



Essex County Council

Development and Regulation Committee

10:30	Friday, 23 September 2022	Committee Room 1 County Hall, Chelmsford, CM1 1QH
--------------	--------------------------------------	--

For information about the meeting please ask for:

Emma Hunter, Democratic Services Officer

Telephone: 033301 36601

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

ECC Guest Wifi

For members of the public, you can now access free wifi in County Hall.

- Please log in to 'ECC Guest'
- Follow the instructions on your web browser

Attendance at meetings

Most meetings are held at County Hall, Chelmsford, CM1 1LX. [A map and directions to County Hall can be found on our website.](#)

Access to the meeting and reasonable adjustments

County Hall is accessible via ramped access to the building for people with physical disabilities. The Council Chamber is accessible by lift located on the first and second floors of County Hall. However, access and space for the public is extremely limited due to COVID secure requirements.

Induction loop facilities are available in most Meeting Rooms. If the meeting is taking place in Committee Room 1 you will need to download the **Sennheiser MobileConnect App** from your mobile phone's app store in order to access a sound enhancement service for the hard of hearing. You will need to bring headphones or earbuds to the meeting with you. Please speak with a member of the Democratic Services team before the start of the meeting for assistance in using this service.

Accessing Documents

If you have a need for documents in, large print, Braille, electronically or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, www.essex.gov.uk From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Livestreaming of meetings

In the interests of improving access to the Council's meetings, most meetings will be livestreamed on the [ECC Democracy YouTube Channel](#). Recordings of the meetings once they have finished are also available on the Channel.

Should you wish to record the meeting, please contact the officer shown on the agenda front page.

How to take part in the meeting

If you wish to address the Committee, you should contact the Democratic Services Officer preferably by email at democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting. If you cannot email then you can telephone 033301 36601 or 033301 39825, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on 26 August 2022.	6 - 53

- 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 no later than 5pm on the Tuesday before the meeting.
- 4 County Council Development**
- 4.1 Chancellor Park Primary School, Brook End Road South, Chelmsford** **54 - 65**
To consider report DR/35/22 relating to the retention of a classbase for temporary period without compliance with Condition 3 (time limit) attached to planning permission CC/CHL/30/15

Location: Chancellor Park Primary School, Brook End Road South, Chelmsford, CM2 6PT

Ref: CC/CHL/73/22
- 5 Information Items**
- 5.1 Enforcement of Planning Control Update** **66 - 72**
To update Members on the enforcement of planning control.

Report DR/36/22
- 5.2 Applications, Enforcement and Appeals Statistics** **73 - 74**
To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.

Report DR/37/22
- 6 Date of Next Meeting**
To note that the next meeting will be held on Friday 28 October 2022, in Committee Room 1, 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.

8 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 L Bowers-Flint
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 Committee Room 1, County Hall, on Friday, 26 August 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr L Bowers-Flint
Cllr M Garnett	Cllr S Kane
Cllr D Harris	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr R Moore, for whom Cllr I Grundy substituted. Apologies were also received from Cllr M Hardware and Cllr B Aspinell.

Cllr L Bowers-Flint declared an interest in item 4.1 of the agenda (Minute 2) concerning Land at Rivenhall Airfield, Coggeshall Road, Braintree, in that she lived in the village concerned. Cllr Bowers-Flint considered that as she had not previously expressed a view on the proposition, she was not precluded from participating in the debate and voting on the item.

Cllr J Fleming declared a non-registerable interest in item 4.2 of the agenda (Minute 4) concerning Bulls Lodge Quarry (Boreham Airfield), Generals Lane, Boreham, Chelmsford. Cllr Fleming considered that as the public would consider her interest could prejudice her consideration of the public interest, she would withdraw to the public gallery for the duration of the item.

2. Minutes

The minutes of the meeting held on 22 July 2022 were agreed as a correct record and signed by the Chairman.

The Chairman noted that he had contacted Cllr Gooding, Chairman of the People and Families Policy and Scrutiny Committee, as well as Helen Lincoln – Executive Director Children & Families and Cllr Beverley Egan – Cabinet Member for Children's Service and Early Years, concerning the Change of Use of Caretaker's House. He had received a satisfactory response from Helen Lincoln regarding the use of the building and no further concerns were raised by Members.

3. Identification of Items Involved in Public Speaking

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

- 1) Land at Rivenhall Airfield, Coggeshall Road, Braintree
To consider report DR/30/22 relating to the non-material amendment to amend the wording of Condition 8 of planning permission ESS/34/15/BTE to allow the delivery and removal of abnormal indivisible loads associated with the piling rigs in connection with the construction of the IWMF.

Location: Land at Rivenhall Airfield, Coggeshall Road, Braintree, CO5 9DF
Ref: ESS/34/1/BTE/NMA3

Public speakers:

- On behalf of the applicant: Mr Gareth Jones – speaking for
- Local member: Cllr Ross Playle – speaking against
- Local member: Cllr Paul Thorogood – speaking against

4. Land at Rivenhall Airfield, Coggeshall Road, Braintree

The Committee considered report DR/30/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Highways
- Hedges and Trees
- Residential Amenity

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

- Indaver had previously assured the local community that the Woodhouse Lane access would not be used for construction traffic. In addition, the original planning permission had required that it not be used.
- The proposals would cause significant disruption to the public highway and local residents.
- Planning documents suggested that ten abnormal loads might not be the limit of the developer's plan.
- Temple Lane and Western Road in Silver End would be particularly affected by the proposal. These were narrow, congested roads with parked cars on both sides in close proximity to the housing.
- The removal of vegetation, street furniture and other assets would cause further disruption.

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

- Once operational, the Rivenhall IWMF would be Essex's largest single source of carbon dioxide emissions.

- Replacing the bailey bridges that crossed the River Blackwater in Bradwell from the A120 would accommodate the larger, abnormal loads. Once the IWMF was operational, there would be an increase in the number of HGVs using the bridges.
- Trees and hedges would be cut down, including from some gardens in Western Road in Silver End.
- The proposal would negatively affect the local communities as HGVs would block roads and pollute the area.

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

- Of the roughly 3,000 HGVs that had come to the site in the past year, only a small number of drivers had taken the incorrect route through the villages. To address this, the applicant had spoken to the drivers, improved signage and directions and positioned traffic marshals in strategic locations.
- The bailey bridges had been assessed and were strong enough to take the abnormal loads, however, the applicant was awaiting analysis concerning the surrounding ground to confirm that the bridge would not shift under an abnormal load.
- In the future, a replacement bridge would be required, which would be the subject of a separate planning application.
- HGVs carrying waste would not enter the site through the Woodhouse Lane entrance, as they had to enter the site via the A120 access in order to be weighed.

