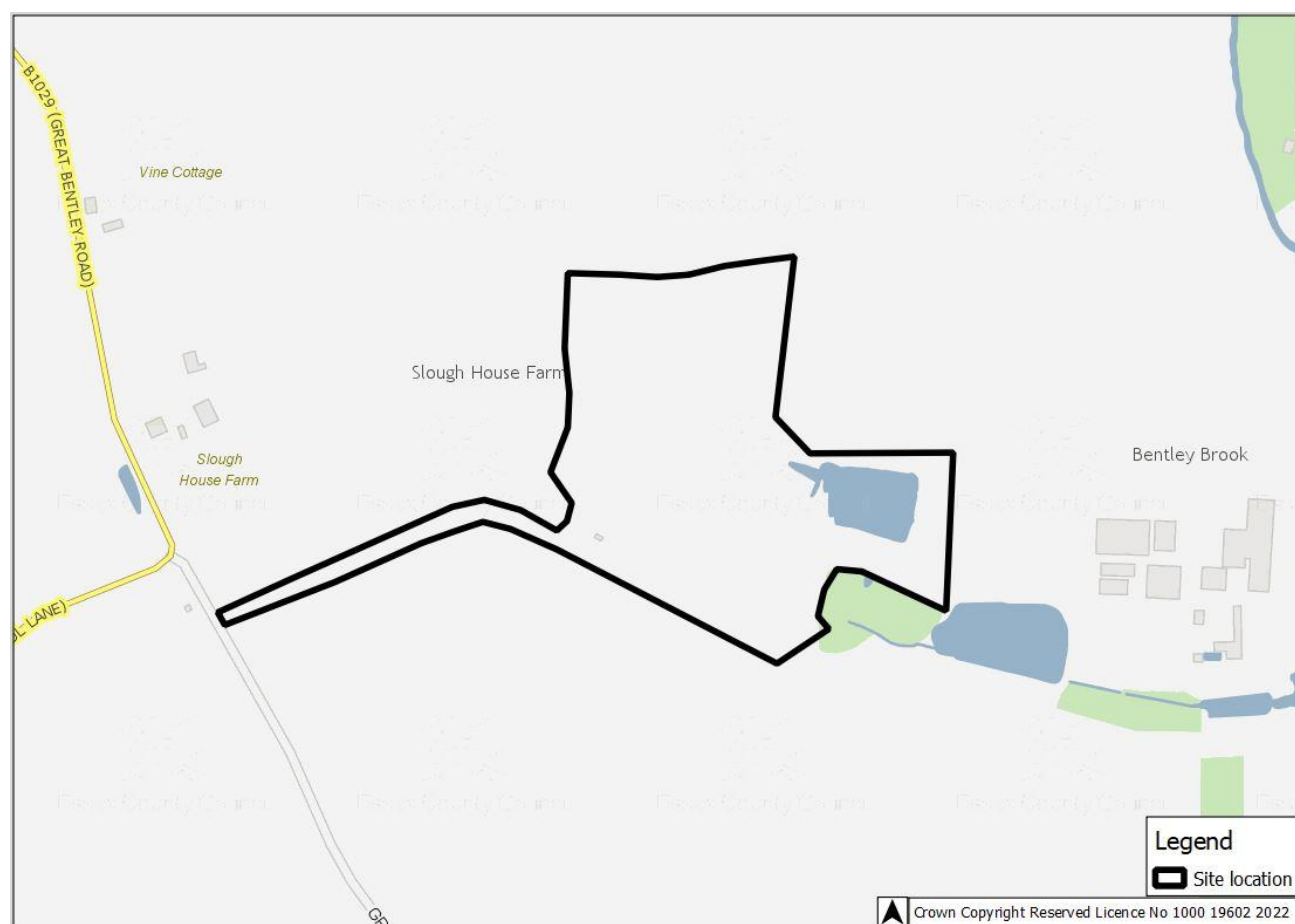


**DR/08/22****Report to:** DEVELOPMENT & REGULATION (25 February 2022)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Continuation of the construction of an agricultural reservoir involving the extraction of minerals and the removal of surplus soils without compliance with condition 6 (cessation of development) attached to planning permission ref ESS/41/15/TEN to allow additional time for completion and restoration of the development.

**Ref:** ESS/99/21/TEN**Applicant:** Steven Poole & George Wright**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom Sycamore Tel: 03330 321896The full application can be viewed at <https://planning.essex.gov.uk>

## 1. BACKGROUND

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Planning permission was previously approved for the construction of an agricultural reservoir at Lufkins Farm in 2010 (ref: ESS/21/08/TEN) involving the extraction of minerals and the removal of surplus soils, with the implementation date extended in 2014 (ref: ESS/10/13/TEN).

Permission was granted in 2016 (ref: ESS/41/15/TEN) to allow alterations to the site and a further extension of the implementation date by 5 years. This permission also allowed for onward transportation of extracted mineral to Alresford Creek Quarry to be processed. A separate application (ref: ESS/40/15/TEN) was approved in 2016 for the construction of a temporary access to the site via Great Bentley Road. A non-material amendment (ref: ESS/41/15/TEN/NMA1) was approved in 2019 to allow the temporary storage of extracted material onsite, prior to onward transportation to Alresford Creek Quarry for processing.

