



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 28 January 2022</b>	<b>Council Chamber County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Emma Hunter, Democratic Services Officer

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

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1	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	6 - 6
2	<b>Minutes</b> To approve the minutes of the meeting held on 26 November 2021.	7 - 35

- 3 Identification of Items Involving Public Speaking**  
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting.
- 4 Minerals and Waste**
- 4.1 Elmstead Hall, Elmstead, Colchester 36 - 94**  
To consider report DR/01/22 relating to the:
- (i) Continuation of construction of an irrigation reservoir without compliance with Condition 2 (Duration) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to extend the time period for completion of site operations including restoration on land at Elmstead Hall, Elmstead, Colchester.
- (ii) Continuation of construction of an irrigation reservoir without compliance with Condition 3 (Approved Details) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to now provide for retrospective revisions to the location and design of the peripheral environmental bund, aggregate processing plant, mineral stockpile and storage areas, the site entrance, the internal access road and site water management and the addition of a mobile soil screening plant.
- Location:** Elmstead Hall, Elmstead, Colchester
- Ref:** ESS/97/21/TEN and ESS/105/21/TEN
- 5 Information Items**
- 5.1 Dollymans Farm, Doublegate Lane, Rawreth, Wickford 95 - 97**  
To update Members on enforcement of planning control.
- Location:** Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD
- Ref:** ENF/1148
- Report DR/02/22

**5.2      Report on the Programme of Periodic Review of Mineral Planning Permissions      98 - 104**

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

Report DR/03/22

**5.3      Applications, Enforcement and Appeals Statistics      105 - 106**

To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of November 2021, plus other background information as may be requested by the Committee.

Report DR/04/22

**5.4      Applications, Enforcement and Appeals Statistics      107 - 108**

To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by the Committee.

Report DR/05/22

**6      Date of Next Meeting**

To note that the next meeting will be held on Friday 25 February 2022, in the Chamber, County Hall.

**7      Urgent Business**

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

**Exempt Items**

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

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

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

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**Urgent Exempt Business**

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

## Agenda item 1

**Committee:** Development and Regulation Committee

**Enquiries to:** Emma Hunter, Democratic Services Officer

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

#### **Recommendations:**

To note

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

#### **Membership**

(Quorum: 3)

Councillor C Guglielmi

Councillor J Jowers

Councillor J Fleming

Councillor M Garnett

Councillor I Grundy

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

Chairman

Vice-Chairman

## Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 26 November 2021 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 S Kane
Cllr D Harris	Cllr M Hardware

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

Apologies were received from Cllr B Aspinell and Cllr P Thorogood.

### 2. Minutes

The minutes of the meeting held on 1 November 2021 were agreed as a correct record and signed by the Chairman.

### 3. Identification of Items Involved in Public Speaking

There were no public speakers.

### 4. Land at Bradwell Quarry, Church Road, Bradwell

The Committee considered report DR/24/21 by the Chief Planning Officer.

Members noted the addendum to the agenda.

The report referred to the previous Committee reports, where policies relevant to the application and details of consultation responses and representations received were set out.

The Committee noted the key issues:

- There had been no significant change in planning policy or material change in circumstances since the Committee's resolution in November 2020 to grant planning permission subject to conditions and a deed of variation to the original legal agreement.
- Delays in completion of the deed of variation to the original legal agreement had mainly arisen due to a change in landowners, but progress was being made.

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

- This application sought to grant an additional 6 months to complete the legal agreement. The legal agreement was required under the decision made by the Development and Regulation Committee in May 2020 when it heard ESS/35/20/BTE. The application came to Committee again in November 2020 to grant a one-year extension for the legal agreement, however, by November 2021 this had unfortunately not been completed.

- Whilst the legal agreement was not completed, although the additional operations were not believed to be taking place, it would be unlikely for officers to take enforcement action if the site was operating early in the morning or late at night due to the resolution in place which stated that planning permission would be granted.
- This was a variation application to the original A5 application and did not allow for an extension of the life of the quarry itself. There was existing planning permission for Site A5 which allowed working on the site until 2022 to complete the mineral extraction.

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

### Resolved

That planning permission be granted subject to

- i. The prior completion, within 6 months (unless otherwise agreed with the Chairman of the Development and Regulation Committee), of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the [May 2020 Committee Report](#)
- ii) And conditions as set out below, incorporating any subsequently approved details required by conditions.
  1. The development hereby permitted shall be deemed to have commenced on the date of issue of this planning permission
 

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended). The development is part retrospective.*
  2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
    - Volume 1: Planning Validation Form; Planning, Planning Application Supporting Statement;
    - Volume 2 Environmental Statement, Public Consultation Statement and Non-Technical Summary
    - Honace Letter dated 29 January 2018 Ref: 14-12-1411-250.A0 and CD containing the application in electronic format
    - Honace Letter dated 23 March 2018 Ref: 14-12-1411-250.A2 clarifying the proposed hours of operation for Site A5
    - Noise Assessment Clarifications dated 14 May 2018 from Acoustical Ref: B3910 2018-04-30 L - Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane)
    - Email from Honace dated 14 May 2018, 07:12, RE: Bradwell A5 – Archaeology and the attachment Programme of Archaeological Monitoring Ref Bradwell Quarry – Proposed Extension Area `A5` PAM



- Honace Letter dated 16 May 2018 Ref: 14-12-1411-501, ESS/03/18/BTE: Clarification associated with the Site A5 Contractor's Site Compound and temporary access arrangements for private vehicles, fuel deliveries and general support vehicles
- Honace Letter dated 17 May 2018 Ref: 14-12-1411-503, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 17
- Honace Letter dated 22 May 2018 Ref: 14-12-1411-502, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Biodiversity Restoration Scheme
- Honace Letter dated 24 May 2018 Ref: 14-12-1411-504, ESS/03/18/BTE: Clarification of the Site A5 Landscape and Visual Impact Assessment: Viewpoint 4
- Email from Honace dated 1 June 2018, 13:21, Site A5 Clarifications and Ecology Addendum and the attachment Green Environmental Consultants, Ecological Assessment Addendum, May 2018
- Email from Honace dated 12 June 2018, 10:34, Site A5 Noise Response & Additional Clarification and the attachment from Acoustical B3910 2018-06-11 L ESS\_03\_18\_BTE Additional Info Noise Response\_040618 v.2, B3910 2018-06-11 Calculations - worst case cumulative and temporary, and B3910 2018-06-11 Worst case cumulative
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-504.A0, ESS/03/18/BTE: Site A5 Dust Minimisation Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Groundwater Monitoring Scheme
- Honace Letter dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting
- Honace Letter dated 21 June 2018 Ref: 14-12-1411-506.A1, ESS/03/18/BTE: Higher Level Restoration Scheme
- Email from Honace dated 11 July 2018, 17:28, RE: Site A5 Noise Response & Additional Clarification and the Attachment from Acoustical Bradwell Quarry, Church Road, Bradwell, CM77 8EP (and land southeast of Sheepcotes Lane), B3910 20180711 N
- Honace Letter dated 19 July 2018 Ref: 14-12-1411-507.A1 Notification of commencement of interim lower level restoration scheme.

together with drawing numbers as follows:

Drawing No.	Title	Date
A5-1 Rev A	Land Ownership and Proposed Site Plan	04-01-18
A5-2 Rev A	Proposed Extension of Existing Quarrying Operation	04-01-18
A5-3 Rev A	Site Setting	29-09-17
A5-4 Rev E	Public Right of Way	12-02-18

A5-5 Rev A	Geological Map and Excavation Profile	05-10-17
A5-6 Rev C	Temporary Site A5 Works	12-02-18
A5-7 Rev D	Site A5 Extraction and Restoration Phasing	12-02-18
A5-8 Rev E	Phasing of Combined Higher Level Restoration	14-05-18
A5-9 Rev H	Higher Level Restoration Profile	23-04-18
A5-10 Rev E	Phasing of Combined Lower Level Restoration	14-05-18
A5-11 Rev E	Lower Level Restoration Profile	14-05-18
A5-12	Land Classification and Soil Types	25-09-17
A5-13 Rev C	Groundwater Monitoring and Points	29-09-17
A5-14 Rev B	Local Groundwater Abstraction	29-09-17
A5-15	Local Landscape and Character Areas	17-10-16
A5 - 16	Zone of Theoretical Visibility (ZTV)	17-10-18
1075/1/1 Rev A	Ecological Habitat Map	12-02-18
1075/1/2 Rev A	Ecological Territories of Red list Farmland Birds 2015	12-02-18
1075/1/3 Rev A	Ecology Constraints Map	12-02-18
A5-21	A5 Restoration and Wetland Details	17-05-18
A5-22 Rev B	A5 Simplified Restoration Details	14-06-18

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

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 81, RLP 84, RLP 86, RLP 87 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 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5 and CS8 and 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 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BCS policies CS5 and CS8 and 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 49, RLP 62, RLP 63, RLP 65, RLP 69, RLP 72, RLP 80, RLP 84 and RLP 86 and BDCS policies CS6 and CS8 and BLP S1 policy SP 7.*

6. The development hereby permitted shall cease by the 31 December 2022 by which time extraction shall have ceased in Site A5 and the application site shall have been restored in accordance with the details/schemes for the Lower Level Restoration Scheme approved under conditions 35, 36, 51 and 71 and shall be the subject of aftercare for a period of 5 years in accordance with schemes agreed under conditions 42, 43, 62 and 63 of this planning permission. Or if the application site is restored to the Higher Level Restoration Scheme, restoration shall be in accordance with the details/schemes approved under conditions 35, 36, 51 and 72 and shall be subject of aftercare for a period of 5 years in accordance with schemes agreed under conditions 42, 43, 62 and 63 of this planning permission.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS6 and 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 or by the 31 December 2022 and land shall be restored in accordance with the restoration scheme approved under conditions 35, 36, 51 and 71 or 35, 36, 51 and 72 if the Higher Level Restoration Scheme is undertaken of this permission.

*Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, RLP 49, RLP 80 and RLP 86 and BCS policies CS5 and CS8 and BLP S1 policy SP 7.*

8. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in conditions 35, 36, 51, 71 and 72 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to the Mineral Planning Authority for its approval in writing, within 2 years and 2 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

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

9. Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable:-
  - (a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

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

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

or Public Holidays;

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

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

07:00 hours to 13:00 hours Saturdays

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

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday;

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

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

07:00 hours to 13:00 hours Saturdays

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

06:00 to 07:00 Monday to Friday

18:30 to 22:00 Monday to Friday

and at no other times.

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

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

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

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

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

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

specific planning permission.

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

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

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

17. The signs stating: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' erected on both sides of the access road at the points

where Footpaths Bradwell 19, Bradwell 58, Bradwell 57 cross and on the haul road where Footpath Kelvedon 35 crosses, and shall be maintained for the duration of the development hereby permitted.

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

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

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

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

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

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

Location	Criterion dB LAeq 1hr
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49



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Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1*	47
Silver End 2*	51

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

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

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

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

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

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

Temporary operations that give rise to noise levels greater than those noise

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

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

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

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

compliance with the maximum limits set out within conditions 20 and 21, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 24 shall be implemented.

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

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

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

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

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

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

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

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

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

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

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

29. No additional fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and

approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

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

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

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

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

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

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

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

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

34. Advanced hedgerow and woodland planting shall be in accordance with Drawing A5 -22 Rev B and in accordance with planting details set out in letter from Honace dated 11 June 2018 Ref: 14-12-1411-506.A0, ESS/03/18/BTE: Site A5 Advance Hedgerow and Woodland Planting. The advanced planting shall be carried out in the first available planting season following the date of this planning permission.