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

- Two authorisations had to be sought before an abnormal load could be moved. One of these was from the Highways authority, which was the stage at which notification would be given to residents.
- It was noted that the bailey bridges were able to withstand HGVs carrying normal weight loads.
- The technical assessment demonstrated that the abnormal loads could be moved within the public highway, with no need to trim vegetation unless it was overhanging in the public highway.
- The Waste Local Plan allocated that any HGVs carrying waste must enter the site through the A120 access.

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

- The applicant could not confirm that there would not be an instance when permission for further abnormal loads prior to the installation of a new bridge would be requested. Any additional abnormal loads would be the subject of an additional request.
- HGVs carrying abnormal loads would enter the site between 10am and 4pm. It would likely take most of the day to get from Galley's Corner to the site. Marshalls, escorts, the replacement of any removed signage and the repair of

any damaged highway would be in place according to the Highways authorisation.

- The length, height and width of the loads meant that they were considered to be abnormal.
- The movement of the abnormal loads could not be carried out overnight due to health and safety.
- It was noted that it was not possible to add conditions to a non-material amendment.
- Technical work was still in progress concerning the bailey bridges crossing the River Blackwater. Any proposal from the applicant for a new bridge would be for a temporary bridge to accommodate the abnormal loads, following which the bailey bridges would be reinstalled. In order to progress the development of the site, it was necessary to bring in the piling rigs before the temporary bridge could be installed.
- It was possible that one of the vehicles carrying an abnormal load would be near to Cressing Primary School during school pick up time, and arrangements would be required by the Highways authority to ensure the movements were carried out safely.
- The Chairman would write to the applicant on behalf of the Committee to request that the temporary bridge be used should it become available before all the abnormal loads had been moved. In addition, the Chairman would write to express the Committee's concerns regarding this application.

There being no further points raised, the resolution was proposed by Councillor J Jowers and seconded by Councillor M Garnett. Following a vote of 6 in favour, 3 abstentions, it was

Resolved

That a NMA to condition 8 of planning permission ESS/34/15/BTE be granted, such that condition 8 reads as follows:

No vehicles shall access or egress the site except via the access onto the Coggleshall Road (A120 Trunk Road) junction as shown on application drawing Figure 1-2, except for the movement of the abnormal indivisible loads associated with the piling rigs in connection with the construction the IWMMF, as detailed in non-material amendment application (ref ESS/34/15/BTE/NMA3) dated 27 July 2022, Cover Letter from RPS dated 29 July 2022, Technical Note prepared by RPS (Referenced JNY11225-02B, dated 15 July 2022) and email from RPS dated 16 August 2022. The Waste Planning Authority shall be informed at least 14 days before any abnormal indivisible loads are brought to site.

5. Bulls Lodge Quarry (Boreham Airfield), Generals Lane, Boreham, Chelmsford The Committee considered report DR/31/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to the recommendation.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Landscape and visual Impact
- Noise
- Air quality
- Archaeology and Cultural Heritage
- Ecology and biodiversity
- Highways and traffic and PRow
- Water Environment
- Socio-economic factors
- Cumulative Impacts

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

- It was noted that officers regularly visited the site. Some areas of the site were already worked and undergoing restoration.
- The mineral extraction would be able to be completed without significant impact upon the development of the Chelmsford Garden Community.
- The report required that the legal agreement was completed within six months.

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

Resolved

A - That subject to:

- i. the prior completion, within 6 months (i.e. 28 February 2023 unless otherwise agreed with the Chairman of the Development and Regulation Committee) Legal Agreements under the Planning and Highways Acts to secure obligations as summarised below:
 - S106 agreement to supersede the existing Section 52 Agreements dated March 1990 and June 1990
 - Dedication of land required for CNEB Phase 1 and 2 (as shown on Space Proofing drawing NEB-JAC-GEN-P1_S1A-DR-Z-0001 Rev P00 dated August 2020 that lies within the application sites) at no cost or expense to ECC no later than the commencement of construction of CNEB, this obligation to be discharged when demonstrated to MPA that agreements between Hanson & Landowners with respect to the CNEB have secured the dedication/other acceptable mechanism to hand over the land to the Highway Authority.
 - Temporary use of land on either side of the Space Proofing area as shown on drawing NEB-JAC-GEN-P1_S1A-DR-Z-0001Rev P00

dated August 2020 that lies within the application sites for construction of the CNEB at no cost or expense to ECC

- Not to carry out operations that would conflict with the construction of the CNEB
 - To seek to obtain any necessary changes in phasing of working and restoration required to facilitate the CNEB
 - To seek to obtain any necessary changes in the Airfield restoration scheme to facilitate the CNEB
 - Requirement for a liaison group
 - No occupation of Park Farm house and Park Farm Cottages throughout operations within Park Farm extraction area.
- ii. planning permission is granted for ESS/147/20/CHL subject to the conditions as set out in Appendix A, subject to any changes agreed by the Chairman of the Development and Regulation Committee.

and

- iii. planning permission is granted for ESS/148/CHL subject to conditions as set out in Appendix B subject to any changes agreed by the Chairman of the Development and Regulation Committee.

- B. That, subject to a harm assessment being carried out, it is at this stage not considered expedient to take enforcement action should development in accordance with planning applications ESS/148/20/CHL and ESS/147/20/CHL, commence prior to the issuing of the decision notices, subject to the applicant operating in accordance with conditions set out in Appendices A and B.

For ESS/147/20/CHL:

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

Reason: Because the application is part retrospective as soil stripping in Park Farm has already commenced and to comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application Ref CHL/1890/87 dated 23 October 1987, Supporting Statement (ref 8720) by D K Symes, as amended by Revised Statement dated December 1988 by Pioneer Group of Companies and letter dated 21st November 1989, together with the following drawing numbers:
 - 8720/1 - Application Plan dated Oct 1987
 - 8720/1a – Application plan showing existing landscape, boreholes & contours dated Jan 1988
 - 8720/2c Working Plan dated November 1989
 - 8720/3b – Restoration plan showing contours and landscaping
 - 8720/3c – Restoration plan dated November 1989

- JAB 1 Proposed Afteruses dated 21 Nov 1989

And the following supporting documents

- Drilling Survey for Sand And Gravel for Sand & Gravel by DK Symes Associates (Ref 8669) dated 27 November 1987
- Noise from proposed sand and gravel extraction by Moir, Hands & Associates dated 29 September 1989.