Condition 6 of extant permission ESS/41/15/TEN required the operator to notify the Mineral Planning Authority (MPA) of the date of commencement, and the permission would be limited to three years from the date of commencement. The MPA was formally notified on 14<sup>th</sup> January 2019, thus the permission lapsed on 14 January 2022.

The current application was made before the planning permission lapsed and seeks to vary the permission to allow an additional two-year extension of time to extract the remaining sand and gravel and complete the reservoir i.e. until the 14 January 2024.

For context, a separate application is currently being considered under ref: ESS/101/21/TEN for the extraction of approximately 1 million tonnes of sand and gravel and the construction of a second agricultural reservoir, adjacent to the existing site at Lufkins Farm.

## **2. SITE**

The site, operated by Brett Aggregates Ltd, is located to the south-east of Colchester on the western edge of Great Bentley. The site area is approximately 7.7 hectares with an extraction area of approximately 4 hectares. The reservoir being created is located just west of Brook Farm. Access to the site is via a purpose-built entrance and access road off Great Bentley Road to the west. Land to the south is agricultural land in the control of Lufkins Farm and is subject to an application for the construction of a second agricultural reservoir.

The site itself is characterised by an active quarry with stockpiles of material, a site office and weighbridge. The reservoir currently under construction is set to provide a water storage capacity of approximately 109,000 cubic metres.

## **3. PROPOSAL**

The proposal seeks to vary condition 6 of the extant planning permission to allow a two year extension of time to complete the extraction of mineral and restore the site to an agricultural reservoir, until the 14 January 2024.

Condition 6 states:

*“The permission shall be limited to a period of 3 years from the date of commencement of development by which time operations shall have ceased and the site have been restored in accordance with the scheme approved under Condition 13. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.”*

The application seeks to vary this condition to be reworded as follows:

*Within two years of the date of this permission operations shall have ceased and the site have been restored in accordance with the scheme approved under Condition 13.*

The proposal seeks to continue transporting extracted material from Lufkins Farm to Alresford Creek Quarry for processing. However, as part of the simultaneous application currently being determined for a second agricultural reservoir at Lufkins Farm, it is proposed to include onsite mineral processing at Lufkins for both schemes. Irrespective of this, this application seeks to extend operations as existing and will be determined as such.

#### **4. POLICIES**

The following policies of the [Essex Minerals Local Plan](#) adopted July 2014, the [Section 1 of the Tendring District Local Plan 2013-2033](#) and Beyond, adopted January 2021 and [Section 2 of the Tendring District Local Plan 2013-2033](#) and Beyond, adopted January 2022 provide the development plan framework for this application. The following policies are of relevance to this application:

##### MINERALS LOCAL PLAN (MLP)

S1 – Presumption in favour of sustainable development  
S6 – Provision for sand and gravel extraction  
S10 – Protecting and enhancing the environment and local amenity  
S11 – Access and Transportation  
S12 – Mineral Site Restoration and After-Use  
DM1 – Development Management Criteria

##### NORTH ESSEX AUTHORITIES' SHARED STRATEGIC SECTION 1 PLAN (TLP 1)

SP1 – Presumption in favour of sustainable development

##### TENDRING DISTRICT LOCAL PLAN 2013-2033 AND BEYOND, SECTION 2 (TLP 2)

CP2 – Improving the transport network

##### NEIGHBOURHOOD PLAN

Alresford Neighbourhood Plan 2018-2033

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.

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

The level of consistency of the policies contained within the Tendring District Local Plan is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

On 9 October 2017 Tendring District Council, along with Braintree and Colchester Councils, submitted their Local Plans and accompanying documents to the Planning Inspectorate.

Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1. As a result of this, Section 1 was considered through a joint examination in public. Tendring specific policies and allocations can be found within Section 2 of the Local Plan, which was considered through a separate examination. In accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, documents were submitted to the Planning Inspectorate to support the examination of the entire

Plan.

Section 1 of the Tendring District Local Plan 2013-2033 and Beyond was formally adopted on 26 January 2021. Section 2 of the Plan was formally adopted on 25 January 2022.

## **5. CONSULTATIONS**

Summarised as follows:

TENDRING DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No comments received.

NATURAL ENGLAND – No objection.

HIGHWAY AUTHORITY – No objection subject to informatives.

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted from the Planning Statement the reasons for the extension and that it is proposed to reword Condition 6 so that 'Within two years of the date of this permission operations shall have ceased'. Considering these factors and subject to the original conditions set out in Decision Notice ESS/41/15/TEN being strictly adhered to, the Highway Authority does not object to the proposals as submitted.

Informative 1 – All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of the works.

Informative 2 – The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection.

The application seeks an extension of time of two years to allow the cease of existing operations and completion restoration work in accordance with the scheme approved under Condition 13 – restoration drawing number 0318/R/1a. We have no objections to allowing an extension of time.

GREAT BENTLEY PARISH COUNCIL – No comments received.

FRATING PARISH COUNCIL – No comments received.

ALRESFORD PARISH COUNCIL – Objection.

Alresford Parish Council objects to further excavation at the Lufkins site if arisings continue to be sent to Alresford for processing. The arrangement is unacceptable

because an additional 60 vehicle movements to and from Lufkins Farm to Alresford Quarry site that will be generated in addition to the already considerable HGV traffic generated by the Brett site in Alresford.