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

8.

35. The development hereby permitted shall be implemented in accordance with the planting scheme for Sites A3 and A4 approved on 30 November 2020 under condition 31 of planning permission ESS/07/16/BTE. The approved planting scheme details for Site A3 and Site A4 are set out in the application (ref: ESS/07/16/BTE/31/1) for approval of details reserved by condition dated 2 February 2018 the following documents and drawings:

- Document entitled “25 Year Biodiversity Management Plan: 5 year Outline Aftercare Scheme & Biodiversity Proposals” dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.
- Document entitled “Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals” by Honace, DRaW And Green Environmental Consultants
- Document entitled “Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled “Aftercare areas without IWmf” dated 24.11.20 by Honace & DRaW
- Drawing No. 3J-Bio&AC Rev C entitled “Aftercare Areas with IWmf dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

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

36. Within 3 months of the date of this permission a planting scheme for the "Proposed native woodland planting" for areas associated with Site A5 as identified on Drawing A5-11 Rev E Lower Level Restoration Profile and Drawing A5-9 Rev H Higher Level Restoration Scheme shall be submitted to the Mineral Planning Authority for its written approval. The planting scheme shall include:

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

The planting scheme shall be implemented in accordance with the approved

details.

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

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

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

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

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

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

39. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) for Site A5 approved on 12 August 2019 under condition 38 of planning permission ESS/03/18/BTE. The approved Construction Environmental Management Plan (CEMP) for Site A5 is set out in the application for approval of details reserved by condition (ESS/03/18/BTE/38/1) dated 3 September 2018 and the following documents and drawings:

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

12-02-18.

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

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

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

41. 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.*

42. The development hereby permitted shall be implemented in accordance with the Biodiversity Management Delivery Plan for Sites A3 and A4 approved on 30 November 2020 under condition 36 of planning permission ESS/07/16/BTE. The approved Biodiversity Management Delivery Plan is set out in the application (ref ESS/07/16/BTE/36/1) for approval of details reserved by condition dated 2 February 2018 and the following documents and drawings:

- Document entitled "25 Year Biodiversity Management Plan: 5 year Outline Aftercare Scheme & Biodiversity Proposals" dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.
- Document entitled "Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals" by Honace, DRaW And Green Environmental Consultants
- Document entitled "Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled "Aftercare areas without IWMF" dated 24.11.20 by Honace & DRaW

- Drawing No. 3J-Bio&AC Rev C entitled “Aftercare Areas with IWMF dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

*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.*

43.. Within 3 months of the date of this planning permission a Landscape and Ecological Management Plan (LEMP also referred to as a Habitat or Biodiversity Management Plan) for Bradwell Quarry, for the area of Site A5 shall be submitted to for approval in writing of the Mineral Planning Authority. The Plan shall include:

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

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

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

44.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.*

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

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

46. The seeding and maintenance of soil bunds established around Sites A3 and A4 shall continue to be maintained in accordance with the details approved on 19 February 2018 under condition 40 of planning permission ESS/07/16/BTE. The approved seeding and maintenance of soil bund details are set out in the application for approval of details reserved by condition dated 2 February 2018 and statement entitled "Condition 40: Bund Seeding and Maintenance". Following the establishment of new bunds around the perimeter of Site A5, bund seeding and maintenance shall be carried out in accordance with the details within the Honace letter dated 11 June 2018 Ref: 14-12-1411-505.A0, ESS/03/18/BTE: Site A5 Bund Seeding and Maintenance.

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

47. 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.*

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

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

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

49. 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.*

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

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

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

51. The development hereby permitted shall be implemented in accordance with the restoration levels for New Field Lagoon approved on 30 November 2020 under

condition 46 of planning permission ESS/07/16/BTE. The approved Restoration levels are set out in the application (Ref: ESS/07/16/BE/46/1) for approval of details reserved by condition dated 2 February 2018 and drawing No. 020-01-d25 Rev D entitled "5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections" dated 19.06.20.

*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.*

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

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

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

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

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*with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.*

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

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

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

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

56. 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.*

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

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

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

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

59. 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 policy RLP 72.*

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

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

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

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

62. The development hereby permitted shall be implemented in accordance with the Outline Aftercare Scheme for Agriculture and woodland for Sites A3 and A4 approved on 30 November 2020 under condition 55 of planning permission ESS/07/16/BTE. The approved Outline Aftercare Scheme for Agriculture and woodland for Sites A3 and A4 are set out in the application (ref ESS/07/16/BTE/55/1) for approval of details reserved by condition dated 2 February 2020 and in the following documents and drawings:

- Document entitled “25 Year Biodiversity Management Plan: 5 year Outline Aftercare Scheme & Biodiversity Proposals” dated 24 November 2020 by DRaW, Report number 020/01/r1 Revision N.
- Document entitled “Appendix 1: Summary of the Year 1 to 5 and Year 6 to 25 Biodiversity Management Proposals” by Honace, DRaW And Green Environmental Consultants
- Document entitled “Appendix 2: Summary of the Year 6 to 25 Biodiversity Management Proposals for Priority Habitats by Honace, DRaW and Green Environmental Consultants
- Drawing No. 3I-Bio&AC Rev D entitled “Aftercare areas without IWmf” dated 24.11.20 by Honace & DRaW
- Drawing No. 3J-Bio&AC Rev C entitled “Aftercare Areas with IWmf dated 19.06.20 by Honace & DRaW
- Drawing No. 020-01-d25 Rev D entitled 5 year Aftercare Scheme New Field Lagoon L1 Detail & Sections dated 19.06.20.

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

*and DM1 and BCS policies CS5 and CS8.*

63. An aftercare scheme detailing the steps that are necessary to bring the land to be restored to agriculture and woodland as part of Site A5 to a required standard for agricultural and woodland shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and placement of soils on site. The submitted scheme shall:

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

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

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

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

*Reason: To ensure the route of the agricultural track minimises its impact upon on agricultural use of the adjacent land, rights of way and adverse impact on the landscape and complies with MLP policies DM1 and S12 and BCS policies CS5 and CS8.*

65. 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 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.*

66. 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 S11 and DM1.*

67. 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.*

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

*Reason: In the interests of local and residential amenity and in accordance with MLP policies S11 and DM1.*

69. 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 policy RLP 62.*

70. 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.*

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

31 July 2020.

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

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

- HL-0 Letter to Essex County Council dated 19 June 2020 - c69 Higher Level - Statement 2020-06 A.1
- HL-0 c69 Application Form
- HL-1 Ecological Impact Statement
- HL-2 Ecology - Biodiversity Statement A.0
- HL-3 c69 Site A5 Essex Biodiversity Validation Checklist
- HL-4 Dust - Air Quality Assessment
- HL-5A Dust Management Plan – dated 5 August 2020
- HL-6 Noise Assessment Bradwell Quarry High Level Restoration A, as amended by Ardent report dated 31 July 2020 Report Ref 2000070-2 (Final 28 August 2020) entitled “Bradwell Quarry High Level Restoration – Response to ECC”

And drawings

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

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

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



noise complaint with respect to the Higher Level Restoration Scheme the matter will be dealt with in accordance with the details set out in Section 4, 5 and 6 of point 7.

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

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

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

*Reason: To ensure the site is restored in a timely manner to a beneficial afteruse incorporating areas for biodiversity. Also to minimise the impact on local amenity and landscape and to comply with MLP policies S12 and DM1 and BCS policies CS5 and CS8.*

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

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

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

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

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

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

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

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

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

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

## **5. Enforcement Update**

The Committee considered report DR/25/21; Enforcement Report 2021-22.

Members noted the addendum to the agenda.

The Committee NOTED the report.

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

The Committee considered report DR/26/21; applications, enforcement and appeals statistics, as at the end of October 2021.

The Committee NOTED the report.

**7. Date of Next Meeting**

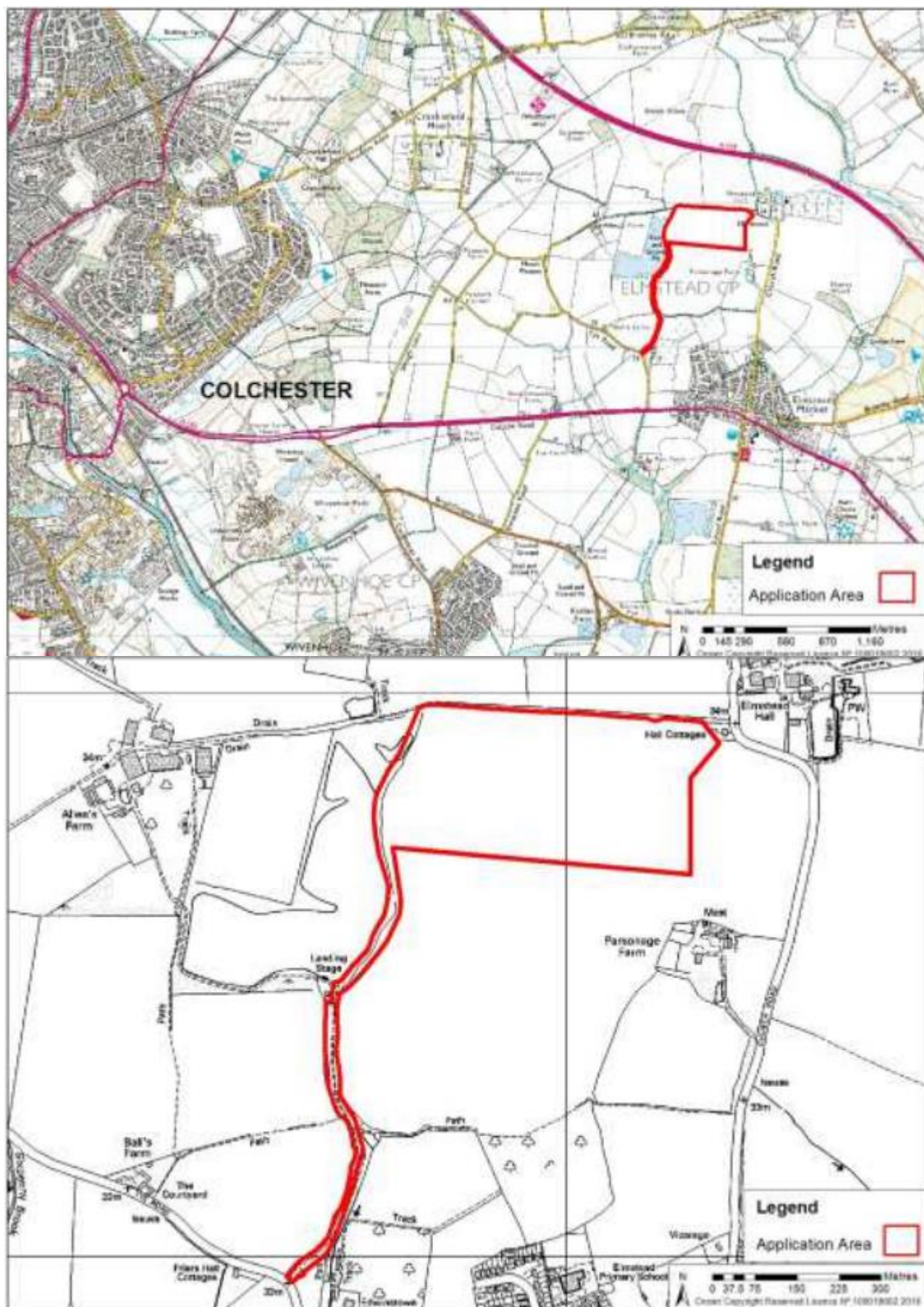
The Committee noted that the next meeting was scheduled for 10.30am on Friday 17 December 2021, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 10:42am.