AS AMENDED BY

Planning application reference ESS/36/13/CHL dated 6 June 2013, together with the following documents and drawings:

- Email from Hanson dated 2 July 2014 (14:24)
- Email from Hanson dated 9 September 2019 with "Planning Supporting Statement"
- Walker Beak Mason – Technical Note dated 23 October 2013
- Walker Beak Mason – Technical Note dated 2 April 2014.
- Drawing No. B215/352 Planning Application – variation of processing plant working hours.

AS AMENDED BY

Planning application reference ESS/147/20/CHL dated 21 December 2020, together with the following drawings:

- 60548237.BL.001 Site Location
- 60548237.BL.002 Planning Permission Boundaries
- 60548237.BL.003 Designations and Surrounding Developments
- 60548237.BL.004 Existing Site Topography
- 60548237.BL.005 Rev A Summary of Extraction and Restoration Phasing 2020
- 60548237.BL.006 Boreham Airfield
- 60548237.BL.007 Park Farm Proposed Mineral Extraction Phasing
- 60548237.BL.008 Brick Farm Proposed Mineral Extraction Phasing
- 60548237.BL.009 Cross Section of Proposed Conveyor
- 60548237.BL.010 Rev A Restoration Master Plan Park Farm Permission
- 60548237.BL.011 Rev A Park Farm Restoration Detail
- 60548237.BL.012 Park Farm Cross Sections AA-FF
- 60548237.BL.013 Park Farm Southern Boundary Treatment

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 adopted 2014 (MLP) policies S1, S2, S8, S11, S10, S12, DM1 and Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S9, Strategic Growth Policy 6, DM13, DM14, DM15, DM16, DM17, DM18, DM29, and DM30.

3. All buildings/structures/roads/plant and machinery within the Plant Site and as shown on drawing 60548237.BL.005 Rev A and the access road to the public highway used in connection with the development hereby permitted shall be removed and the site restored by 31 December 2041.

Reason: To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S3, S4, DM13, DM14, DM16, , DM17, DM29 and DM30.

4. Prior to commencement of soil stripping in each phase a scheme of soil stripping and placement shall be submitted to and approved by the Mineral Planning Authority. Each soil stripping scheme shall be in accordance with the phasing drawings no. 60548237.BL.007 and no. 60548237.BL.008 and details for the area north of the Restored Silt Lagoons as approved under condition 74. The soil stripping and placement scheme shall identify where soils will be stripped and placed into storage and/or where direct placement is expected. The soil stripping and placement shall be in accordance with approved details.

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 MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM18, DM29 and DM30.

5. The development hereby permitted shall be implemented in accordance with the Water Monitoring Scheme approved on 22 March 1994 approved under condition 5 of planning permission CHL/1890/87. The approved Water Monitoring Scheme (CHL/1890/87/05/01) is set out in letter dated 7 December 1992 and the report "Water Management Scheme – Phase 1 Monitoring" Report Ref: PA/BO/JA/903/01a dated November 1992. In addition the development hereby permitted shall also be implemented in accordance with the Water Management Scheme approved on 16 May 1995 under condition 5 of planning permission CHL/1890/87. The approved Water Management Scheme (Ref CHL/1890/87/05/02) is set out in letter dated 14 September 1994 from Pioneer, letter dated 1 May 1995 from Pioneer and the technical report "A Water Management Scheme for Bulls Lodge Quarry" Report reference: PA/BO/PS/535/01 dated August 1994.

Reason: To minimise the risk of pollution to water courses and aquifers to monitor effectiveness of groundwater safeguarding measures and to comply with MLP policies S10 and DM1 and CLP policies DM18 and DM30.

6. The development hereby permitted shall be implemented in accordance with the landscape planting scheme for the boundaries of the site approved on 5 March 1993 under condition 7 of planning permission CHL/1890/87, as amended by planning permission reference ESS/21/12/CHL. The approved details are set out on drawing LPA/PA/BL/LMP 1B superimposed on Drawing 8720/2c dated Dec 1990 entitled "Landscape Master Plan Perimeter Planting" and the subsequently approved detailed planting schemes approved under condition 8 of planning permission CHL/1890/87.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S4 and DM29.

7. Hedgerow, hedgerow tree and woodland planting shall be carried out in accordance with drawings nos.60548237.BL.010 Rev A and 60548237.BL.011 Rev A . Planting details shall be submitted in advance to allow prior approval by the Mineral Planning Authority before planting commences. The details shall include species, sizes, spacing, protection and programme of implementation. The planting details shall be implemented in accordance with the approved details.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM17 and DM29.

8. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 31 December 2041. By the 31 December 2041 the site shall be restored in accordance with drawings no. 60548237.BL.010 Rev A and no. 60548237.BL.011 Rev A

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 MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery other than hydraulic excavator, dragline or plant for movement of materials 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 policies S2, S10, S12, DM1, DM3 and DM4 and CLP policies S3, S4 and DM29.

10. The phasing of winning or working of minerals of the site and the phasing of restoration shall be carried out in accordance with the phasing drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 and details for the area north of the Restored Silt Lagoons approved under condition 74.

Reason: To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.

11. Mineral extraction shall not take place within more than one phase of Phases 1 to 8 shown on drawing no. 60548237.BL.007 at any one time. No more than 3 phases of Phases 1 to 8 shall be open at any one time. Within 12 months of the respreading of topsoils the restored area shall be brought into beneficial afteruse for either agriculture, woodland or biodiversity.

Reason: To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.

12. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping topsoils 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 and to comply with MLP policies S10, S12 and DM1.

13. No minerals extracted under this permission shall be transported to the plant site other than by ground conveyor shown on drawing no. 60548237.BL.006 and labelled "Proposed Conveyor Route".

Reason: To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policy DM29.

14. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), other than water pumping and environmental monitoring, no operations including temporary operations shall be carried out outside of the following times:

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

07:00 to 13:00 Saturdays.

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

except that HGVs loaded the night before may leave the site between the 06:00 and 07:00 Mondays to Saturdays.

In addition until the 31 October 2024 the sand and gravel processing plant only may operate between 18:00 and 22:00 Monday to Friday. For the avoidance of doubt there shall be no operation of the concrete batching plant and no extraction operations within the extraction site areas during these additional hours.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S10 and DM1 and CLP policy DM29.

15. No mineral shall be imported to the site for processing.

Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with MLP policies S10 and DM1 and CLP policy DM29.

16. The site shall be worked in accordance with the applicant's submitted schemes of soil handling as revised by Messrs D K Symes Associates' letter dated the 9 January 1990 and enclosures, except as amended by the conditions of this permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S2, S10 and DM1.

17. No extraction or temporary storage of materials shall take place within 10 metres of any watercourse. No material or mineral waste shall be tipped or deposited within any watercourse or culvert.

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM18 and DM30.