Brett Aggregates and their contractors' HGVs carrying mineral from Lufkins Farm to Alresford Quarry are operating outside working times detailed in 2010 ROMP. HGV traffic should not operate before 07:00am on weekdays but are often entering Alresford Quarry as early as 06:30am. HGVs arriving at Alresford Quarry between 07:00-07:30am must have loaded and left Lufkins Farm before 07:00am (videos available).

Brett Aggregates or their contractor's vehicles do not follow the approved vehicle routes agreed in 1995 when the haul road access to the site was moved from Ford Lane, Alresford, to Wivenhoe Road, Alresford. The approved route, that for access and egress all HGVs must use the B1027, Keelers Lane, then Wivenhoe Road, Alresford. This was reaffirmed in the 2010 ROMP review.

Contrary to HSE regulations, many HGVs carrying excavated mineral are travelling un-sheeted from Lufkins Farm enroute to Alresford Quarry. For example 26 un-sheeted trucks recorded in just 2 days over the 15<sup>th</sup>/16<sup>th</sup> November 2021 (videos available).

The excessive noise generated by greatly increased numbers of HGVs through the village of Alresford since Bretts' Lufkins Farm development commenced is extremely disruptive, particularly when large bulk carriers return empty.

Residents of the 10 properties sites 10-200 metres from the haul road suffer severely as HGVs crash over the haul road's broken concrete surface, enroute to Alresford Quarry. The omission of the haul road from inclusion in the Alresford Quarry site plan when it came into use as the only HGV access to Alresford Quarry in 1995 means these residents are currently not consulted, nor have been, on planning decisions regarding Alresford Quarry e.g. Lufkins Farm phase 1, which has had an extremely detrimental impact on their lives, and enjoyment of their homes and gardens.

The haul road runs alongside an environmentally sensitive site and valuable community resource, the historic bridleway. Extreme levels of noise pollution and dust from the large numbers of vehicles frequently exceeding the site limit of 20mph. HGVs roaring by within just a few metres severely impacts the health benefits and enjoyment that the bridleway's previously peaceful beauty, offered to pedestrians, dog walkers, horse riders, nature lovers, families with children, runners and cyclists, etc. There have been instances of dogs, horses and vulnerable youngsters reacting in panic, creating a very real safety issue. Wildlife is also frequently placed at risk.

Safety is a major concern at the junction of the haul road with Marsh Farm Lane and there have been several near miss incidents from HGVs failing to comply with stop signs. Alresford Parish Council and residents have repeatedly requested that Brett improve road markings and signage on the haul road e.g. requests for signage indicating a public right of way crossing the haul road near the quarry, have been ignored.

Repeated representations have been made to Brett Aggregates, since November 2019, asking for action to reduce these and many other risks. Sadly, no effective action on road repairs, nor to reduce the environmental damage of noise or address safety issues, has been taken to date.

The Parish Council finds this current state of affairs in our relationship with Bretts to be most unfortunate, all the more so as it seems wholly avoidable. As a Parish Council we are proud of our record of working constructively with businesses in our community and we always work to create relationships based on mutual respect.

We offer the following solution: Brett Aggregates are proposing onsite processing in their planning application for Lufkins Farm phase 2, ref: ESS/101/21/TEN. If Essex County Council decides to approve this current application for extension of Lufkins Farm phase 1, it should do so on the planning condition that Brett commence processing all extracted mineral onsite at Lufkins Farm from the start of that extension period. Onsite processing of material at its place of extraction on Lufkins Farm would immediately ameliorate the severity of the environmental damage and safety concerns outlined above. Lufkins Farm development has been described as “high volume, short term” and now that this “short term” may be extended it is considered vital that Essex County Council take this positive action now, thereby limiting the extremely negative impact that the large numbers of vehicles needed to transport high volume of material to Alresford for processing is currently having, both on our community and the environment generally. We note that the onsite processing should mean that the HGV daily traffic from Lufkins through the residential areas of Alresford ceases, however on close inspection of the EIA for transportation associated with the yet to be considered recent planning application ESS/101/21/TEN evidences that 30% or more of arisings will still be transported to Alresford – this is unacceptable to residents and the Parish Council. Mitigation of the environmental and human impact needs to be at the core of planning decisions.

For the reasons stated above, Alresford Parish Council objects unanimously.

Additional subsequent comments received:–

Lorries travelling through the centre of the village create health and safety risks in addition to environmental damage, particularly given the high level of daily school/general pedestrian traffic within the area.

Video submitted, highlighting following safety concerns:

- Vehicles clearly exceeding the 10mph speed limit;
- Vehicles accessing and leaving before 07:00 official opening time;
- Un-sheeted loaded vehicles in breach of HSE regulations;
- Vehicles reversing without a banksman;
- Vehicles travelling far too fast in adverse weather conditions;
- Noisy vehicles upsetting dog walkers on bridleway;
- Random use of hazard warning lights;
- No apparent safety guidance in place regarding priority of trucks passing on the single track haul road.

LOCAL MEMBER – TENDRING – BRIGHTLINGSEA – Any comments received will be reported.