**DR/01/22****Report to:** DEVELOPMENT & REGULATION 28<sup>th</sup> January 2022**Proposal:** MINERALS AND WASTE DEVELOPMENT

- (i) Continuation of Construction of an irrigation reservoir without compliance with Condition 2 (Duration) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to extend the time period for completion of site operations including restoration on land at Elmstead Hall, Elmstead, Colchester".  
Ref No: ESS/97/21/TEN
- (ii) Continuation of construction of an irrigation reservoir without compliance with Condition 3 (Approved Details) of Planning Permission ESS/24/15/TEN that was for "Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings" to now provide for retrospective revisions to the location and design of the peripheral environmental bund, aggregate processing plant, mineral stockpile and storage areas, the site entrance, the internal access road and site water management and the addition of a mobile soil screening plant.  
Ref No: ESS/105/21/TEN

**Ref:** ESS/97/21/TEN & ESS/105/21/TEN**Applicant:** R W Mitchell & Sons**Location:** Elmstead Hall, Elmstead, Colchester**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Terry Burns Tel: 03330 136440The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND AND SITE

The development site began its planning history when the extant permission was granted in October 2016 to enable the “Construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings” at the above site.

The permission was time limited to 48 months from the date of the permission i.e. until November 2021.

Adjacent the development land are two former extraction sites that created two irrigation reservoirs approved under permissions, TEN/258/90 and ESS/41/96/TEN constructed between 1994-99.

These two reservoirs now form one single entity. A District approved Anaerobic Digester (AD) plant together with digestate lagoons is situated to the west of the development land and to the north of the existing two reservoirs. The AD plant is fed from on farm maize crop to supply electricity for both the farm activities and export to the national grid. The Waste Planning Authority approved in 2014 an application, ESS/12/14/TEN, for the importation of 10,000 tonnes of inert waste to infill a void (to the east of the digestate lagoons) left from the extraction of clay utilised in the construction of the AD plant.

### Site location general

The general area is one comprising a low lying agricultural landscape (general height of 30 m Above Ordnance Datum (AOD)) within a wider gently undulating topography east of Colchester. The application footprint is located some 1.25 kilometres north of Elmstead Market and situated between the A120 Harwich road to the north (about 400 metres) and A133 Colchester road to the south (at some 400 metres distance).

The A133 is accessed from the application land via the internal access track and Tye Road. The farm track is concreted for its first 30 metres from Tye Road, where it is some 6.5 metres wide, and thereafter with a hard bound surface continues northwards, at about 3 metres wide, for some 560 metres to the existing reservoirs known as Allen’s Farm reservoir. Towards the southern half of the access track, Footpath No. 7 approaches the track from the east and then runs parallel to the eastern side of the track for a short distance before branching off east again. The farm access track continues northwards between agricultural fields and passing to the east of Allen’s Farm reservoir before reaching a “T” junction. At this point the track would form the western boundary of the proposed reservoir. Going east from the junction the track continues towards and then past Hall Cottage and Elmstead Hall whilst westwards from the junction the track skirts to the north of Allen’s Farm reservoir and leads into and past Allen’s Farm itself (some 550 metres west). This east-west track is also shared by Footpath No. 2 and both track/footpath from the junction eastwards would represent the proposed reservoirs northern boundary. South east of the proposed reservoir lies Parsonage Farm at some 150 metres. Remaining land to the south and north beyond the track comprises agricultural fields.

## Application area

The existing development footprint comprises some 13 hectares of land made up of the footprint of the reservoir (measuring some 9 hectares of which 5 hectares/180 metres x 440 metres would be the reservoir proper and 4 hectares an adjoining wetland/nature conservation interest), together with that part of the existing access track leading from Tye Road northwards to the south west corner of the proposed reservoir.

## **2. PROPOSALS**

The applicant has stated, for application ESS/97/21/TEN, that “..... site preparation works in the form of soil stripping for the archaeological investigations commenced on 6 November 2017, the result being that operations are required to cease by close of business on 5 November 2021.

*Reservoir construction works were delayed for approximately 2 years to November 2019 and since then reservoir construction has progressed at a slower rate than envisaged in the Planning Application. Four months later, in March 2020, the site was closed due to the Covid-19 pandemic. Throughout the following year certain site development works were undertaken but creation of the void dramatically slowed, and it is considered that this alone has effectively delayed construction by a further (a third) year. During the spring of 2021 the aggregate processing plant was closed for a total of three months following an unexpected increase in the clay content of the deposit. This closure was required to upgrade the plant that is now able to clean the aggregate more thoroughly. Until recently the prevailing market conditions for aggregate sales have suppressed the rate of development of the reservoir and now that sales are increasing the planning condition restricting lorry movements further than envisaged by the planning application has the potential to restrict the potential rate of construction. This range of contributing factors will precipitate a delay to the completion of reservoir construction well in excess of three and probably up to four years.*

### *Justification*

*It is recognised that planning condition 2 anticipates that all site operations would be concluded within 48 months of commencement, including soil stripping as a part of the archaeological investigation. We consider that this is not what the planning application anticipated when it stated .....*

*'The construction period is estimated to last four years during which time lorries will be removing minerals from the site.'*

*We believe this sentence to mean that construction operations would last 48 months excluding all site preparatory works (that include archaeological investigations) and any subsequent delays; in hindsight the planning condition could more appropriately have required the 48-month period to commence once the void started to be created through the removal of aggregates.*

*As a consequence, and in consideration of the delays to construction being, in summary;*



1. A two-year deferral of commencement of construction following the commencement of site preparation works
2. An effective one-year delay as a result of the Covid-19 pandemic
3. An upgrade to the aggregate processing plant necessitated by changing geological conditions
4. Prevailing variable market conditions and
5. A restriction on HGV movements compared with those sought by the planning application (resulting in a potential constraint on the rate of construction) the operator seeks planning permission to extend the date of completion of operations as defined by Condition 2 from 6 November 2021 to 6 November 2025.

Accordingly, it is proposed that an amended planning condition 2 should read as follows;

*'All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in accordance with the conditions of this permission not later than 6 November 2025.'*

#### *Planning Considerations and Approved Schemes*

*It is considered that there may be potential for the operation of the site for six years (2019 - 2025) as opposed to four (2017 - 2021) to impact upon the ability to comply with obligations set out in schemes that have been approved pursuant to planning conditions. In our opinion these impacts may extend only to those schemes that consider ecology, being conditions 23 (Construction Environmental Management Plan) and 58 (Biodiversity Management Plan). The applicant's retained ecologist has considered these schemes ..... “*

A statement considering ecological aspects accompanied the application.

For application ESS/105/21/TEN the proposals seek to regularise internal site layout aspects and provision of amendments to bund design and include “

- “a. Revised layout of the bund in the vicinity of Elmstead Hall and Cottages*
- b. Altered stockpile and storage areas*
- c. Revised location and design of aggregate processing plant*
- d. Additional storage container and staff welfare facility*
- e. Repositioned bund and site entry location*
- f. Reduced length internal site access road*
- g. Recharge pond*
- h. Mobile soil screening plant to operate throughout the year within a defined area”.*

The applicant in support of the application states that “No fundamental changes are proposed to the manner of site operations to affect receptors outside the planning permission boundary. There has been one change to peripheral bunds that may have short-term noise-related impacts on Elmstead Hall and Cottages to the



*immediate northeast of the development.*

*Instead of the development progressing as [previously approved] ....., aggregate removal is moving clockwise from the northwest corner of the site. This continues to be managed on a 'rolling' basis. .... Overburden is temporarily stored at ground level before being placed at the locations and in the manner specified by the Planning Permission.*

*.....there have been some changes to site infrastructure. The revised aggregate processing plant .... is located to the southwest of the originally proposed location and a container unit and a staff welfare unit lie just inside the peripheral bund and adjacent to the site access. The absence of the originally proposed security compound and polishing pond have meant that it has been possible to almost completely close the resultant gap in the peripheral bunds other than where vehicular access is required, this being slightly to the north of where it was proposed. This access now merely extends to the plant area rather than to the as-dug storage area.*

*At the eastern end of the development the recharge ditch currently runs along the inside of the peripheral bund and terminates in the north in a small recharge pond. The recharge ditch will be repositioned along the outside of the ditch ..... but divert through the bund at the northern end and terminate in a larger recharge pond positioned within the reshaped bund .....*

*Of more significance is the layout of the bund in the vicinity of Elmstead Hall and Cottages and the potential effect the altered location and profile have on noise mitigation. Planning condition 33 stipulates that (other than temporary operations) the free field Equivalent Continuous Noise Level shall not exceed 48dB LAeq, 1hr at this location due to operations at the site. A noise monitoring scheme has been approved in accord with planning condition 31 of the Planning Permission and monitoring has been undertaken in November 2019, March 2020, October 2020, March 2021 and October 2021.*

*It is, however, acknowledged that aggregate removal operations will continue to progress eastwards towards Elmstead Hall and Cottages before diverting south and then west in accord with the Second Drawing. It is anticipated that, as a consequence, noise levels at this location attributable to the approved site operations will initially increase before decreasing as operations move firstly south and then west later in the construction programme.*

*In addition, there is an increasing need for surplus soils removed from the development to be screened in order to meet the demands of the general market rather than being sold 'as removed'. Planning permission is therefore also sought to use appropriate mobile plant and equipment within the peripheral bunds subject always to compliance with approved noise limits. Any screening would be undertaken throughout the year (subject to compliance with the existing planning conditions).*

*Noise monitoring would continue to be carried out on a regular basis. In accordance with the noise monitoring scheme, should the results of the noise monitoring indicate noise levels attributable to site operations above the planning*

*condition limits at the properties, appropriate measures would be identified, agreed with the MPA and implemented to reduce noise levels”.*

### **3. POLICIES**

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

The development plan comprises:

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

Other material considerations include:

- iv) The National Planning Policy Framework (NPPF) July 2021.
- v) Planning Practice Guidance

The following policies of the Essex Minerals Local Plan Adopted July 2014 and the Tendring District Council Local Plan 2007. The Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) has been published. Although at an early stage in the development plan process the policies within this plan, whilst of limited weight, are being referenced in the District Council planning committee reports (selected policies revised July 2014) (paraphrased or in quotation marks if set out in full) are of relevance to this application:

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

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

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

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

- b) Policy S3 – “Climate change”

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

- 1. Siting, design and transport arrangements;

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

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

That applications demonstrate:

- a) Addressing health and safety; amenity; quality of life of communities and environment.
- b) Inclusion of mitigation measures
- c) No unacceptable adverse impacts
- d) Improvement/enhancement of the environment.

j) Policy S11 – “Access and Transportation”

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

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

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

n) Policy DM1 – “Development Management Criteria”.

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

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

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

p) Policy DM3 – “Primary Processing Plant”.

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

The policy requires such plant to be temporary.

#### Q) Policy DM4 – “Secondary Processing Plant”.

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

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

The policy requires such plant to be temporary.

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

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

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

c) Policy COM 23 – “General Pollution”.

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

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

- a) Policy SP1 “Presumption in favour of sustainable development” whereby the council would support development which contributes to the economic, social and environmental conditions of the area.
- b) Policy PPL1 “Development and Flood Risk” which requires that all development proposals include appropriate flood risk measures.
- c) Policy PPL3 “The Rural landscape” which seeks to protect the landscape from overriding harm to character or appearance. New development should be minimising light pollution.