18. Prior to placement of soils for restoration, drawings shall be provided identifying those areas for restoration. Following placement of soils a levels survey shall be provided to confirm restoration contours are in accordance with drawing no. 60548237.BL.010. The placement of soils and overburden shall be in accordance with the method detailed in figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988 by Reading Agricultural Consultants".

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.

19. No topsoil, shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November to March (inclusive) unless otherwise approved 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 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

Note¹ 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, to aid the final restoration of the site in compliance with MLP Policies S10, S12, DM1.

20. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated substitute subsoil/overburden. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

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

21. Weathered Calcareous Overburden identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately respread over the replaced overburden. If this resspreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement. Use and placement of Calcareous Overburden shall be in accordance with the method detailed at figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988" (Reading Agricultural Consultants).

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 S10, S12 and DM1.

22. Topsoil, subsoil and subsoil substitute 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 subsoil's;
 - b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;

- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 1 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoils on like-texture topsoils and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material.

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 S10, S12 and DM1.

23. All storage mounds intended to remain in situ for more than 6 months shall be grassed seeded and complete grass sward maintained. The seed mixture and application rates shall be submitted to and approved by the Mineral Planning Authority in writing no less than 1 month before the expected completion of the formation of the storage mounds/bunds.

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 S10, S12 and DM1.

24. Upon reclamation the minimum settled depth of subsoil substitute and topsoil shall be 1m.

Reason: To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.

25. The subsoil substitute is to be spread to an even depth over the restored overburden so as to follow the final contours in accordance with drawing no. 60548237.BL.010.

Reason: To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.

26. The topsoil is to be spread to a minimum depth of 30cm in areas to be restored to agriculture.

Reason: To aid the final restoration of the site and to comply MLP policies S10 and S12.

27. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, woodland, wildflower meadow, grassland, species rich grassland, water shallows and reedbeds use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of topsoil placement of topsoil in phase 1 as shown on drawing 60548237.BL.010. 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 of the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the beneficial restoration of the site to agriculture, woodland, wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policies S3 and DM29.

28. All vehicular access and egress to and from the plant site shall be through the site area of planning permission CHL/1019/87 (or any superseding or amending permission) and to the public highway via the private access road and Roundabout 5 of the Radial Distributor Road. The private access road being that shown on drawing ref. no. 8720/2C dated November 1989 and via the access road as permitted by the Park Farm & Brick Farm permission Ref. CHL/1890/87 as amended by CHL/1855/90 (as amended by any subsequent planning permission).

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and CLP policy DM29.

29. No stockpiles of as raised sand and gravel shall be stored such that they would exceed the height of the adjacent natural surrounding ground level. No processed material shall be stored within the site.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1 and CLP policies S4 and DM29.

30. No material shall be imported to the site for the purpose of deposit or disposal that has not arisen from indigenous materials from within the planning permission areas of this planning permission and/or planning permission reference CHL/1019/87 (or any subsequent or superseding planning permission).

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM29.

31. No soil stripping or preliminary groundworks of any kind shall take place within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 or within the area north of the Restored Silt Lagoons until a programme of archaeological investigation and recording has been secured in accordance with a written scheme of investigation for each phase that has been submitted to and approved in writing by the Mineral Planning Authority

for that phase. The scheme and programme of archaeological investigation and recording shall be implemented in accordance with the approved details.

Reason: To ensure that a programme of archaeological evaluation by trial trenching is approved for each phase of the proposed development. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10, DM1 and CLP policy S3 and DM15.

32. No soil stripping or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme Investigation required under condition 31 and confirmation provided by the Mineral Planning Authority that the evaluation has been completed and a mitigation strategy written defining what further work is required.

Reason: To ensure that the archaeological programme of trial trenching is undertaken to the required standard of the Mineral Planning Authority and that an agreed programme of further work has been put in place. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1 and CLP policy DM15.

33. No soil stripping or preliminary groundworks can commence on those areas identified in the mitigation strategy as containing archaeological deposits, until the satisfactory completion of fieldwork and which has been approved in writing by the Mineral Planning Authority.

Reason: To ensure that the excavation or proposed preservation is undertaken on the site. 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 CLP policy DM15.

34. Within 6 months of the completion of the fieldwork in each phase the applicant shall submit a post excavation assessment for approval in writing by the Mineral Planning Authority. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy S10 and DM1 and DM1 and CLP policy DM15.

35. Mitigation measures shall be undertaken such that any field drainage within the site that is disturbed, that impacts upon drainage outside does not cause impacts outside the site.

Reason: To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.

36. No working shall take place within 100 metres of the residential properties as shown on drawing 8720/2c dated Dec 1989, and the measures recommended

in the report ref 76/89 by Moir Hands and Associates dated 29th September 1989 shall be incorporated in the submitted schemes of working and soil placement required under condition 4 and Noise Management Plan required under condition 54.

Reason: In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.

37. Any tree or shrub forming part of a landscaping scheme or restoration scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be approved in advance in writing by 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 MLP policies S2, S10 and DM1 and CLP policy s4 and DM29.

38. 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 where directed by an archaeologist or for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil has been stripped from that part and stored in accordance with the details agreed under condition 4 of this planning permission.

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

39. All topsoil, and soil making material shall be retained on the site.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.

40. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as identified in condition 49 adjoining the site 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 giving rise to noise up to 70 dB LAeq 1hr shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.

41. The development shall be carried out in accordance with the approved Flood Risk Assessment referenced Environmental Statement Annex F – Flood Risk

Assessment by Wood Environment and Infrastructure Solutions UK Limited dated May 2020.

Reason: To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.

42. During the aftercare period for land restored to arable agricultural use (not including hay making), no cultivation shall take place within 2m of any hedgerow planted as part of the restoration scheme.

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, S12 and DM1 and CLP policy S4 and DM16.

43. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Applied Ecology, May 2020) submitted with the planning application. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during operation. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

44. Soil stripping shall not commence within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 and within the area north of Restored Silt Lagoons unless the Mineral Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance. 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, S12 and DM1 and CLP policy S4 and DM16.

45. No development within each phase as shown on drawings no. 60548237.BL.007 and drawing no. 60548237.BL.008 and the area north of the Restored Silt Lagoon until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Mineral Planning Authority. The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

46. Prior to soil stripping within Phases 1 to 8 within each phase as shown on drawing 60548237.BL.007 and within Phases F to H as shown on drawing 60548237.BL.008 and within the area north of the Restored Silt Lagoons a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing in by the Mineral Planning Authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities:
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - 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 (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the development period strictly in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

47. Prior to soil stripping within Phases 1 to 8 within each phase as shown on drawing 60548237.BL.007 and within Phases F to H as shown on drawing 60548237.BL.008 and within the area north of Restored Silt Lagoons a Farmland Bird Mitigation Strategy, with an update for each period of soil stripping, shall be submitted to and approved by the Mineral Planning Authority to compensate for the loss of any farmland bird territories particularly Skylark and Yellowhammer. This shall include provision of the evidenced number of Skylark nest plots or other measures, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures e.g. nest plots;
- b) detailed methodology for the measures e.g. nest plots
- c) locations of the plots by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.”