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

## 6. REPRESENTATIONS

5 properties were directly notified of the application. 3 letters of representation have been received. A petition has also been submitted objecting to any extension being granted to the existing works. The petition includes 30 signatories from 25 households. The representations relate to planning issues, summarised as follows:

### Observation

Application is more about mineral extraction than the construction of reservoir because the farmer would have wanted it completed by now. Claim of covid disruption is a convenient excuse.

Lorries loaded with ballast thunder past my door for the last year.

How do we know that the reason for the extended time is just to dig deeper and extract more material? Is the volume/weight of extracted material measured or verified?

HGVs regularly travel un-sheeted between Lufkins and Alresford.

No need to bring material to Alresford Quarry. Enough room at Lufkins for onsite processing. Transportation to Alresford is not sustainable or environmentally friendly.

Previously approved one way system to avoid Wivenhoe Road and the village of Alresford via Keelars Lane is not followed.

HGVs using haul road do so at speed with total disregard to the inconvenience of noise and dust for bridleway users.

### Comment

Principle of development already established. Extension of existing operation considered in appraisal.

HGV driver behaviours are responsibility of operator. Impact to highway considered in appraisal.

Justification of extension considered in appraisal. Operational weighbridge in place at Lufkins Farm. Records available at request of MPA.

Condition 18 of extant permission requires all vehicles to be sheeted when leaving site. Planning enforcement procedures in place to allow investigation of potential breaches.

Proposal is for extension of operations as existing. Principle of HGV movement between Lufkins and Alresford Quarry already approved. Impacts considered in appraisal.

Vehicle routing plan considered in appraisal.

Amenity impacts considered in appraisal.



Current planning conditions are not being adhered to therefore this application should be refused on grounds of non-compliance and the operation being unacceptable to continue by subjecting the people of Alresford to noise and air pollution.

Amenity impacts considered in appraisal. Planning enforcement procedures in place to allow investigation of potential breaches.

Too many HGVs using travelling through Alresford via Wivenhoe Road to access Alresford Quarry.

Highway impact and vehicle routing plan considered in appraisal.

Twin mini roundabouts at the junction of Wivenhoe Road and Coach Road / Ford Lane have become damaged due to HGVs passing over the raised sections, thus creating noise.

Highway and amenity impacts considered in appraisal.

Surface of Wivenhoe Road has deteriorated due to heavy traffic.

Highway impacts considered in appraisal.

Air pollution is a concern.

Amenity impacts considered in appraisal.

Passing heavy traffic has caused subsidence, resulting in cracks developing in house walls.

Road network is used by many vehicles. Cannot be assumed that Lufkins Farm traffic specifically is the cause of cracks in walls.

HGVs regularly speed and exceed 30mph limit in Alresford.

HGV driver behaviours are responsibility of operator. Impact to highway considered in appraisal.

HGVs should be re-routed to reduce volume passing through Alresford.

Vehicle routing plan considered in appraisal.

Processing onsite at Lufkins would avoid the need to transport material through Alresford.

Separate application (ESS/101/21/TEN) seeking provision of onsite processing plant at Lufkins. Not proposed as part of this application.

HGVs operate outside working time detailed in 2010 ROMP. Vehicles regularly arrive at Alresford before 07:00am.

2010 ROMP (ref: ESS/31/10/TEN(R)) applies to Alresford Creek Quarry, not Lufkins. Extant permission ESS/41/15/TEN, and subject of this application, also has 07:00am limit. Planning enforcement procedures in place to allow investigation of potential breaches.

Alresford and other Parishes have no consultee role.

Great Bentley Parish Council and Frating Parish Council were directly notified as Lufkins Farm falls within both Parish boundaries. Alresford Parish Council have been granted an extension of time to allow response to be prepared as they were not directly notified. Meeting between planning officer and Alresford Parish Councillors also taken place to discuss the application.

Owners of 10 residential properties within 200m of the Alresford Quarry not consulted and continue to suffer noise blight due to no traffic management controls by Brett Aggregates.

As per the Essex Statement of Community Involvement (SCI) for minerals and waste, the direct neighbour notification system specifically targets those residents and businesses within 250 metres of a proposed minerals and waste site boundary, in this case Lufkins Farm.

Enjoyment of bridleway is ruined by noise created by HGVs speeding along Alresford Quarry haul road.

Amenity impacts considered in appraisal.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Principle of development
- B. Justification of time extension
- C. Highway impact and vehicle routeing
- D. Residential amenity impact
- E. Legal agreement

### **A PRINCIPLE OF DEVELOPMENT**

The development, subject of this application, was originally approved in 2010 and renewed and updated in 2016 as per the extant permission which was fully assessed and appraised against current MLP policies. It is considered that the principle of mineral extraction on this site and the development of an agricultural reservoir is already established and complies with MLP Policies S1 and S6.

Completing the extraction and restoration of the site is considered to be essential in order to comply with MLP Policy S12.

### **B JUSTIFICATION OF TIME EXTENSION**

As part of the justification put forward by the applicant, it is stated that the construction of the agricultural reservoir has been delayed primarily due to the COVID-19 pandemic resulting in furloughed staff and the need to streamline

operations across other parts of the business. This includes operations at Alresford Quarry where material is currently transported from Lufkins to be processed.