#### National Planning Policy Framework

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

otherwise.

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

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

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be considered in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

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

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

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouses gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for

sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

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

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

In respect of the Tendring Local Plan, the District Council are reporting the following text in their planning reports: *“The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26th January 2021, ‘Section 1’ of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the ‘development plan’ for Tendring. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended ‘main modifications’ on 10th December 2020. The Inspector’s report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three ‘Garden Communities’ proposed along the A120 i.e., those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.*

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

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

*Where emerging policies are particularly relevant to a planning application and can*

*be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices”.*

It is now understood as of December 2021 that Section 2 Local Plan (Tendring specific) that the Inspectors have issued their report and stated the plan can be adopted subject to the Minor Modifications.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

#### **4. CONSULTATIONS**

Summarised as follows:

TENDRING DISTRICT COUNCIL- For both applications: Any comments received will be reported.

TENDRING DISTRICT COUNCIL-ENVIRONMENTAL HEALTH DEPARTMENT – For ESS/97/21/TEN: Any comments received will be reported.

ELMSTEAD PARISH COUNCIL- For both applications: Object to the applications for the following reasons:

- *“For repeated failure to comply with the travel plan and for repeated failure to comply with the site monitoring reports. This includes failure to comply with route direction, with lorries being sheeted and with the provision/use of a wheel wash.*
- *There is nothing in the application regarding what plans are in place to coordinate transport movement with the construction of the link road, which will happen during the extended period being requested.*
- *The council asks what redress is there if the application is approved and there is further failure to comply with the travel plan?”*

HIGHWAYS - STRATEGIC DEVELOPMENT- For ESS/97/21/TEN: Any comments received will be reported.-

ENVIRONMENT AGENCY- For ESS/97/21/TEN: No Objection and advise that the applicant may require an abstraction license.

PLACE SERVICES (ARBORICULTURE): For ESS/97/21/TEN: No Objection

PLACE SERVICES (ARCHAEOLOGY) – For ESS/97/21/TEN: No Objection

PLACE SERVICES (ECOLOGY) - For ESS/97/21/TEN: No objection subject to securing biodiversity mitigation and enhancement measures.

PLACE SERVICES (HISTORIC ENVIRONMENT) – For ESS/97/21/TEN: *“The proposed development is considered to have an adverse impact on the setting of a number of designated and undesignated heritage assets, including Elmstead Hall, Elmstead Church and Hall Cottages. The impact, in my opinion, would lead to ‘less than substantial’ particularly during the period of mineral extractions. As such, under Paragraph 202 of the NPPF, the local planning authority should weigh this harm against any public benefits arising from the scheme. Nevertheless, considering the application is based on the principle of a previous approval and that justifications for the extension of the operational period have been provided to satisfy the provision of Paragraph 200 of the NPPF, a further extension may be acceptable”.*

PLACE SERVICES (LANDSCAPE): For ESS/97/21/TEN: No Objection

PLACE SERVICES (URBAN DESIGN): - For ESS/97/21/TEN: No Objection

COUNTY COUNCIL’S NOISE CONSULTANT (CNC) – For ESS/97/21/TEN: Seeks clarification on for example, plant locations or topographic assumptions differ to those in the original Noise Assessment and for clarity being provided with provision of a plan identifying where the new development adjacent the site is located.

LOCAL MEMBER - TENDRING RURAL WEST- Any comments received will be reported.

## **5. REPRESENTATIONS**

As a result of site; press (Essex County Standard) and neighbour notification (11 properties notified) 1 letter of objection has been received.

### Observation

The current operation to construct a reservoir has had regular site visits at which several matters have been raised as issues regarding the compliance of the operation with the planning approval. Prior to the 2021 reports there were also matters raised in relation to non-adherence to the approved routeing

### Comment

See appraisal



plan using Tye and then Wivenhoe Road and damage to verges.

Evidence of non washing of wheels.

Noted although no evidence to support has been provided. There is an appropriate planning condition to restrict carry out of debris onto the public highway.

HGV's not been sheeted.

See appraisal

Along with other monitoring report notes on non compliance (see below) it is concluded that the operator appears to act in a manner that makes any further applications unwise. The operator behaves in a manner that could be regarded as disrespectful of the local community and the planning authorities.

See appraisal

Monitoring reports highlighting non compliance with site layout/scheme of working etc

See appraisal

## **6. APPRAISAL**

The key issues for consideration are considered to be;

- A. Appropriateness of the time extension.
- B. Traffic
- C. Implications for the amended details

### **A APPROPRIATENESS OF THE TIME EXTENSION**

The original application was made on the basis of seeking to provide an irrigation reservoir arising from the needs of the agricultural community in this very dry part of the country. At the time of that original determination the planning report was supportive of the development, in this particular case, after considerable justification had been sought from interested parties including agricultural consultants. The drafting of the proposed conditions were agreed with the agent/operator at the time and the subsequent decision notice ensured a suitable timescale from implementation to the land gaining the benefit of the proffered supply installation.

It is considered slightly insincere that the applicant has now requested, at the eleventh hour, an additional 4-year extension stating that the extant conditions were not suitable to the development timescale. The applicant has, since the granting of the permission, had sufficient time to address any necessary time considerations in that respect and chosen not to do so. Notwithstanding the applicant's claims of the delays that have impacted the site, on-going site operations have been slow and do not appear to reflect any urgent need for

providing the completion of the reservoir but more resemble the site being operated principally as a general quarry activity. No desperate agricultural urgency appears to dictate the site progress and mineral extraction progresses to meet market demand; supply of mineral to the applicants adjacent quarry interests to provide blending material to that quarries product range; the chasing of the mineral in the application footprint to where better mineral, less contaminated by silt can be found, to provide a marketable product; the stockpiling of the silty material to await later screening campaigns and for ancillary activities such as being present through the second of the applications presented in this report that of the soil screening element which whilst not in itself seeking to delay quarrying would be a further secondary quarry activity taking advantage of the overall processing facilities available on site. Whilst the above aspects are not contrary to the original permission they all add weight to a view that the principal reason for the development in the first place was to secure a quarry, with provision of a reservoir as a secondary consideration and not the other way around as the application was initially sold.

The quarry has become established and operates mostly un-contentiously within its immediate footprint notwithstanding the traffic aspect which is addressed separately, below. This in itself is not justification, in planning terms, that a further time extension is acceptable.

Policy guidance that was used to support the original application remains relevant and this seeks to ensure early restoration of sites and to minimise their impacts within the local area. Having an application originally time limited to 4 years to achieve what was considered an overriding need for delivery of an agricultural water supply and to now be seeking a further 4 years clearly conflicts with the whole premise for the application in the first place as well as policy.

Whilst being sympathetic to a degree with the applicants contention about delays having been experienced it is felt that 4 years on top is too long a period to construct the reservoir. The site is currently around just under halfway through extraction of the footprint. A halving of the request is likely to only delay a later time extension to complete the project given the slowness to date. Three years would appear to be a reasonable extension period from the applicant's application date taking completion of the mineral extraction and formation of the reservoir with landscaping to 30<sup>th</sup> November 2024. Were planning approval to be forthcoming this date would be recommended for the cessation date. A shorter timescale would also comply with Policy S12 of the MLP which requires, inter-alia, that proposals should demonstrate that the land is capable of being restored at the earliest opportunity.

The application based on this shortened timescale would not then be in conflict with policy that seeks to ensure a reasonable timescale for completion of projects and minimising impacts as addressed through Policies: S1; S10; S12; DM1 and QL11.

In respect of comments related to the new road programme; this is not a confirmed development at this stage with any approved start dates. What impacts/potential linkages that could arise between the road programme and the Elmstead site is not a matter for this application. Such implications would be open to

discussion/road programme consultation/planning requirements at that particular stage.

## B TRAFFIC

As raised by various parties including the Parish Council and the representee, have raised concern over the non-compliance with the approved traffic routing agreement for the site. Quarry traffic is required to turn left at the site entrance along Tye Road to the A133 Colchester Road.

Occurrences have been recorded on numerous occasions, and being reported by a local resident on Wivenhoe Road of quarry traffic passing both ways along this road. Although this resident has not themselves made representations to this particular application they have copied the Mineral Planning Authority into the correspondence between themselves and variously both the site operator and transport manager for the SRC group. The latter company are in effect the operators of the Elmstead Quarry as well as the nearby Martells quarry complex.

Members will be aware at the time of the applications for the Martells Western Extension that the routing requirements pertaining to this complex was explained as was the linkage between both sites with the company vehicles who had also been using Wivenhoe Road to move between both quarry sites with this traffic also being contrary to the Martells traffic routing agreement.

As with the Martells quarry complex trafficking issues, so it is with the Elmstead quarry; that without physically being stationed outside a particular site during site operating times and checking each vehicle it is difficult to police traffic routing agreements. It is essentially down to individual operators abiding by such agreements; ensuring appropriate advice is issued to all drivers, including third party operators, before they leave the complex and for these drivers to read and adhere to routing signs/plans. Local residents are usually better at policing in such events although for them to be continuously reporting such instances can be a onerous task.

Whilst there have been breaches of the routing agreement, it is also noted that passing HGV traffic along Wivenhoe Road, by third party operators, unconnected with the local quarry sites, is likely to be occurring. Likewise, the operator of the Elmstead complex also has a large business adjacent the development site with separate access onto Tye Road with an agricultural interest; new building construction as well as an Anaerobic Digester operation. There can be instances of HGV's associated with these separate interests also passing legitimately along Wivenhoe Road.

Notwithstanding the above comments, non compliance with the routing agreement has been occurring and such instances regularly forwarded to the SRC transport manager and site operator when reported by the local resident and or received by the Mineral Planning Authority.

Whilst the trafficking issue is not in itself a reason to refuse the application, the apparent persistency in HGV's utilising Wivenhoe Road as a short cut to and from

the two quarry sites does still take place albeit not on such a regular basis as before as far as can be ascertained.

The reported damage to verges was a topic of concern previously and whilst again this could have involved quarry related traffic from both quarry sites, it could equally apply to other third party HGV's using the highway and meeting oncoming traffic. The issue of road verge damage has not been a significant issue in the more recent period and the operators now being made aware of the trafficking aspects.

Accordingly, as with any routeing agreement, these are not totally watertight and require continuous policing and tracking of vehicles. Without it there would no doubt be more local concern as vehicles quite legitimately used the highway. That it is in place does offer alleviation of the trafficking but as said it is not watertight and relies on an operator being engaged and vigilant. Were planning approval to be forthcoming then the traffic routeing obligation would be carried over with an expectation that the operator observe the agreement.

From a policy position, is not considered that the traffic adherence aspect is in conflict with the purpose of the application itself and so would not from that aspect be in conflict with the application to extend the timescale and policies S10 and S11 of the MLP.

## **C IMPLICATIONS OF THE AMENDED DETAILS**

The revisions/regularisations made under ESS/105/21/TEN are considered appropriate and not to impact outside sensitive receptors.

Items highlighted by the representee are being picked up through this application.

Interested consultees such as the CNC has not objected to the noise implications of the proposals.

It is not considered that the proposals conflict with Policies S3; S10; DM1; DM3; DM4; QL11 and COM23.

Without prejudice to the determination of both applications, the implications for any approval of both planning applications would be for planning application ESS/105/21/TEN effectively superceding ESS/97/21/TEN to become the principal planning permission for the development.