Reason: To allow the Mineral Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

48. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority within 3 months of the date of this planning permission. The content of the LEMP shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) Description and evaluation of the features to be managed.
 - f) Ecological trends and constraints on site that might influence management.
 - g) Aims and objectives of management.
 - h) Appropriate management options for achieving aims and objectives.
 - i) Prescriptions for management actions.
 - j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - k) Details of the body or organisation responsible for implementation of the plan.
 - l) Ongoing monitoring and remedial measures.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

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

Criterion

<u>Location*</u>	<u>dBL_{Aeq} 1hr</u>
Holts Lane (R01)	49
Wallaces Farm Cottages (R02)	53
Brick House Farm (R03)	55
Fishing Lakes (R04)	55
Walford Farm House and Mount Maskall (R05)	47
Park Farm Cottage - when occupied (R06)	48
New Hall School (R07)	51
Generals Lane (Bulls Lodge Cottages)	51
Beaulieu Park (R08)	51
Park Farm - when occupied (R09)	46
Greenacres, Domsey Lane (R10)	51
Cranham Road, travellers site (R11)	55
Boscombe (R12)	55
Russel Green (R13)	55
The Channels (R14)	53

*References in brackets refer to drawing “Figure 1 – Baseline noise monitoring positions and sensitive receptor locations” from Annex D of Environmental Statement dated November 2020.

** Operations between 18:00 and 19:00 Monday to Friday is only permitted until 31 October 2024 see condition 14.

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

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.

50. The free field Equivalent Continuous Noise Level (L_{Aeq} , 1 hr) at noise sensitive locations listed in condition 49, due to operations at the site between 06:00 and 07:00 Monday to Saturdays and 19:00 to 22:00 Monday to Friday* shall not exceed 42 L_{Aeq} 1hr.

*Operation of the processing plant during 19:00 to 22:00 only permitted until 31 October 2024.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

51. Noise levels shall be monitored at three monthly intervals from the date of this planning permission at noise sensitive properties to be agreed in advance in writing by the Mineral Planning Authority. 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 of 30 minutes separated by at least 1 hour during the working day and shall at the request of the Mineral Planning Authority include an additional monitoring period between 0600 and 0700. The results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

52. 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 DM1and CLP policy DM29.

53. 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, equipment 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 DM1and CLP policy DM29.

54. Within 3 months of the date of this planning permission a noise management plan shall be submitted to and approved in writing by the Mineral Planning Authority. The noise management plan shall contain the following:

- Survey locations
- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 49, 50 and 51.

- Procedures for characterising extraneous versus site attributable noise.

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

Reason: In the interests of amenity and to comply with MLP policy DM1 and CLP policy DM29.

55. The Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021 shall be implemented throughout the life of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and CLP policy DM29.

56. Embedded mitigation for environmental issues shall be in accordance with the details set out in the Environmental Statement, in particular the development shall be in accordance with the following:

Environmental Issue	Section of Environmental Statement
Landscape and Visual	Annex A Section 5 by Aecom dated November 2020
Ecology and biodiversity	Annex B Section 6 by Applied Ecology Ltd dated 19 May 2020.
Noise	Annex D Section 6 by Aecom dated November 2020
Hydrology and Hydrogeology	Annex E Section 7 by Wood Environment & Infrastructure Solutions UK Ltd May 2020.

Reason: To minimise the risk of to the water environment, in the interests of local amenity, in the interest of biodiversity and to comply with MLP policies S10 and DM1 and CLP policies S4, DM16, DM18 and DM30.

57. From the date of this permission the operators shall maintain records of their quarterly output and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policy S1, S6, S12 and DM1.

58. The surfaced section of the access road between the processing plant area and the public highway shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

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

59. No loaded Heavy Goods Vehicle shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 500mm in diameter.

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

60. Within 3 months of the date of this planning permission signs have been erected on both sides of the haul route at the point where Footpath Boreham 16 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S11 and DM1.

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

Reason: In the interests of highway safety and to comply with MLP policies S11 and DM1

62. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The 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 to comply with MLP policy DM1 and CLP policy DM29.

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

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S12 and DM1

64. Any fuel, lubricant or/and chemical storage vessel 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 the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.

65. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.

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

Reason: To ensure the restored land is for agricultural use is not impeded and to comply with MLP policies S12 and DM1.

67. The development hereby permitted shall be carried out in accordance with processing plant details as approved on 25 November 1993 under condition 9 of CHL/1890/87 (application reference CHL/1890/87/09/01). The processing plant details are set out in the application letter dated 19 March 1993 and subsequent letters dated 27 September 1993, Visual Appraisal Report by Landscape Planning Associates and the following drawings:

- 658/PL001/Rev0 dated 4/01/1993 - Flow diagram of the proposed processing plant
- 658/PL002/Rev1 dated 8/01/1993 – Site Plan and insets showing lines of elevations and approach line of field conveyor and bridge conveyor
- 658/PL003/Rev1 dated 13/01/1993 – Sectional Elevations through plant
- LPA/PA/BL/vis A-A
- LPA/PA/BL/vis B-B

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1, and CLP policies DM29 and DM30.

68. The number of Heavy Good Vehicles (Heavy Goods Vehicles shall have a gross vehicle weight of 7.5 tonnes or more) movements in and out of the site during the hours of 0730 to 0900 and 1630 to 1800 shall not exceed 60 movements per hour on Mondays to Fridays.

Reason: To minimise the traffic impact on the Boreham interchange and Radial Distributor Road in the interests of highway safety and to comply with MLP policies S11 and DM1.

69. When subsoil is to be retained for restoration purposes it shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse.

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

70. The access road between the public highway and the plant area, as shown on the working plan drawing. no. 8720/2C as amended by planning application ref. CHL/1855/90 shall be hard surfaced in concrete, asphalt or bituminous macadam for its total length and maintained free from potholes.

Reason: In the interest of highway safety, to prevent deleterious material being taken onto the public highway and to comply with MLP policies S1, S11 and DM1, and CLP policy DM29.