As a result, a further two-year period is sought in order to extract the remaining material and complete the construction of the reservoir. Some concerns have been raised regarding the intentions of the applicant in prolonging the delivery of the reservoir in order to extract more mineral. The site is being worked to the approved scheme and is subject to a number of planning conditions including, but not limited to, maintaining monthly output/production records and limiting the number of daily vehicle movements. The site also has an operational weighbridge that records the weight of extracted material exiting the site.

As part of an ongoing six-monthly site monitoring schedule by ECC, it has been observed onsite that excavation has been halted throughout the majority of 2020 due to the low demand for mineral product impacted by the pandemic.

It is considered that extending the time limit on existing operations is required in order to allow the scheme to be completed and benefits of an agricultural reservoir realised. Tendring District Council also raise no objection to the proposal. An extension of 2 years is considered reasonable to ensure the development is completed at the earliest opportunity, in line with Policy S12 of the MLP.

## C HIGHWAY IMPACT AND VEHICLE ROUTEING

As mentioned, the existing scheme is intrinsically linked to Alresford Quarry as material is extracted from Lufkins Farm and taken to Alresford to be processed, before onward transportation. This was approved as part of the extant permission ESS/41/15/TEN. At present, HGVs leave Lufkins Farm and travel through the village of Alresford along Wivenhoe Road before turning into the haul road down to Alresford Quarry.

A number of objections have been raised from local residents of Alresford, as well as Alresford Parish Council, around the issues currently experienced caused by HGVs travelling between the two sites. Particular issues include speeding HGVs, full loaded HGVs travelling un-sheeted, damage to road surfaces caused by too many HGVs and a general high volume of HGVs not suitable for the local road network.

Although this activity is already permitted as per the extant planning permission, consideration of relevant planning policies and review of the operation is required given that the potential impacts are proposed to be extended by a further two years. MLP Policy S11 relates to access and transportation and requires operations to demonstrate that development does not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment. Where transportation of minerals is proposed by road, this will be permitted where the road network is suitable for use by HGVs or can be improved to accommodate such vehicles. MLP Policy DM1 also refers to the safety and capacity of the road network. Tendring Local Plan Section 2 Policy CP2 states, inter alia, that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the

residual cumulative impact on the road network would be severe.

It is evident that a vast majority of local concern is based around the continued use of Wivenhoe Road by HGVs travelling between Lufkins and Alresford. One potential solution is to process all material extracted at Lufkins onsite, removing the need to transport it to Alresford. However, at present this is not part of the approved plan at Lufkins Farm. For context, the separate application being considered for the construction of a second agricultural reservoir at Lufkins Farm includes the provision of an onsite processing plant whereby all material could be processed onsite and would not need to be transported to Alresford. However, the outcome of this application is still undetermined and cannot be considered in relation to this application.

Some representations have referred to an existing vehicle routeing arrangement that avoids Wivenhoe Road by turning left out of the Alresford Quarry haul road and using Keelars Lane, thus bypassing Alresford village. This arrangement was attached to the Alresford Quarry planning permission and reinstated as part of the 2010 Review of Old Mineral Permission (ROMP) (ref: ESS/31/10/TEN(R)). This permission does not relate to Lufkins Farm operations therefore does not apply to HGVs leaving the Lufkins Farm site.

Following discussions between the applicant, ECC and Alresford Parish Council, it is proposed to formalise a similar arrangement as part of this permission should it be granted. This could be secured by condition requiring the submission of a Traffic Management Plan to include an approved HGV route, route monitoring, signage and other such management steps to ensure HGVs bypass Alresford village and greatly reduce the stress currently caused to the road network. Also to note, the proposal is for a two-year extension which is considered to be relatively temporary. It is considered that such an arrangement would alleviate impacts and improve the safety and capacity of the road network, complying with MLP Policies S11 and DM1, and Tendring Local Plan Section 2 Policy CP2. The Highway Authority raise no objection to the proposal to allow a two year extension of time to complete the scheme.

For completeness, the application for a second agricultural reservoir at Lufkins currently being considered would include an onsite processing plant as aforementioned, but would still result in 30% of HGVs travelling to Alresford Quarry to feed the concrete batching plant at Alresford. Whilst this is not being considered as part of this application, the applicant has stated that a similar vehicle routeing arrangement could be imposed should this application be recommended for approval.

## **D RESIDENTIAL AMENITY IMPACT**

Other issues have been raised around the operational activity of HGVs and driver behaviours, particularly in relation to the noise and speeding vehicles entering Alresford Quarry for processing. It should be noted that vehicles related to Lufkins Farm only represent a proportion of overall traffic entering Alresford Quarry. Material from other sites across the region enter Alresford related to the site's concrete batching plant activities. It is considered that the operational activity of HGV drivers is a separate issue to the principle consideration of a two year time

extension and is the responsibility of the operator to manage staff behaviours. In addition, Alresford Quarry is subject to a separate planning permission as aforementioned (ref: ESS/31/10/TEN(R)) which is due for review as part of the ROMP requirements in 2025.

Irrespective of this, dialogue is currently ongoing between local residents, ECC, Alresford Parish Council and Brett Aggregates regarding these local issues and the possibility of a Local Liaison Meeting between all parties in order to minimise residential amenity impacts close to Alresford Quarry.