## **7. CONCLUSION**

In considering the time request sought by the first of the two applications being presented, it has been recalled that the original application was approved on the basis of there being an acknowledged agricultural justification for securing irrigation capacity within this area of the county. That the original planning report was supportive of the proposal and subsequent conditioning of the development sought to ensure that early delivery of the water supply capacity.

The report has considered the reasoning behind the present extension period and,

whilst sympathetic to some of the delay, reasoning a further doubling of the overall timescale to secure the reservoir is considered unacceptable and contrary to policy guidance that seeks early restoration of land.

The report recommends a reduced timescale of three years to 31<sup>st</sup> November 2024 to secure completion of the reservoir and its landscaping which is considered appropriate and achievable particularly when the original intention and subsequent emphasis was to create a reservoir as opposed to establishing and maintaining a quarrying presence in the locality.

In respect of local concerns over traffic issues; the report notes that any traffic routing agreement is ultimately down to individual operators to administer and whilst not water tight in ensuring adherence to stated routes they do provide a generally acceptable approach to controlling development traffic. The report finds that the present routing agreement remains acceptable in this particular case.

In terms of the second application to address regularising and amending aspects of site layout and design the report does not raise objection on that issue.

## 8. RECOMMENDED

- A. That for **ESS/97/21/TEN** planning permission be granted subject to the following conditions:

### Duration

1. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in accordance with the conditions of this permission not later than 30<sup>th</sup> November 2024.

### Approved Details

2. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as set out in the application letter from D. K. Symes Associates dated 19<sup>th</sup> March 2015 and accompanying:
  - a) Planning Application form dated 19<sup>th</sup> March 2015
  - b) Planning Statement and Environmental Statement Volumes 1 and 2 dated March 2015.
  - c) Drwg Nos: 1003/A/1 entitled "Application Plan" dated 12-03-2015

- d) Drwg Nos: 1003/AD/1 entitled "Proposed Access Detail" dated 13-03-2015
- e) Drwg Nos: 1003/PP/1 entitled "Proposed Processing Plant" dated 27-02-2015
- f) Drwg Nos: 1003/SB/1 entitled "Illustrative Details of Typical Site Buildings" dated 27-02-2015

as amended by:

- g) The e-mail from Douglas Symes dated 2<sup>nd</sup> June 2015 and accompanying:
  - I. Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015. For clarity this plan only in respect of depicting the extraction depth in the depicted cross section. Drwg no: 1003/0/1v10 below supercedes this plan in all other respects.
  - II. Drwg no: 1003/CS/1 entitled "Illustrative Cross Sections – During Operations" dated 12-05-2015.
  - III. Drwg No: 1003/CS/2 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12-05-2015.
  - IV Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015.
- h) The e-mail from Douglas Symes dated 27<sup>th</sup> January 2016 and accompanying Archaeological Solutions Ltd Historic Buildings Impact Assessment entitled "Proposed agricultural Reservoir, Elmstead Hall, Elmstead, Essex Historic Building Impact Assessment" dated 21<sup>st</sup> December 2015.
- i) BLacoustics Environmental Noise Survey dated February 2016 ref no: BDL3519tr2 as amended by letter from LFAcoustics dated 23<sup>rd</sup> May 2016.
- j) The e-mail from Douglas Symes dated 12<sup>th</sup> September 2016 and accompanying Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016.

For Condition 1 (Commencement) the start date for the development is the 06/11/17 as set out in the email from Terry Burns to Simon Chaffe dated 17/05/21.

For Condition 6 (Tree Protection) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 6.

For Condition 9 (Ecological Interest) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

For Condition 11 (Archaeology) those details in so far as they relate to the Written Scheme of Investigation as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.
- Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

For Condition 15 (Vehicle Routeing) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 15.

For Condition 17 (Vehicle Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 17.

For Condition 23 (Construction Environmental Management Plan (Biodiversity) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to

Condition 23.

- c) Appendix 2 entitled "Construction Equipment Management Plan" REV .1 October 2019 dated October 2019.

For Condition 24 (Scheme of Working) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 24.
- c) Appendix 4 entitled "Processing Plant/Screening Details and Lighting" as depicted on Drwg No: SP1044-Layout-01 entitled "Washing Plant Layout" dated 19/12/18.
- d) Appendix 5 entitled "Water Pump details"
- e) Appendix 6 entitled "Illustrative Cross -Sections" and Drwg No; 1003/CS/1 entitled "Illustrative Cross Sections – During Operations" dated 05/03/2019.

For Condition 30 (Lighting) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 30.
- c) Drwg No: 1003/0/1 entitled "Illustrative Operations Plan" dated 05/03/19 version 11.

For Condition 31 (Noise Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

For Condition 36 (Dust Monitoring) those details set out in:

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- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 36.

c) E-mail from Douglas Symes to Terry Burns dated 16<sup>th</sup> October 2017 at 13:29.

For Condition 37 (Groundwater Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.

c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;

d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and

e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

For Condition 49 (Soil Handling and Storage) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.
- c) Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.

For Condition 51 (Soil Movement and Storage Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.

For Condition 55 (Revised Restoration Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 55.
- c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
- d) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated November 2019 as it relates to Condition 55.
- e) Plan No: 1003/CS/2 V1 entitled “Illustrative Cross Sections – Completed Reservoir” dated 12/05/15.
- f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled “Proposed Access” dated 27/03/21.

For Condition 56 (Landscaping) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 56.
- c) E mail from Douglas Symes to Terry Burns dated 9<sup>th</sup> April 2018 at 12:41 and accompanying “Elmstead Hall Reservoir Landscape Management Plan” Version: Doc\_601\_005 dated 29<sup>th</sup> March 2018.
- d) E mail from Susan Deakin to Terry Burns dated 21<sup>st</sup> April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

For Condition 57 (Biodiversity Management Plan) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

- b) Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
- c) Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
- d) Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

As amended by Planning permission ESS/97/21/TEN and accompanying:

- a) Planning application form from R. W. Mitchell and Sons dated 05/11/21.
- b) Letter from Matthews and Son LLP dated 05/11/21.
- c) Susan Deakin Ecology report entitled "Appendix 1, Elmstead Hall Irrigation Reservoir, Elmstead, Planning Permission Ess/24/715/Ten 1.11.2016; Application For Variation Of Planning Condition, Planning Considerations And Approved Schemes, Statement Concerning Ecological Considerations" dated 03/11/21.
- d) Drwg No: 1003/L entitled "Location Plan" dated 05/11/14.

#### Availability of Plans

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

#### Protection of Existing Trees and Perimeter Vegetation

- 4. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
- 5. The protection of trees on the site shall be carried out in accordance with the details of the Tree Protection scheme approved on 23<sup>rd</sup> April 2018 under Condition 6 of planning permission reference ESS/23/14/TEN. The

approved details of the Tree Protection scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 6.

#### Boundaries and Site Security

6. The operator shall maintain and make stock proof the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing for the duration of the development and aftercare period.
7. No soil stripping shall take place until the footprint of the excavation area and those areas to be disturbed in the course of the reservoir construction have been physically pegged out. Those markers that can be retained during the course of the development to maintain demarcation boundaries shall be retained for that period.

#### Ecological Interest

8. The protection of Ecological Interest on the site shall be carried out in accordance with the details of the Ecological Interest scheme approved on 23<sup>rd</sup> April 2018 under Condition 9 of planning permission reference ESS/23/14/TEN. The approved details of the Ecological Interest scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

#### Bird Nesting

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

### Archaeology

10. The protection of Archaeological Interests on the site shall be carried out in accordance with the details of the Archaeological scheme approved on 23<sup>rd</sup> April 2018 under Condition 11 of planning permission reference ESS/23/14/TEN. The approved details of the Archaeological scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

### Processing Plant

11. No processing plant shall be brought onto the application land until the “Plant Area” as shown on Drwg no: 1003/0/1v10 entitled “Illustrative Operations Plan”, dated 01/09/2016, has been prepared and is available to accommodate the processing plant.

### Limits of Extraction

12. No excavation shall be carried out deeper than 8 metres below existing ground level as provided for in paragraph 3.11.6 of the Environmental Statement and as shown on Drwg no: 1003/0/1v7 entitled “Illustrative Operations Plan”, dated 28/04/2015.

### Topographical surveys

13. A survey of site levels shall be carried out at intervals of not less than every 12 months, starting from the date on which soil stripping commences. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

### Vehicle Routeing

14. The Vehicle Routeing scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 15 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Routeing comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester,

Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 15.

15. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle’s registration and operating company’s identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.
16. The Vehicle Monitoring scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 17 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Monitoring comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 17.

i)

#### Highway Cleanliness

17. No mud or dirt shall be carried out onto Tye Road by vehicles using the site.

#### Haul Road maintenance

18. The internal haul road shall be maintained with a compacted bound surface/or tarmaced and maintained in good condition throughout the reservoir construction period as provided for in para 3.6.3 of section 3.6 on Access of Volume 1 of the Environmental Statement.

#### HGV Movements

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

Mondays to Saturdays: 80 movements (40 in/40 out)

Sundays and Bank/Public Holidays: none

#### Sheeting Vehicles

20. All HGVs shall be sheeted before leaving the site.

### Vehicle Maintenance

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

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

22. The Construction Environmental Management Plan (CEMP): Biodiversity scheme for the site shall be carried out in accordance with the details of the CEMP approved on 12<sup>TH</sup> May 2020 under Condition 23 of planning permission reference ESS/23/14/TEN. The approved details of the CEMP comprise:
  - a. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 23.
  - c. Appendix 2 entitled "Construction Equipment Management Plan" REV .1 October 2019 dated October 2019.
23. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of biodiversity protection zones;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
  - h) Use of protective fences, exclusion barriers and warning signs.

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

### Scheme of Working

24. The Scheme of Working for the site shall be carried out in accordance with the details of the scheme of working approved on 26<sup>th</sup> September 2019 under Condition 24 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- d. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - e. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
  - f. Appendix 4 entitled “Processing Plant/Screening Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
  - g. Appendix 5 entitled “Water Pump details”
  - h. Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

#### Sale of Aggregate

25. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the quarry.

### ENVIRONMENTAL PROTECTION

#### Hours of Operation

26. a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-
- |                   |                     |
|-------------------|---------------------|
| 0700 – 1800 hours | Mondays to Fridays. |
| 0700 – 1300 hours | Saturdays.          |
- b) There shall be no working on Sundays or Bank/National Holidays.
- c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

#### Importation

27. No materials for infilling or excavated materials, including minerals, shall be imported to the site other than clays for site lining purposes.



### Rubbish

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

### Burning

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

### Lighting

30. The Lighting scheme for the site shall be carried out in accordance with the details of the lighting scheme approved on 12<sup>th</sup> May 2020 under Condition 30 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- i. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - j. Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
  - k. Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

### Noise – Monitoring

31. The Noise Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 31 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

### Noise – Temporary Operations

32. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 33 shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

#### Noise – Normal Operating Levels

33. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/24/15/TEN/A entitled “Noise Monitoring Locations”:

Receptor Location	Criterion / dB LAeq,1hr
Holly way	49 dB
Parsonage Farm	48 dB
Elmstead Hall & Cottages	48 dB
Mount Pleasant Cottages	47 dB
Allen's Farm	47 dB
Balls Farm	48 dB
Fen Farm	55 dB
Fern Villa	54 dB
Edwinstone	48 dB
Friars Hall	48 dB

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

#### Loudspeakers

34. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

#### Reversing alarms

35. Only broadband sound emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site.

#### Dust

36. The Dust Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 36 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 36.
  - c) E-mail from Douglas Symes to Terry Burns dated 16<sup>th</sup> October 2017 at 13:29.

