditions 1 and 54.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Latest position regarding the Legal Agreement
- No change in relevant planning policy or other material circumstances since last consideration by Committee

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

- The application before Members was for a three-month time extension to allow the legal agreement to be completed.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a unanimous vote of in favour, it was

Resolved

That planning permission be granted subject to the following conditions:

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.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
   - Volume 1: Planning Application Supporting Statement;
   - Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
   - Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment
   - Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
   - Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
   - Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
   - Email from Honace dated 2 June 2020, 16:13, Site A7 EcIA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020
   - Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020

- Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
- Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
- Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound
- Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
- Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020
- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements
- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

Drawing No.	**Title**	**Date**

A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20
A7-7 Rev C	Silt and Water Management	06-02-20
A7-8 Rev C	Proposed Haul Road And Crossing Details	03-06-20
A7-9-1	Site A7 Contractor's Compound Area	02-06-20
A7-09-02 Rev B	Lower Level Haul Road	18-06-20
A7-09-03 Rev B	Higher Level Haul Road	18-06-20
A7-10A Rev C	Phasing and Restoration Sequence	02-06-20
A7-10B Rev C	Phasing and Restoration Sequence	02-06-20
A7-11 Rev A	Restoration Profile	06-12-19
A7-12-1 Rev F	Restoration Masterplan	02-06-20
A7–12-2 Rev B	Restoration Masterplan - Cross Sections	04-06-20
A7–13-01 Rev I	Higher Level Restoration – Site Wide Masterplan	11-10-21
A7–13-02 Rev I	Lower Level Restoration – Site Wide Masterplan	11-10-21
A7-14	Land Classification Soils Types	06-11-19
A7-15 Rev B	Groundwater Depths and Base of Mineral	06-11-19
A7-16 Rev C	Groundwater Contours	16-01-20
A7-17 Rev C	Local Groundwater Abstraction	02-12-19
A7-18 Rev A	Site Services Plan	31-10-19
A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals	19-06-20
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals	19-06-20
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals	19-06-20
A7-20-Bio&AC Rev A	5 Year Aftercare Scheme Aftercare Areas with IWMF	11-10-21
A7-21-Bio&AC Rev A	5 Year Aftercare Scheme Aftercare Areas without IWMF	11-10-21
BW319.24	Site A7 RPA Earth Mound Protection Sectional Elevation	21-11-19
BW319.25	Site A7 RPA Earth Mound Protection Plan View	06-06-20
Figure1281/2/9B	Phasing & Skylark Enhancements - Whole Scheme	
Figure1281/2/9A	Phasing & Skylark Enhancements	

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 81, , RLP 84, , RLP 87, RLP 90 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

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

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84 and RLP 90and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

4. The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004,

ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84, RLP 90and RLP 101 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

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

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, , RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80,RLP 84, RLP 90and RLP 101 and BDCS policies

CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

6. The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 of this planning permission.

   Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

7. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and land shall be restored in accordance with the restoration scheme approved under condition 32 of this permission.

   Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

8. In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

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

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

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

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

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

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

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

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

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

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

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

Except that the DSM may be operated to produce dry mortar between the following hours, but shall not include HGV movements onto the public highway
06:00 to 07:00 Monday to Friday
18:30 to 22:00 Monday to Friday
and at no other times.

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

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

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

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

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

12. All vehicular access and egress to and from the site shall be from A120 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

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

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

    Reason: In the interest of highway safety and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

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

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

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

    590 movements (295 in and 295 out) per day Monday to Friday
    294 movements (147 in and 147 out) per day Saturdays

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

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

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

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

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

17. The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

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

18. The development hereby permitted shall be implemented in accordance with the signage details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the private access road for the duration of the development hereby permitted.

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

19. Except for temporary operations, the free field Equivalent Continuous Noise Level (L_{Aeq}, 1 hr) at noise sensitive locations listed below, due to operations at the site between 07:00 and 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the $L_{Aeq\ 1hr}$ levels as set out below:

Location	Criterion $dBL_{Aeq\ 1hr}$
Heron's Farm	45

Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1[1]	47
Silver End 2[1]	51
Hylands [2]	43
Scrip's Farm [2]	43
Monk's Farm Cottages [2]	42

[1] Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental Noise, Report Reference: B3910 20171124 R

[2] Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

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

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

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

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

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

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

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

21. For temporary operations, the free field Equivalent Continuous Noise Level [L_{Aeq}, 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB L_{Aeq} 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

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

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

    In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

    In addition the frequency of monitoring shall be increased in the following circumstances:

    a) during periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.
    b) during periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring
    c) during periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and L_{Aeq} noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

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

23. Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management shall contain the following:

- Survey locations
- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 19 and 20
- Procedures for characterising extraneous versus site attributable noise.

The noise management plan shall be implemented in accordance with approved details.

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

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

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

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

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

26. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A7-4 Rev B.

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

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

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

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

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

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

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

30. The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

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

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

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

32. Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;
- removal of guards once established; and
- phasing of implementation.

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

Reason: Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and in accordance with MLP policy DM1 and BDLPR policies RLP 81.

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

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

34. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include the following:

a) Risk assessment of potentially damaging construction activities;
b) Identification of biodiversity protection zones;
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
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.

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

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

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

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

36. Prior to commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures, particularly with respect to stag beetles, skylarks and bats;
b) designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).
and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

37. Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond “PY” on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020shall be submitted to

and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
d) persons responsible for implementing the enhancement measures;
e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

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

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

39. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S12 and DM1 and BCS policy CS8.

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

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

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

(a) "Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean

plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

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

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

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

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

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

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

44. Prior to the commencement of development a mitigation strategy detailing the excavation, monitoring and/or preservation in situ, shall be submitted to and approved by the Minerals Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

45. No development or preliminary groundworks shall take place on those areas of the development site containing archaeological deposits until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy approved under condition 44 and the Mineral Planning Authority has been notified and confirmed that the fieldwork has been completed.

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

46. Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 6 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

    Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

47. Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled" Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020.

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

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

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

49. Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 days of a written request.

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

50. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

    Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

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

    Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

52. All stones and other materials in excess of 200mm in any dimension shall be picked and removed from the final restored surface of the site.

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

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

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

    b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

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

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

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

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

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

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

    Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies DM1 and DM3.

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

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

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

    Reason: In the interests of local and visual amenity and in accordance with MLP policies DM1 and DM3.

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

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

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

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

60. Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

Reason: To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with MLP policy DM1 and BDLPR policy RLP 84

61. Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:
a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84

62. The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC Rev A dated 11-10-21 and A7-21-Bio&AC Rev A dated 11-10-21 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

j) A description of the habitats to be created
k) Ecological trends and constraints on site that might influence management;
l) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
a) Appropriate management options for achieving the aims and objectives;

b) Prescriptions for management actions;
c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
d) Details of the body or organisation responsible for implementation of the plan;
e) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

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

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

63. In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority.
The scheme shall include:
- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers' compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Ferring and Kelvedon Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

64. No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

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

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.

65. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the Waste planning Authority.
The content of the LEMP shall include the following:
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 aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.

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

Reason: To allow the Waste Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species and in accordance with MLP policy DM1 and BDLPR policies RLP80, RLP 81 and RLP 84.

8. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/17/21; applications, enforcement and appeals statistics, as at the end of February 2022.

The Committee NOTED the report.

9. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 22 April 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:48.