As part of this planning application, existing conditions would be secured. This includes operations authorised between 07:00 – 18:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays; all HGVs leaving Lufkins Farm to be sheeted; noise limits at Lufkins Farm. Essex County Council has its own Local Enforcement Site Monitoring Plan and there are procedures and powers in place to allow enforcement action and investigation into any potential breaches of planning conditions.

In relation to the principle of a further two years to allow the full excavation of the site and completion of the reservoir, considering that no changes to the extant planning permission are proposed, it is considered that operations as existing comply with MLP Policies S10 and DM1. An alternative suggested solution raised by some representations is to provide onsite processing at Lufkins Farm to remove the need for vehicles to travel to Alresford Quarry. As already alluded to, it is considered that this would not prevent vehicles from entering and egressing Alresford Quarry due to its onsite concrete batching plant separate from operations at Lufkins Farm. However, if the application for a second agricultural reservoir at Lufkins were approved, any further extracted material from Lufkins would be processed onsite.

## **E LEGAL AGREEMENT**

The original planning permission (ESS/10/13/TEN) was subject to Section 106 Legal Agreement dated 24 January 2014 and a subsequent Section 106A Deed of Variation dated 19 April 2016, was entered into with respect to a variation to that permission ESS/41/15/TEN and related application ESS/40/15/TEN.

It is considered that a new Deed of Variation is required, should permission be granted, to ensure all previous legal obligations remain associated with the new permission. The time required to complete the Deed Of Variation will mean that the site will be operating without the benefit of planning permission until the legal agreement is completed and the planning permission is issued. If it resolved to grant planning permission, it is not considered expedient to take formal enforcement action despite the original cessation date passing. The operator has confirmed, that if resolved to be granted they would work in accordance with the planning conditions as set out in the recommendation until the planning permission is issued.

## **8. CONCLUSION**

The proposal seeks to vary condition 6 of extant planning permission ref:

ESS/41/15/TEN to allow a two year time extension until 14 January 2024 in order to complete mineral extraction and restore the site to an agricultural reservoir. The principle justification for the time extension is considered to be acceptable and necessary in order to allow for the completion of the overall scheme.

Existing operations require HGVs to transport extracted mineral from Lufkins Farm to Alresford Quarry for processing. Concerns have been raised regarding the heavy HGV traffic travelling through the village of Alresford enroute to Alresford Quarry. It is considered appropriate to require a Traffic Management Plan to include an agreed vehicle routeing arrangement in order to redirect HGVs down an alternative route and alleviate pressure on the highway network.

Some local concerns associated with the haul road at Alresford Quarry are considered to be a separate issue to the principle of a two year time extension in order to complete the scheme which could be addressed separately through liaison between interested parties, site monitoring and planning enforcement if necessary.

As such, it is considered that the proposal is acceptable in principle and, subject to planning conditions and the deed of variation to the legal agreement, complies with MLP Policies S1, S6, S10, S11, S12 and DM1, as well as TLP 1 Policy SP1 and TLP 2 Policy CP2.

## **9. RECOMMENDED**

That planning permission be granted subject to

a) the prior completion within 6 months (unless otherwise agreed with the Chairman of Development and Regulation Committee) of a deed of variation to ensure all previous legal obligations remain associated with the new permission;

b) the conditions set out below:

1 The development hereby permitted shall be carried out in accordance with:

- the details submitted by way of the application ref ESS/21/08/TEN dated 23 May 2008 and covering letter dated 22 May 2008, together with drawings numbered 0318/A (26/02/2007), 0318/O/1b (17/08/2015) and 0318/R/1a, Supporting Statement dated 20 May 2008, Irrigation Requirements Report dated December 2004, Traffic Statement dated March 2007, Hydrogeological Assessment dated August 2007, Preliminary Appraisal of Ecological Interests and Constraints dated March 2007 as amended by Ecological Appraisal update August 2009, Search of Essex Heritage Conservation Record dated 19/10/04, Archaeological Evaluation dated December 2007, Correspondence between Hafren Water and the Environment Agency dated 26 March 2008, 04 April 2008 and 25 April 2008, email dated 28 July 2008 with drawing number 0318/I/1 dated 08/08/2007, email dated 12 August 2008, email dated 07 August 2008 and Licence for access over land at Hill House Farm dated 2007;

AS AMENDED BY

- the details submitted by way of the application ref ESS/10/13/TEN dated 13 March 2013, covering letter dated 13 March 2013 and supporting statement entitled 'Lufkins Farm, Great Bentley, Essex, Application for a new planning permission to replace the existing planning consent ESS/21/08/TEN in order to extend the time limit for implementation' by Mineral Services Ltd, together with drawing numbered 0318/A v2 dated 08/03/13 and Ecological Appraisal update March 2013;

AS AMENDED BY

- the details submitted and approved by way of the application ref ESS/41/15/TEN dated 21 August 2015;

AS AMENDED BY

- the details submitted by way of the application ref ESS/41/15/TEN/NMA1 dated 20 September 2019 and Plan no. 0318/O/1b titled 'Operations Plan' dated 21 August 2019;

AS AMENDED BY

- the details of the application dated 12 November 2021, ref: ESS/99/21/TEN

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan (2014) policies S1, S6, S10, S11, S12 and DM1, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 2 Notwithstanding the provisions of the Town and Country planning (General Permitted Development) Order 1995 (or any order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, plant for the movement of materials, the office weighbridge and portacabin and mobile WC), shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Mineral Planning Authority.

*Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 3 All aggregate materials available for sale shall only originate from the workings

hereby permitted. No aggregate shall be imported for processing or resale.

Reason: *To ensure uses on site are wholly ancillary to the mineral operations hereby permitted and in the interest of local amenity and compliance with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 4 From the date production commences the operators shall maintain records of their monthly output/production and shall make them available to the Mineral Planning Authority upon request. All records shall be kept for the duration of the extraction.

Reason: *To enable the Mineral Planning Authority to monitor progression and activity at the site and compliance with Essex Minerals Local Plan (2014) policies S6 and S11.*

- 5 The development hereby permitted shall cease by 14 January 2024 by which time operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 12.

Reason: *To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 6 In the event that operations are terminated, or suspended for a period in excess of 12 months, the excavated area and other operational land shall be restored in accordance with the scheme or schemes approved under Condition 12 and within a period of 6 months from the date of notification by the Mineral Planning Authority, except as varied by details to be submitted to and approved in writing by the Mineral Planning Authority.

Reason: *To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 7 Unless the Mineral Planning Authority otherwise agrees in writing 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 they are respectively no longer required for the purpose for which they were installed, in any case not later than 14 January 2024 and upon their removal the land shall be restored in accordance with the approved restoration scheme.

Reason: *To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 8 Operations authorised or required by this permission shall only be carried out between the following times:

0700 – 1800 hours Monday to Friday;



0700 – 1300 hours Saturdays;

And at no other time or on Sundays and Public Holidays, except for emergency maintenance and monitoring of the site and the following provisions, unless otherwise approved in writing by the Mineral Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gvw) and vehicles in excess of 3.5t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

For clarity, the operation of plant and machinery for the stripping of soil, construction of screen bunds or the extraction of sand and gravel shall not commence before 0800 hours prior to the completion of the screen bunds related to the phase being worked and intended to afford visual and aural protection to nearby residents.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 9 All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. Details of the seed mixture and the application rates shall be submitted to and approved in writing by the Mineral Planning Authority no less than one month before completion of the formation of the storage bunds is expected. The seeding shall thereafter take place in accordance with the approved details.

Reason: *To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 10 Lighting on site shall not be installed except in accordance with details submitted to and approved in writing by the Mineral Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 11 All plant and machinery shall operate only during the permitted hours, as specified in Condition 8, except in an emergency (which shall be notified to the Mineral Planning Authority as soon as practicable), and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: *To ensure minimum disturbance from operations and avoidance of nuisance to the local community and compliance with Essex Minerals Local Plan (2014) policy S10.*

- 12 The development hereby permitted shall not be carried out unless in accordance with the details for the protection of existing plants and detailed planting scheme relating to condition 13 attached to permission ref ESS/21/08/TEN, as set out in

the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing numbers 0318/R/1a dated 06/10/10, as approved by the Mineral Planning Authority on 13 October 2010 and 0318/O/1b dated 17/08/2015.

Reason: *To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 13 Any tree or shrub forming plant of a planting scheme approved in connection with this development that dies, is damaged, diseased or removed five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub or species and size to be agreed with the Mineral Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 .*

- 14 Any temporary fuel or chemical storage vessel shall be 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 to avoid spillage.

Reason: *To minimise the risk of pollution of watercourses and aquifers and compliance with Essex Minerals Local Plan (2014) policy S10 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL5 .*

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

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 16 No loaded lorry shall leave the site unsheeted.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 17 All ingress to and egress from the site by vehicles shall be by the access and internal access road from Great Bentley Road as per planning ref. ESS/40/15/TEN. A metal gate shall be placed across the access point from the public highway and securely locked outside of the permitted hours referred to in Condition 8 to this approval.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring*

*District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 18 Unless with the prior written agreement of the Mineral Planning Authority there shall be no more than 60 vehicle movements in excess of 3.5t gvw (30 in/30 out) from the site on any single working day. Except on Saturday mornings when there shall be no more than 30 vehicle movements in excess of 3.5t gvw (15 in/15 out) from the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 19 Within one month of the date of this permission a Traffic Management Plan, detailing the routeing of HGVs to and from the site, shall be submitted to and approved in writing by the Mineral Planning Authority. The Plan shall identify the arrangements for:
- (i) The routeing of HGVs associated with the permitted site operations;
  - (ii) Monitoring of the approved arrangements for the life of the site;
  - (iii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements;
  - (iv) The disciplinary steps that will be exercised in the event of default; and
  - (v) Appropriate signage and details of signage to be erected advising drivers of the vehicle route.

The approved plan shall be implemented for the duration of the development hereby permitted.