#### Groundwater monitoring

37. The Groundwater Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 37 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 37.
  - c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;
  - d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and
  - e) Figure 1897/HIA/08 entitled "Mineral borehole and piezometer locations" dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due".

#### Surface Water Drainage and Pollution Protection

38. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as

to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

39.
  - a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;
  - b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;
  - c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and
    - I. There shall be no drain through the impermeable enclosure.  
(The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)
40. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).
41. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.
42. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

#### Fixed Plant and Buildings

43. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of minerals or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

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

44. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped (The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level).
45. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil

on that part), or used for the stacking of subsoil or soil-making material, all available topsoil shall be stripped from that part.

46. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

47. No movement of soils or soil-making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

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

48. All suitable soils and soil-making material shall be recovered where practicable during the stripping or excavation operations and separately stored.

49. The Soil Handling and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 49 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- m. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- n. Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 49.
- o. Appendix 7 entitled "Operations Plan showing soil storage bunds" and Drwg No: 1003/0/1 entitled "Illustrative Operations Plan" dated 05/03/2019.

50. The topsoil, subsoil, and soil-making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of

storage.

51. The Soil Movement and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 51 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- p. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - q. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.
52. Such precautions unless as may be necessary to prevent the mixing of the soil types with any overlap of soil types in a storage mound be kept to the minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan so that it can be easily located at mound removal stage.
53. All soil and soil forming material storage mounds, together with all areas that remain unworked, or have been restored, shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.
54. An annual report, together with plans at a scale to be agreed with the Mineral Planning Authority, setting out the previous year’s soil movement and restoration shall be submitted by 31st December each year, or such other date as may be agreed in writing with the Mineral Planning Authority.

#### Restoration

55. The Revised Restoration scheme for the site shall be carried out in accordance with the details of the scheme approved on 6<sup>th</sup> April 2021 under Condition 55 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 55.
  - c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
  - d) Planning statement entitled “Elmstead Hall, Elmstead, Colchester,
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Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated November 2019 as it relates to Condition 55.

e) Plan No: 1003/CS/2 V1 entitled “Illustrative Cross Sections – Completed Reservoir” dated 12/05/15.

f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled “Proposed Access” dated 27/03/21.

### Landscaping

56. The Landscaping scheme for the site shall be carried out in accordance with the details of the landscaping scheme approved on 23<sup>rd</sup> April 2018 under Condition 56 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 56.

c) E mail from Douglas Symes to Terry Burns dated 9<sup>th</sup> April 2018 at 12:41 and accompanying “Elmstead Hall Reservoir Landscape Management Plan” Version: Doc\_601\_005 dated 29<sup>th</sup> March 2018.

d) E mail from Susan Deakin to Terry Burns dated 21<sup>st</sup> April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

57. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

### Biodiversity Management Plan

58. The Biodiversity Management Plan for the site shall be carried out in accordance with the details of the Management Plan approved on 12<sup>th</sup> May 2020 under Condition 58 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

a. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

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- b. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
- c. Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
- d. Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

#### Amenity Aftercare

59. Within one year of the date of the commencement of site preparation works as provided for by Condition 1 of this permission a wetland/woodland aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a reservoir and associated wetland/woodland habitat shall be submitted for the approval of the Mineral Planning Authority. The wetland/woodland aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-
- (i) a management plan and strategy;
  - (ii) a programme to allow for monitoring the establishment of the wetland and aquatic vegetation which shall provide for:
    - (a) such work as is necessary to enable the establishment of (ii) above; and
    - (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
    - (c) For the woodland area the::
      - cultivation practices;
      - post-restoration secondary soil treatments;
      - soil analysis;
      - fertiliser applications, based on soil analysis;
      - drainage;
      - tree planting and maintenance;
      - weed control;
    - (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

All areas the subject of wetland aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.



The period of wetland aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

#### Cessation

60. In the event of site operations being discontinued for six months in the period specified in Condition (2) then the land as disturbed within the approved extraction area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 55 - 59 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

#### **B. For ESS/105/21/TEN Planning permission be granted subject to the following conditions:**

##### Duration

1. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in accordance with the conditions of this permission not later than 30<sup>th</sup> November 2024.

##### Approved Details

2. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as set out in the application letter from D. K. Symes Associates dated 19<sup>th</sup> March 2015 and accompanying:
  - a) Planning Application form dated 19<sup>th</sup> March 2015

- b) Planning Statement and Environmental Statement Volumes 1 and 2 dated March 2015.
- c) Drwg Nos: 1003/A/1 entitled "Application Plan" dated 12-03-2015
- d) Drwg Nos: 1003/AD/1 entitled "Proposed Access Detail" dated 13-03-2015
- e) Drwg Nos: 1003/PP/1 entitled "Proposed Processing Plant" dated 27-02-2015
- f) Drwg Nos: 1003/SB/1 entitled "Illustrative Details of Typical Site Buildings" dated 27-02-2015

as amended by:

- g) The e-mail from Douglas Symes dated 2<sup>nd</sup> June 2015 and accompanying:
  - I. Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015. For clarity this plan only in respect of depicting the extraction depth in the depicted cross section. Drwg no: 1003/0/1v10 below supercedes this plan in all other respects.
  - II. Drwg no: 1003/CS/1 entitled "Illustrative Cross Sections – During Operations" dated 12-05-2015.
  - III. Drwg No: 1003/CS/2 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12-05-2015.
  - IV Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015.
- h) The e-mail from Douglas Symes dated 27<sup>th</sup> January 2016 and accompanying Archaeological Solutions Ltd Historic Buildings Impact Assessment entitled "Proposed agricultural Reservoir, Elmstead Hall, Elmstead, Essex Historic Building Impact Assessment" dated 21<sup>st</sup> December 2015.
- i) BLacoustics Environmental Noise Survey dated February 2016 ref no: BDL3519tr2 as amended by letter from LFAcoustics dated 23<sup>rd</sup> May 2016.
- j) The e-mail from Douglas Symes dated 12<sup>th</sup> September 2016 and accompanying Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016.

For Condition 1 (Commencement) the start date for the development is the 06/11/17 as set out in the email from Terry Burns to Simon Chaffe dated 17/05/21.

For Condition 6 (Tree Protection) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and

soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 6.

For Condition 9 (Ecological Interest) those details as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

For Condition 11 (Archaeology) those details in so far as they relate to the Written Scheme of Investigation as set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.
- Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

For Condition 15 (Vehicle Routeing) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 15.

For Condition 17 (Vehicle Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 17.

For Condition 23 (Construction Environmental Management Plan (Biodiversity) those details set out in:

- d) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July
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- 2017.
- e) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 23.
  - f) Appendix 2 entitled “Construction Equipment Management Plan” REV .1 October 2019 dated October 2019.

For Condition 24 (Scheme of Working) those details set out in:

- f) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- g) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
- h) Appendix 4 entitled “Processing Plant/Screeners Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
- i) Appendix 5 entitled “Water Pump details”
- j) Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

For Condition 30 (Lighting) those details set out in:

- d) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- e) Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
- f) Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

For Condition 31 (Noise Monitoring) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

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Subject, in relation to the reduced list of approved monitoring locations that

should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

For Condition 36 (Dust Monitoring) those details set out in:

a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.  
b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 36.

c) E-mail from Douglas Symes to Terry Burns dated 16<sup>th</sup> October 2017 at 13:29.

For Condition 37 (Groundwater Monitoring) those details set out in:

a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.  
b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.

c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;

d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and

e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

For Condition 49 (Soil Handling and Storage) those details set out in:

a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.  
b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.

c) Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.

For Condition 51 (Soil Movement and Storage Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 51.

For Condition 55 (Revised Restoration Scheme) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 55.
- c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
- d) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated November 2019 as it relates to Condition 55.
- e) Plan No: 1003/CS/2 V1 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12/05/15.
- f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled "Proposed Access" dated 27/03/21.

For Condition 56 (Landscaping) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 56.
- c) E mail from Douglas Symes to Terry Burns dated 9<sup>th</sup> April 2018 at 12:41 and accompanying "Elmstead Hall Reservoir Landscape Management Plan" Version: Doc\_601\_005 dated 29<sup>th</sup> March 2018.
- d) E mail from Susan Deakin to Terry Burns dated 21<sup>st</sup> April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

For Condition 57 (Biodiversity Management Plan) those details set out in:

- a) The application form from R.W. Mitchell and Sons dated 24th July 2017.
- b) Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
- c) Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
- d) Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

As amended by Planning permission ESS/97/21/TEN and accompanying:

- a) Planning application form from R. W. Mitchell and Sons dated 05/11/21.
- b) Letter from Matthews and Son LLP dated 05/11/21.
- c) Susan Deakin Ecology report entitled "Appendix 1, Elmstead Hall Irrigation Reservoir, Elmstead, Planning Permission Ess/24/715/Ten 1.11.2016; Application For Variation Of Planning Condition, Planning Considerations And Approved Schemes, Statement Concerning Ecological Considerations" dated 03/11/21.
- d) Drwg No: 1003/L entitled "Location Plan" dated 05/11/14.

As amended by Planning permission ESS/105/21/TEN and accompanying:

- a) Planning application form R. W. Mitchell and Sons dated 02/12/21.
- b) "Planning Application and Supporting Statement" dated 02/12/21.
- c) Drwg No: SP1174-LAYOUT-01D entitled "Elmstead Plant Upgrade Layout" dated 02/11/20.
- e) Drwg No: 1003/O/2 v1 entitled "Illustrative Operations Plan" dated 02/12/21.

#### Availability of Plans

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

#### Protection of Existing Trees and Perimeter Vegetation

4. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
5. The protection of trees on the site shall be carried out in accordance with the details of the Tree Protection scheme approved on 23<sup>rd</sup> April 2018 under Condition 6 of planning permission reference ESS/23/14/TEN. The approved details of the Tree Protection scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 6.

#### Boundaries and Site Security

6. The operator shall maintain and make stock proof the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing for the duration of the development and aftercare period.
7. No soil stripping shall take place until the footprint of the excavation area and those areas to be disturbed in the course of the reservoir construction have been physically pegged out. Those markers that can be retained during the course of the development to maintain demarcation boundaries shall be retained for that period.

#### Ecological Interest

8. The protection of Ecological Interest on the site shall be carried out in accordance with the details of the Ecological Interest scheme approved on 23<sup>rd</sup> April 2018 under Condition 9 of planning permission reference ESS/23/14/TEN. The approved details of the Ecological Interest scheme



comprise:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 9.

Subject to written confirmation being received by the Mineral Planning Authority not more than 6 days prior to the commencement of soil stripping operations.

#### Bird Nesting

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

#### Archaeology

- 10. The protection of Archaeological Interests on the site shall be carried out in accordance with the details of the Archaeological scheme approved on 23<sup>rd</sup> April 2018 under Condition 11 of planning permission reference ESS/23/14/TEN. The approved details of the Archaeological scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 11.

Subject to the implementation of the fieldwork and outstanding requirements of Condition 11.

#### Processing Plant

- 11. No processing plant shall be brought onto the application land until the “Plant Area” as shown on Drwg no: 1003/0/1v10 entitled “Illustrative Operations Plan”, dated 01/09/2016, has been prepared and is available to accommodate the processing plant.

#### Limits of Extraction

- 12. No excavation shall be carried out deeper than 8 metres below existing ground level as provided for in paragraph 3.11.6 of the Environmental

Statement and as shown on Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015.