71. Within 1 year of the date of this planning permission restoration details shall be submitted to the Mineral Planning Authority for approval in writing for those areas identified on drawing no. 60548237.BL.010 Rev A to be restored to species rich grassland, wildflower meadow, grassland, water shallows, reedbeds, water bodies and islands. The restoration details shall include details of ground preparation, seeding/planting mixes and timetable for implementation. The restoration details shall be implemented in accordance with the approved details.

Reason: To ensure the beneficial restoration of the site to biodiversity including wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policy S4, DM16 and DM29.

72. Extraction of minerals within phases 1 to 8 as shown on drawing no. 60548237.BL.007 shall cease by 31 December 2029 and phases 1 to 8 restored by 31 December 2030. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within of phases 1 to 8 shall be removed by 31 December 2039. Extraction of minerals with Phases F, G and H as shown on drawing no. 60548237.BL.005 Rev A shall cease by the 31 December 2039. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within of phases F, G and H shall be removed by 31 December 2041. Extraction of minerals shown on drawing no. 60548237.BL.005 Rev A shall cease by the 31 December 2039. All buildings/structures/roads/conveyor/plant and machinery used in connection with the extraction and restoration permitted within the area north of the Restored Silt Lagoons shall be removed by 31 December 2041.

Reason: To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies s12 and DM1 and CLP policy DM29.

73. Prior to mineral extraction within phases F, G and H as shown on drawing no. 60548237.BL.005 Rev A and within the area north of the Restored Silt Lagoons details shall be submitted to and approved in writing by the Mineral Planning Authority of the method of transportation of as raised material from the extraction areas to the processing plant area. The transport of material shall be in accordance with approved details

Reason: In the interests of local amenity, to ensure control of the development by the mineral Planning Authority and to comply with MLP policy DM1 and CLP policy DM29.

74. Within 3 years of the date of this planning permission the timing and details of working of the mineral within the area north of the Restored Silt Lagoons labelled Phases Ad, Ab and Ac on drawing 8720/2C dated Nov 1989 shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include measures to address the electricity infrastructure including pylons that lies within the extraction area. The mineral shall be extracted in accordance with the approved details.

Reason: To ensure the all the permitted reserve forming part of the County's sand and gravel landbank at Bulls Lodge Quarry is extracted and in accordance with MLP policy S8.

75. The top soil storage bund located on the southern edge of Phases 7 and 8 as shown on drawing no. 60548237.BL.007 shall be put in place prior to mineral extraction within phase 3 and shall be retained for as long as practical, without resulting in the sterilisation of mineral located below the topsoil storage bund.

Reason: In the interests of local amenity and in accordance with MLP policy DM1 and CLP policy DM29.

Conditions for ESS/148/20/CHL Airfield

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

Reason: Because the application is part retrospective and to comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 12 June 1987 (Planning Application Ref. CHL/1019/87), Supporting Statement dated 1988 and letter dated 21st November 1989, together with the following drawing numbers:

- Drawing No. AD 3874 – Application Site (GE '1') dated July 1987
- 8669/2a Restoration Plan dated December 1988
- 8720/2c Working Plan dated November 1989
- JAB 1 Proposed Afteruses dated 21 Nov 1989

As amended by

Non-material amendment application ref. CHL/1019/97/NMA1 dated 21 June 2016 and drawing B215r/376 dated December 2015 entitled "Phasing Plan"

As amended by

Planning application reference ESS/148/20/CHL dated 21 December 2020, together with the following drawings:

- 60548237.BL.001 Site Location
- 60548237.BL.002 Planning Permission Boundaries
- 60548237.BL.003 Designations and Surrounding Developments
- 60548237.BL.004 Existing Site Topography
- 60548237.BL.005 Rev A Summary of Extraction and Restoration Phasing 2020
- 60548237.BL.006 Boreham Airfield
- 60548237.BL.007 Park Farm Proposed Mineral Extraction Phasing
- 60548237.BL.008 Brick Farm Proposed Mineral Extraction Phasing
- 60548237.BL.009 Cross Section of Proposed Conveyor
- 60548237.BL.010 Rev A Restoration Master Plan Park Farm Permission
- 60548237.BL.011 Rev A Park Farm Restoration Detail
- 60548237.BL.012 Park Farm Cross Sections AA-FF
- 60548237.BL.013 Park Farm Southern Boundary Treatment

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 adopted 2014 (MLP) policies S1, S2, S8, S11, S10, S12, DM1 and Chelmsford Local Plan adopted 2020 (CLP) policies S1, S2, S3, S4, S9, S10, Strategic Growth Policy 6, DM13, DM14, DM15, DM16, DM17, DM18, DM29, and DM30.

3. Extraction of minerals shall cease by 31 December 2034. All buildings/structures/roads/plant and machinery used in connection with the development hereby permitted shall be removed and the site restored by 31 December 2035.

Reason: To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policies S3, S4, DM13, DM14, DM16, , DM17, DM29 and DM30.

4. Prior to commencement of soil stripping in each phase a scheme of soil stripping and placement shall be submitted to and approved by the Mineral Planning Authority. Each soil stripping scheme shall be in accordance with

the phasing drawing 60548237.BL.006 dated May 2020 . The soil stripping and placement scheme shall identify where soils will be stripped and placed into storage and/or where direct placement is expected. The soil stripping and placement shall be in accordance with approved details.

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 MLP policies S2, S10, S12 and DM1 and CLP policies S4, DM18, DM29 and DM30.

5. The development hereby permitted shall be implemented in accordance with the Water Monitoring Scheme approved on 22 March 1994 approved under condition 5 of planning permission CHL/1019/87. The approved Water Monitoring Scheme (CHL/1019/87/05/01) is set out in letter dated 7 December 1992 and the report "Water Management Scheme – Phase 1 Monitoring" Report Ref: PA/BO/JA/903/01a dated November 1992. In addition the development hereby permitted shall also be implemented in accordance with the Water Management Scheme approved on 16 May 1995 under condition 5 of planning permission CHL/1019/87. The approved Water Management Scheme (Ref CHL/1019/87/05/02) is set out in letter dated 14 September 1994 from Pioneer, letter dated 1 May 1995 from Pioneer and the technical report "A Water Management Scheme for Bulls Lodge Quarry" Report reference: PA/BO/PS/535/01 dated August 1994.

Reason: To minimise the risk of pollution to water courses and aquifers to monitor effectiveness of groundwater safeguarding measures and to comply with MLP policies S10 and DM1 and CLP policies DM18 and DM30.

6. The development hereby permitted shall be implemented in accordance with the landscape planting scheme for the boundaries of the site approved on 5 March 1993 under condition 7 of planning permission CHL/1019/87. The approved details are set out on drawing LPA/PA/BL/LMP 1B superimposed on Drawing 8720/2c dated Dec 1990 entitled "Landscape Master Plan Perimeter Planting" and the subsequently approved detail planting schemes approved under condition 8 of planning permission CHL/1019/87.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with MLP policies S2, S10, S12 and DM1 and CLP policy DM29.

7. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 31 December 2035. By the 31 December 2035 the site shall be restored in accordance with the Reclamation Master Plan approved on 31 March 1995 under condition 6 of planning permission CHL/1890/87. The approved Reclamation Master Plan details are set out in the application letter

dated 21 October 1994 (application reference CHL/1890/87/6), including document "Bulls Lodge Quarry, Boreham – Reclamation Master Plan" dated October 1994 and drawings Plan 1 – Rev A. 1 Reclamation Master Plan (drawing no. LPA/PA/8L REV A.1) dated 5 September 1994.

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 MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery other than hydraulic excavator, dragline or plant for movement of materials 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 policies S2, S10, S12, DM1, DM3 and DM4 and CLP policy DM29.

9. The phasing of winning or working of minerals of the site shall be carried out in accordance with the phasing drawing 60548237.BL.006 dated May 2020.

Reason: To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.

10. Mineral extraction shall not take place within more than one phase at any one time or the equivalent area of one phase at any one time. Within 12 months of the respreading of topsoils the restored area shall be brought into beneficial afteruse for either agriculture, woodland or biodiversity.

Reason: To ensure the mineral working is worked and restored in a progressive manner and facilitate early restoration of each phase to a beneficial afteruse and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.

11. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping topsoils 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 and to comply with MLP policies S10, S12 and DM1.

12. No minerals extracted under this permission shall be transported to the plant site other than by ground conveyor shown on drawing no. 60548237.BL.006 dated May 2020.

Reason: To ensure development is carried out in accordance with submitted application and approved details, to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies S2, S10, S12 and DM1 and CLP policy DM29.

13. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), other than water pumping and environmental monitoring, no operations including temporary shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;

0700 hours to 1300 hours Saturdays.

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

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S10 and DM1 and CLP policy DM29.

14. The site shall be worked in accordance with the applicant's submitted schemes of soil handling as revised by Messrs D K Symes Associates' letter dated the 9 January 1990 and enclosures, except as amended by the conditions of this permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S2, S10 and DM1.

15. No extraction or temporary storage of materials shall take place within 10 metres of any watercourse. No material or mineral waste shall be tipped or deposited within any watercourse or culvert.

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM18 and DM30.

16. Prior to placement of soils for restoration, drawings shall be provided identifying those areas for restoration. Following placement of soils a levels survey shall be provided to confirm restoration contours are in accordance with drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan (dated 5 September 1994.. The placement of soils and overburden shall be in accordance with the method detailed in figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988 by Reading Agricultural Consultants".

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.

17. No topsoil, shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:
- a) During the months November to March (inclusive) unless otherwise approved 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 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
 - c) When there are pools of water on the soil surface.

Note¹ 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, to aid the final restoration of the site in compliance with MLP Policies S10, S12, DM1.

18. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated substitute subsoil/overburden. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse.

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

19. Weathered Calcareous Overburden identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately respread over the replaced overburden. If this resspreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement. Use and placement of Calcareous Overburden shall be in accordance with the method detailed at figure 1 of the "Soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988" (Reading Agricultural Consultants).

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 S10, S12 and DM1.

20. Topsoil and subsoil substitute 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 subsoil's;

- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 1 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoils on like-texture topsoils and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material.

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 S10, S12 and DM1.

21. All storage mounds intended to remain in situ for more than 6 months shall be grassed seeded and complete grass sward maintained. The seed mixture and application rates shall be submitted to and approved by the Mineral Planning Authority in writing no less than 1 month before the expected completion of the formation of the storage mounds/bunds.

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 S10, S12 and DM1.

22. Upon reclamation the minimum settled depth of subsoil substitute and topsoil shall be 1m.

Reason: To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.

23. The subsoil substitute is to be spread to an even depth over the restored overburden so as to follow the final contours in accordance with drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan" dated 5 September 1994.

Reason: To aid the final restoration of the site and to comply MLP policies S10, S12 and DM1.

24. The topsoil is to be spread to a minimum depth of 30cm in areas to be restored to agriculture.

Reason: To aid the final restoration of the site and to comply MLP policies S10 and S12.

25. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, woodland and amenity use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of topsoil placement of topsoil in phase 1 as shown on

drawing B215r/376 (approved under ref CHL/1019/87/NMA). 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 of the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the beneficial restoration of the site to agriculture, woodland and amenity and in accordance with MLP policies S1, S10, S12 and DM1 and CCP policies and CLP policy DM29.

26. All vehicular access and egress to and from the site shall be via Roundabout 5 of the Radial Distributor Road and the private access road indicated on drawing ref. no. 8720/2C dated November 1989 and via the access road as permitted by the Park Farm & Brick Farm permission Ref. CHL/1890/87 and CHL/1855/90 (and any subsequent superseding variations).

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and CLP policy DM29.

27. No stockpiles of as raised sand and gravel shall be stored such that they would exceed the height of the adjacent natural surrounding ground level. No processed material shall be stored within the site.

Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.

28. No material shall be imported to the site for the purpose of deposit or disposal that has not arisen from indigenous materials from within the planning permission areas of this planning permission and/or planning permission reference CHL/1890/87 (or any subsequent superseding planning permission).

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policies S10 and DM1 and CLP policy DM29.

29. No soil stripping or preliminary groundworks or of any kind shall take place within the western halves of Phases 14, 15 and 16 (as shown on drawing B215r/463 dated June 2022) or within phases 17 to 20 (as shown on drawing

no. 60548237.BL.006 dated May 2020) until a programme of archaeological investigation and recording has been secured in accordance with a written scheme of investigation for each phase that has been submitted to and approved in writing by the Mineral Planning Authority for that phase. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development in each phase hereby permitted hereby permitted or any preliminary groundworks.

Reason: To ensure that a programme of archaeological evaluation by trial trenching is approved for each phase of the proposed development. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10, DM1 and CLP policy S3 and DM15.

30. No soil stripping or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme Investigation required under condition 29 and confirmation provided by the Mineral Planning Authority that the evaluation has been completed and a mitigation strategy written defining what further work is required.

Reason: To ensure that the archaeological programme of trial trenching is undertaken to the required standard of the Mineral Planning Authority and that an agreed programme of further work has been put in place. To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1 and CLP policy DM15.

31. No soil stripping or preliminary groundworks can commence on those areas identified in the mitigation strategy as containing archaeological deposits, until the satisfactory completion of fieldwork and which has been approved in writing by the Mineral Planning Authority.