Reason: *In the interests of amenity, highway safety and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 20 Within six months of the date of this permission, the programme of archaeological work, including processing, assessment, archiving and publication of results, relating to condition 24 attached to permission ref ESS/21/08/TEN, shall be submitted to the Mineral Planning Authority in accordance with the statement received 20 February 2009 and 'NAU Archaeology Written Scheme of Investigation for Archaeological Excavation (revised)' ref BAU1998 dated December 2010, as approved in writing by the Mineral Planning Authority on 22 December 2010.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.*

- 21 The development hereby permitted shall not take place unless in accordance with the scheme of soil movements relating to condition 25 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: *To ensure the retention of existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policies S10, S12 and DM1.*

- 22 The development hereby permitted shall not take place unless in accordance with the scheme of machine movements relating to condition 26 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: *To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 23 Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or staking topsoil on that part), or is surfaced or built upon, or used for the stacking of subsoil, soil making material or overburden, or as a plant yard, or for the construction of a haul road, all available topsoil (and subsoil) shall be stripped from that part.

Reason: *To conserve agricultural soils and to avoid structural damage and compaction of soils and to comply with Essex Minerals Local Plan (2004) policies S10 and S12.*

- 24 a) All topsoil shall be stripped to the full depth (generally 30cm) and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

b) When subsoil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden/low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

Reason: *To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 25 Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil and subsoil substitutes shall be stored separately;
- b) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds;
- c) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority;
- d) Topsoil bunds shall not exceed 3m in height and subsoil (or subsoil

substitute) bunds shall not exceed 3m in height.

Reason: *To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 26 All topsoil, subsoil and soil making material shall be retained on site unless with the prior approval of the Mineral Planning Authority. No bunds shall remain on site as part of the restoration scheme agreed under Condition 12 to this approval.

Reason: *All soils are required on site to ensure a satisfactory restoration of the land and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 27 When replacing all soils, subsoil shall be tipped in windrows and spread to the required level, in 5m wide strips in such a manner as to avoid compacting placed soils. Topsoil shall be tipped, lifted and evenly spread onto the levelled subsoil in a manner as to avoid compacting the placed soils.

Reason: *To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 28 The minimum settled depth of subsoil and topsoil shall be not less than 1m.

Reason: *To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 29 All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Reason: *To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 30 The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason: *To ensure the site is ready for topsoil spreading and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 31 The finished surface of the subsoil shall be broken and opened to a depth of 450mm at a tine spacing of 450mm.

Reason: *To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 32 The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil.

Reason: *To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 33 The respread topsoil and areas upon which topsoil has been stored shall be ripped or loosened at a tine spacing of not greater than 600mm and to a depth of at least 50mm. Any non-soil making material or larger stone lying on the loosened topsoil surface and, on any surface, larger than would pass through a wire screen mesh with a spacing of 150mm shall be removed from the site or buried at a depth not less than 2m below the final settled contours.

Reason: *To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.*

- 34 Noise levels shall be monitored by the operating company at three monthly intervals at up to five locations to be agreed in writing by the Mineral Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for two separate 15 minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Mineral Planning Authority.

Reason: *To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 35 Except for temporary occasions, the free-field Equivalent Continuous Noise Levels (LAeq, 1hour) at noise sensitive properties near the site, due to the permitted operations on the site, shall not exceed the limits set out below:
- 55db – where the background noise level (LA90) without the permitted operations is or exceeds 45 dB;
  - LA90 + 10dB – where the background noise level (LA90) without the permitted operations is below 45dB.

Reason: *To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

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

Reason: *To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 37 A width of 5m shall be left between the toe of the northern bund and footpath 4 Great Bentley including the 2m width of the footpath itself.

*Reason: In order to protect the users of Footpath 4 Great Bentley and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP1.*

- 38 The ground vegetation adjacent to the ditch along Thorington Road shall be trimmed and maintained in a cropped condition and a buffer zone along the peripheral edges of the application site shall be maintained for the duration of the development hereby permitted in accordance with the statement entitled 'Lufkins Farm Schedule of Conditions' received on 20 February 2009 and email dated 29 September 2010, as approved by the Mineral Planning Authority on 13 October 2010, and as amended by paragraphs 15-22 of the Ecological Appraisal Update March 2013.

Reason: *For the protection of ecology, wildlife and protected species within the site and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.*

- 39 Prior to discharge of water to Bentley Brook a river level gauge shall be installed upstream of the discharge point to monitor levels within the river to ensure that no water is discharged to Bentley Brook during high flow periods.

Reason: *To ensure the flood risk to the site and surrounding area is not increased as a result of the development and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.*

- 40 Prior to first discharge of water to Bentley Brook the river gauge shall be fully operational and maintained for the duration of the development.

Reason: *To ensure river levels can be monitored prior to water discharge into the Bentley Brook and to ensure the flood risk to the site and surrounding area is not increased as a result and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.*

- 41 All tree/shrub/hedgerow removal shall be undertaken outside of the bird breeding season.

Reason: *For the protection of nesting birds and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.*

- 42 An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for trees, grassland and hedgerows shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works on site. The scheme shall provide an outline strategy for the 5 year aftercare period and provide a detailed annual programme of care. The scheme shall be implemented in accordance with the approved details.

Reason: *To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.*

## **Informatives**

- Any works in, over, under or within 9m of Bentley Brook will require formal written consent from the Environment Agency prior to the commencement of works. Consent will be required prior to the instalment of the level gauge into the river.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of the works.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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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 within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) 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 - Brightlingsea

TENDRING - Tendring Rural West