#### Topographical surveys

13. A survey of site levels shall be carried out at intervals of not less than every 12 months, starting from the date on which soil stripping commences. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

#### Vehicle Routeing

14. The Vehicle Routeing scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 15 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Routeing comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 15.
15. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.
16. The Vehicle Monitoring scheme for the site shall be carried out in accordance with the details of the Vehicle Routeing approved on 23<sup>rd</sup> April 2018 under Condition 17 of planning permission reference ESS/23/14/TEN. The approved details of the Vehicle Monitoring comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 17.
  - j)

#### Highway Cleanliness

17. No mud or dirt shall be carried out onto Tye Road by vehicles using the site.

### Haul Road maintenance

18. The internal haul road shall be maintained with a compacted bound surface/or tarmaced and maintained in good condition throughout the reservoir construction period as provided for in para 3.6.3 of section 3.6 on Access of Volume 1 of the Environmental Statement.

### HGV Movements

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

Mondays to Saturdays: 80 movements (40 in/40 out)

Sundays and Bank/Public Holidays: none

### Sheeting Vehicles

20. All HGVs shall be sheeted before leaving the site.

### Vehicle Maintenance

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

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

22. The Construction Environmental Management Plan (CEMP): Biodiversity scheme for the site shall be carried out in accordance with the details of the CEMP approved on 12<sup>TH</sup> May 2020 under Condition 23 of planning permission reference ESS/23/14/TEN. The approved details of the CEMP comprise:
- a. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 23.
  - c. Appendix 2 entitled "Construction Equipment Management Plan" REV .1 October 2019 dated October 2019.
23. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted
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scheme shall make provision for:-

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

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

#### Scheme of Working

24. The Scheme of Working for the site shall be carried out in accordance with the details of the scheme of working approved on 26<sup>th</sup> September 2019 under Condition 24 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- d. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - e. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 24.
  - f. Appendix 4 entitled “Processing Plant/Screening Details and Lighting” as depicted on Drwg No: SP1044-Layout-01 entitled “Washing Plant Layout” dated 19/12/18.
  - g. Appendix 5 entitled “Water Pump details”
  - h. Appendix 6 entitled “Illustrative Cross -Sections” and Drwg No; 1003/CS/1 entitled “Illustrative Cross Sections – During Operations” dated 05/03/2019.

#### Sale of Aggregate

25. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the quarry.

## ENVIRONMENTAL PROTECTION

### Hours of Operation

26. a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-
- |                   |                     |
|-------------------|---------------------|
| 0700 – 1800 hours | Mondays to Fridays. |
| 0700 – 1300 hours | Saturdays.          |
- b) There shall be no working on Sundays or Bank/National Holidays.
- c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

### Importation

27. No materials for infilling or excavated materials, including minerals, shall be imported to the site other than clays for site lining purposes.

### Rubbish

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

### Burning

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

### Lighting

30. The Lighting scheme for the site shall be carried out in accordance with the details of the lighting scheme approved on 12<sup>th</sup> May 2020 under Condition 30 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- i. The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - j. Planning Statement entitled “Elmstead Hall, Elmstead, Colchester, Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58’ Response to Consultees” dated November 2019 as it relates to Condition 30.
  - k. Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/19 version 11.

### Noise – Monitoring

31. The Noise Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 31 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
- b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 31.

Subject, in relation to the reduced list of approved monitoring locations that should complaints be received at any of the remaining four locations, that compliance monitoring would be instigated as appropriate.

### Noise – Temporary Operations

32. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 33 shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

### Noise – Normal Operating Levels

33. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/24/15/TEN/A entitled “Noise Monitoring Locations”:

Receptor Location	Criterion / dB LAeq,1hr
Holly way	49 dB
Parsonage Farm	48 dB
Elmstead Hall & Cottages	48 dB
Mount Pleasant Cottages	47 dB
Allen's Farm	47 dB

Balls Farm	48 dB
Fen Farm	55 dB
Fern Villa	54 dB
Edwinstone	48 dB
Friars Hall	48 dB

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

#### Loudspeakers

34. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

#### Reversing alarms

35. Only broadband sound emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site.

#### Dust

36. The Dust Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 36 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
  - a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 36.
  - c) E-mail from Douglas Symes to Terry Burns dated 16<sup>th</sup> October 2017 at 13:29.

#### Groundwater monitoring

37. The Groundwater Monitoring scheme for the site shall be carried out in accordance with the details of the Monitoring scheme approved on 23<sup>rd</sup> April 2018 under Condition 37 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

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- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.

b) Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1” dated July 2017 as it relates to Condition 37.

c) Email from Douglas Symes to Terry Burns dated 30/08/17 at 09:33 including attachments comprising;

d) Piezometer details as previously submitted in Volume 2 at appendix ref 1897/HIA/A2 and

e) Figure 1897/HIA/08 entitled “Mineral borehole and piezometer locations” dated October 2014.

Subject to: The Environment Agency being informed of any groundwater related issues during the development and operation of the site as soon as they are detected, not only when a report is due”.

#### Surface Water Drainage and Pollution Protection

38. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.
39.
  - a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;
  - b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;
  - c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and
    - I. There shall be no drain through the impermeable enclosure.  
(The applicant’s attention is drawn to the requirement set out in BS 799 Part 5: 1987.)
40. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 “Design and Installation of Small Sewage Treatment Works and Cesspools” (1983).
41. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.
42. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.



## Fixed Plant and Buildings

43. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of minerals or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

## Handling and Storage of Soil and Soil Forming Material

44. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped (The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level).
45. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or used for the stacking of subsoil or soil-making material, all available topsoil shall be stripped from that part.
46. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.
47. No movement of soils or soil-making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.
- (For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. if the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.)
48. All suitable soils and soil-making material shall be recovered where practicable during the stripping or excavation operations and separately stored.
49. The Soil Handling and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 49 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:

m. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup>

July 2017.

- n. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 49.
  - o. Appendix 7 entitled “Operations Plan showing soil storage bunds” and Drwg No: 1003/0/1 entitled “Illustrative Operations Plan” dated 05/03/2019.
50. The topsoil, subsoil, and soil-making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.
51. The Soil Movement and Storage scheme for the site shall be carried out in accordance with the details of the scheme approved on 26<sup>th</sup> September 2019 under Condition 51 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- p. The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - q. Planning statement entitled “Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2” dated March 2019 as it relates to Condition 51.
52. Such precautions unless as may be necessary to prevent the mixing of the soil types with any overlap of soil types in a storage mound be kept to the minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan so that it can be easily located at mound removal stage.
53. All soil and soil forming material storage mounds, together with all areas that remain unworked, or have been restored, shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.
54. An annual report, together with plans at a scale to be agreed with the Mineral Planning Authority, setting out the previous year’s soil movement
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and restoration shall be submitted by 31st December each year, or such other date as may be agreed in writing with the Mineral Planning Authority.

### Restoration

55. The Revised Restoration scheme for the site shall be carried out in accordance with the details of the scheme approved on 6<sup>th</sup> April 2021 under Condition 55 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 07/03/19.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated March 2019 as it relates to Condition 55.
  - c) Email from Douglas Symes dated 26/11/19 at 16:48 and accompanying
  - d) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 2" dated November 2019 as it relates to Condition 55.
  - e) Plan No: 1003/CS/2 V1 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12/05/15.
  - f) Email from Simon Chaffe to Terry Burns dated 27/03/21 at 15:34 and accompanying Drg no:1003/AD/2/v2 entitled "Proposed Access" dated 27/03/21.

### Landscaping

56. The Landscaping scheme for the site shall be carried out in accordance with the details of the landscaping scheme approved on 23<sup>rd</sup> April 2018 under Condition 56 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- a) The application form from R.W. Mitchell and Sons dated 24<sup>th</sup> July 2017.
  - b) Planning statement entitled "Elmstead Hall, Elmstead, Colchester, Permission ESS/24/15/TEN for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings, Details Pursuant – 1" dated July 2017 as it relates to Condition 56.
  - c) E mail from Douglas Symes to Terry Burns dated 9<sup>th</sup> April 2018 at 12:41 and accompanying "Elmstead Hall Reservoir Landscape Management Plan" Version: Doc\_601\_005 dated 29<sup>th</sup> March 2018.
  - d) E mail from Susan Deakin to Terry Burns dated 21<sup>st</sup> April 2018 at 21:24; Subject to replacement of the proposed use of the Mylex weed control

matting with coarse chipped mulch to be maintained as a minimum depth of 75mm during the initial establishment period or until agreed by the County Landscape Officer.

57. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

#### Biodiversity Management Plan

58. The Biodiversity Management Plan for the site shall be carried out in accordance with the details of the Management Plan approved on 12<sup>th</sup> May 2020 under Condition 58 of planning permission reference ESS/23/14/TEN. The approved details of the scheme comprise:
- e. The application form from R.W. Mitchell and Sons dated 24th July 2017.
  - f. Planning Statement entitled "Elmstead Hall, Elmstead, Colchester,
  - g. Details Pursuant to Conditions 23, 24, 30, 49, 51, 55 & 58' Response to Consultees" dated November 2019 as it relates to Condition 58.
  - h. Appendix 3 entitled "Biodiversity Management Plan Rev. 1 October 2019 and Appraisal of Ecological Interest and Constraints, Rev. 2 - October 2019".

#### Amenity Aftercare

59. Within one year of the date of the commencement of site preparation works as provided for by Condition 1 of this permission a wetland/woodland aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a reservoir and associated wetland/woodland habitat shall be submitted for the approval of the Mineral Planning Authority. The wetland/woodland aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

- (i) a management plan and strategy;
- (ii) a programme to allow for monitoring the establishment of the wetland and aquatic vegetation which shall provide for:

(a) such work as is necessary to enable the establishment of (ii) above;

and

- (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
- (c) For the woodland area the:
  - cultivation practices;
  - post-restoration secondary soil treatments;
  - soil analysis;
  - fertiliser applications, based on soil analysis;
  - drainage;
  - tree planting and maintenance;
  - weed control;
- (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

All areas the subject of wetland aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of wetland aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

### Cessation

60. In the event of site operations being discontinued for six months in the period specified in Condition (2) then the land as disturbed within the approved extraction area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 55 - 59 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **LOCAL MEMBER NOTIFICATION**

Tendring Rural West ED

**DR/02/22**

**Report to:** DEVELOPMENT & REGULATION (28 January 2022)

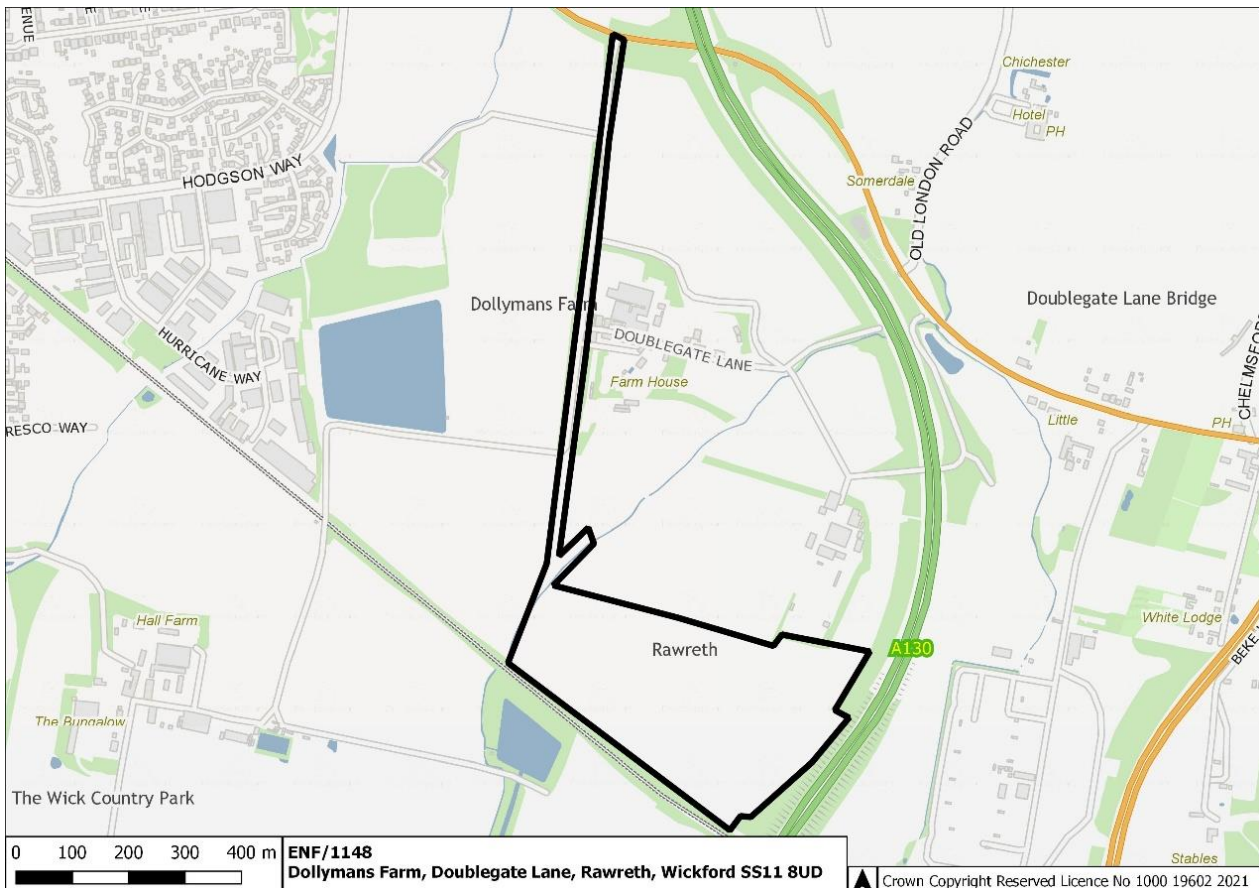
**INFORMATION ITEM: Minerals and Waste Development - Enforcement of Planning Control**

**Location:** Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD

**Ref:** ENF/1148

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

**Enquiries to:** George Stockdale Tel: 03330137555



## **1. SITE AND BACKGROUND**

Dollymans Farm is bound by the A130 to the east and a railway line to the south. To the west and north is agricultural land. Dollymans Farm is accessed off the A129 via Doublegate Lane. This access serves Dollymans Farm including the small industrial/employment area, the Treehouse Club Nursery and Fanton Hall and Sappers Farm and industrial/employment areas associated.

Planning permission for the importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform was granted in 2020 (planning application ref: ESS/31/18/ROC) and the operator (SRC) formally commenced operations at the site in September 2021.

The operator has an Environmental Permit for Waste Operations and discharge consent from the Environment Agency and in a similar vein to site monitoring visits undertaken by the Council to ensure compliance with the planning permission, officers from the Environment Agency routinely visit the site to ensure compliance.

The Environment Agency, following a compliance visit to the site undertaken, reported to the Council that material was being extracted and exported from the site. Officers from the Council accordingly sought to visit the site and observed a void (estimated at 50,000m<sup>3</sup>) created by unauthorised mineral extraction.

On the 20 December 2021, a Stop Notice was served on the landowner and operator in respect of the unauthorised mineral extraction.

The Stop Notice required all unauthorised extraction and exportation of indigenous minerals (clay) from the Land to cease.

In addition to the Stop Notice, an Enforcement Notice was also served. The requirements of the Enforcement Notice are:

- Cease, and do not resume, the extraction of minerals from the Land.
- Restore the void created by the unauthorised development with non-contaminated, non-hazardous inert material to the topographical levels shown on drawing titled 'Current Situation', drawing number: M17.149.D.003, dated April 2018 as submitted with planning application reference: ESS/31/18/ROC.

## **2. CURRENT POSITION**

The Stop Notice served on the 17 December 2021 took effect on the 20 December 2021. The Enforcement Notice takes effect on the 28 January 2022 unless an appeal is made against it beforehand. The Enforcement Notice will require the void to be restored within 12 months.

Through requiring the land to be restored to the levels prior to the unauthorised mineral extraction taking place within a 12 month period, it is not considered, without prejudice, that there should be any due impact or prolongment of the



infilling activities permitted under the current planning permission (ref: ESS/31/18/ROC).

Officer will continue to monitor the site in relation to the Stop and Enforcement Notice and the current planning permission in place to ensure compliance and no further unauthorised activities.

#### **LOCAL MEMBER NOTIFICATION**

ROCHFORD – Rayleigh North  
BASILDON – Wickford Crouch

**DR/03/22****Report to:** DEVELOPMENT & REGULATION (28 January 2022)**INFORMATION ITEM:** Report on the programme of Periodic Review of Mineral Planning Permissions**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821**1. PURPOSE OF THE REPORT**

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

**2. BACKGROUND**

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

The Planning Practice Guidance (PPG) outlines the manner in which Periodic Reviews are undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also subject to a provision that the interval between any two reviews not being less than 15 years.

It is not the case that all old mineral planning permission will require review. The PPG advises "*Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware and has not been able to address*"

### **3. PERIODIC REVIEWS**

Under the Environment Act 1995 the MPA is required to review mineral planning permissions issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This report addresses the permissions to be 15 years old between February 2023 and February 2024 i.e. permissions issued from 22 February 2008 to 21 February 2009. This gives the authority the necessary 12 months prior notification.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site by the applicant. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

#### **The Periodic Review programme in Essex**

##### **Mineral Permissions Previously Identified for Review**

For permissions issued between Feb 2007 and Feb 2008 mineral sites had either been completed and satisfactorily restored or the planning permission superseded by another more recent planning permission. Thus no ROMP applications were required.

##### **Future permissions identified for Review**

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2008 and 21 February 2009 and has assessed them for the need for Periodic Review.

Mineral planning permissions have been identified as issued in the relevant period, and two permissions have been identified as meeting the criteria for review at Wivenhoe Quarry and Mark Tye Brickworks. See Appendix 1.

The applicants will be notified of the review.

### **4 THE FUTURE PERIODIC REVIEW PROGRAMME**

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A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in late 2022/early 2023.

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## **BACKGROUND PAPERS**

70.421.50

Ref: P/DM/Claire Tomalin

## **LOCAL MEMBER NOTIFICATION**

none

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2008 to 21 February 2009 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2023 and February 2024.

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
24 421 31	Curry Farm, Mill End, Bradwell-on-Sea, Maldon, CM0 7HL	ESS/53/08/MAL	Continuation of use as a mineral extraction site without compliance with Cond 1 (accordance with approved plans) attached to review of minerals permission reference ESS/55/97/MAL R to allow restoration to 2 fishing lakes containing 4 islands instead of 1 fishing lake containing 2 islands	18/02/2009	No  Superseded by ESS/46/09/MAL ESS/38/13/MAL, and subsequently ESS/34/18/MAL
24 421 31	Curry Farm, Mill End, Bradwell-on-Sea, Maldon, CM0 7HL	ESS/52/08/MAL	Continuation of use as a mineral extraction site without compliance with Condition 1 (accordance with approved plans) attached to planning permission reference ESS/07/00/MAL to allow restoration to 2 fishing lakes containing 4 islands instead of 1 fishing lake containing 2 islands	18/02/2009	No  Superseded by ESS/40/09/MAL ESS/37/13/MAL, and subsequently by ESS/33/18/MAL

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
13 421 15	Church Lane, Marks Tey, Colchester, CO6 1LN	ESS/26/08/COL	Periodic review of mineral permission IDO/COL/1/92A for the extraction of brickearth clay and use in the adjacent brickworks	24/09/2008	Yes  Notification will be required to be sent by 24 September 2022
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham	ESS/26/07/BTE	Continuation of removal of minerals in the course of constructing an agricultural reservoir (planning permission ESS/20/05/BTE) without complying with condition 1 (accordance with approved plans) to allow the temporary retention of a water pond, provision of a mineral stockpiling area and bunded car park, shortening of screening bunds, erection of a single storey office and reinstatement of works	21/04/2008	No  Site restored and aftercare completed
14 421 27	Wivenhoe Quarry, Alresford Road, Wivenhoe, Colchester, CO7 9JY	ESS/24/04/TEN/ REV	Continuation of development approved under TEN/1544/90 (the extraction of sand and gravel, reinstatement with inert fill and restoration to agriculture, part to open water), without compliance with condition 47 (prohibiting importation of material for	28/04/2008	Yes  Notification will be required to be sent by 28 April 2022

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
			processing) and condition 50 (imposing a time limit of 9 years from the date of commencement). The application proposes the postponement of extraction of the indigenous reserves for four years, to allow the importation, for processing and sale, of as dug sand and gravel from the agricultural reservoir construction site at Fen Farm. The life of the quarry, including the processing plant and coated roadstone plant, would be extended by six years to 31 December 2012. ESS/18/07/TEN		
14 421 12	Martells Quarry, Ardleigh, Colchester, CO7 7SP	ESS/18/07/TEN	The extension of Martell's Quarry on to 8.4 hectares of land at Slough Farm, the extraction of silica sand and gravel and restoration of the land to agriculture by infilling the void with solid, inert and commercial and industrial waste residue following recovery of all recyclables and mechanical biological	28/07/2008	No  Superseded by ESS/46/14/TEN, ESS/23/15/TEN, ESS/53/17/TEN and subsequently by ESS/61/19/TEN

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
			treatment waste residue, the continued use of the existing mineral processing plant, storage area and haul roads and the continued use of the permitted recycling facility		



**DR/04/22****Report to:** DEVELOPMENT & REGULATION (28 January 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of October	34
Nº. Decisions issued in November	3
Nº. Decisions issued this financial year	22
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	95%
Nº. Delegated Decisions issued in November	1
Nº. applications where Section 106 Agreements pending at the end of November	10

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of October	4
Nº. Decisions issued in November	2
Nº. Decisions issued this financial year	23
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in November	2

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in November	3
Nº. Committee determined applications issued in November	2
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	179
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of November	42
Nº. of referrals to Secretary of State under delegated powers in November	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of September	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of October	25
Nº. of cases cleared this financial year	33
Nº. of enforcement notices issued in November	0
Nº. of breach of condition notices issued in November	0
Nº. of planning contravention notices issued in November	0
Nº. of Temporary Stop Notices issued in November	0
Nº. of Stop Notices issued in November	0

**DR/05/22****Report to:** DEVELOPMENT & REGULATION (28 January 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of November	35
Nº. Decisions issued in December	4
Nº. Decisions issued this financial year	26
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	96%
Nº. Delegated Decisions issued in December	4
Nº. applications where Section 106 Agreements pending at the end of December	10

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of November	3
Nº. Decisions issued in December	2
Nº. Decisions issued this financial year	25
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in December	2

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in December	6
Nº. Committee determined applications issued in December	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	185
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of December	43
Nº. of referrals to Secretary of State under delegated powers in December	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of September	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of November	27
Nº. of cases cleared this financial year	35
Nº. of enforcement notices issued in December	1
Nº. of breach of condition notices issued in December	0
Nº. of planning contravention notices issued in December	0
Nº. of Temporary Stop Notices issued in December	0
Nº. of Stop Notices issued in December	1