Reason: To ensure that the excavation or proposed preservation is undertaken on the site. 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 CLP policy DM15.

32. Within 6 months of the completion of the fieldwork in each phase the applicant shall submit a post excavation assessment for approval in writing by the Mineral Planning Authority.

The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy S10 and DM1 and DM1 and CLP policy DM15.

33. Mitigation measures shall be undertaken such that any field drainage within the site that is disturbed, that impacts upon drainage outside does not cause impacts outside the site.

Reason: To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18..

34. No working shall take place within 100 metres of the residential properties as shown on drawing 8720/2b dated Dec 1988, and the measures recommended in the report ref 76/89 by Moir Hands and Associates dated 29th September 1989 shall be incorporated in the submitted schemes of working and restoration required under condition 4.

Reason: In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.

35. Any tree or shrub forming part of a landscaping scheme or restoration scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be approved in advance in writing by 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 MLP policies S2, S10 and DM1 and CLP policy s4 and DM29.

36. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except where directed by an archaeologist or for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil has been stripped from that part and stored in accordance with the details agreed under condition 4 of this planning permission.

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

37. All topsoil, and soil making material shall be retained on the site.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S10, S12 and DM1.

38. Noise levels shall be monitored at 6 monthly intervals from the date of this planning permission at Noise Monitoring Locations defined in condition 35. 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 of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.

39. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise locations as identified in condition 50 adjoining the site 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 giving rise to noise up to 70 dB LAeq 1hr shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with MLP policies S10 and DM1 and CLP policy DM29.

40. The development shall be carried out in accordance with the approved Flood Risk Assessment referenced Environmental Statement Annex F – Flood Risk Assessment by Wood Environment and Infrastructure Solutions UK Limited dated May 2020

Reason: To minimise the risk of flooding to comply with MLP policies S10 and DM1 and CLP policy S2 and DM18.

41. No soil stripping shall take place in within the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 and each subsequent Phases 17 to 20) unless an ecological assessment has been undertaken within the previous 24 months. The ecological assessment shall confirm whether or not protected species would be adversely affected by the soil stripping and associated removal of trees or hedgerows and shall provide for appropriate mitigation and shall be submitted to and approved in writing by the Mineral Planning Authority. The appropriate mitigation shall be implemented in accordance with the approved 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 CLP policy S4 and DM16.

42. During the aftercare period for land restored to arable agricultural use (not including hay making), no cultivation shall take place within 2m of any hedgerow planted as part of the restoration scheme.

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, S12 and DM1 and CLP policy S4 and DM16.

43. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Applied Ecology, May 2020) submitted with the planning application. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during operation. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

44. Soil stripping shall not commence in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 unless the Mineral Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance. 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, S12 and DM1 and CLP policy S4 and DM16.

45. No development within the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 shall take place until a Reptile Mitigation

Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Mineral Planning Authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

46. Prior to soil stripping in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing in by the Mineral Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- 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 (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

47. Prior to soil stripping in the western side of phases 14, 15 and 16 as shown on drawing B215r/463 dated June 2022 a Farmland Bird Mitigation Strategy, with an update for each period of soil stripping, shall be submitted to and approved by the Mineral Planning Authority to compensate for the loss of any farmland bird territories particularly Skylark and Yellowhammer. This shall include provision of the evidenced number of Skylark nest plots or other measures, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed measures e.g. nest plots;
 - b) detailed methodology for the measures e.g. nest plots
 - c) locations of the plots by appropriate maps and/or plans;
 - d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To allow the Mineral Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

48. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority within 3 months of the date of this planning permission.

The content of the LEMP shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) Description and evaluation of the features to be managed.
- f) Ecological trends and constraints on site that might influence management.
- g) Aims and objectives of management.
- h) Appropriate management options for achieving aims and objectives.
- i) Prescriptions for management actions.
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- k) Details of the body or organisation responsible for implementation of the plan.
- l) Ongoing monitoring and remedial measures.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). 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, S12 and DM1 and CLP policy S4 and DM16.

49. Within 3 months of the date of this permission a programme of historic building recording commensurate with Historic England “Level 2 Record” as set out in Understanding Historic Buildings, Historic England (2016) for the Former Watch Office at RAF Boreham and Concrete Blocks at the Former RAF Boreham, has been submitted to and approved in writing by the Mineral Planning Authority. A bound hard copy and digital copy of the recording report

will be deposited with the County Historic Environment Record prior to the completion of the works, or within three months of the recording survey being completed, whichever is the sooner.

Reason: To ensure that the heritage of the Airfield is recorded and in accordance with MLP policy DM1 and CLP policy DM14.

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

<u>Location*</u>	<u>Criterion</u> <u>$dBL_{Aeq, 1 \text{ hr}}$</u>
Holts Lane (R01)	49
Wallaces Farm Cottages (R02)	53
Brick House Farm (R03)	55
Fishing Lakes (R04)	55
Walford Farm House and Mount Maskall (R05)	47
Park Farm Cottage - when occupied (R06)	48
New Hall School (R07)	51
Generals Lane (Bulls Lodge Cottages)	51
Beaulieu Park (R08)	51
Park Farm - when occupied (R09)	46
Greenacres, Domsey Lane (R10)	51
Cranham Road, travellers site (R11)	55
Boscombe (R12)	55
Russel Green (R13)	55
The Channels (R14)	53

*References in brackets refer to drawing "Figure 1 – Baseline noise monitoring positions and sensitive receptor locations" from Annex D of Environmental Statement dated November 2020

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

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

51. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties listed in condition 50 adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Temporary operations shall include site preparation, bund formation and removal, soil stripping and replacement and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

52. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations listed in condition 50, due to operations at the site between 06:00 and 0700 Monday to Saturdays shall not exceed 42 LAeq 1hr.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

53. Noise levels shall be monitored at three monthly intervals from the date of this planning permission at noise sensitive properties to be agreed in advance in writing by the Mineral Planning Authority. 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 of 30 minutes separated by at least 1 hour during the working day and shall at the request of the Mineral Planning Authority include an additional monitoring period between 0600 and 0700. The results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1and CLP policy DM29.

54. 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 CLP policy DM29.

55. 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, equipment 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 CLP policy DM29.

56. Within 3 months of the date of this planning permission a noise management plan shall be submitted to and approved in writing by the Mineral Planning Authority. The noise management plan shall contain the following:

- Survey locations
- Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
- Complaint response protocols
- Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 50, 51 and 52.
- Procedures for characterising extraneous versus site attributable noise.

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

Reason: In the interests of amenity and to comply with MLP policy DM1 and CLP policy DM29.

57. The Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021 shall be implemented throughout the life of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and CLP policy DM29.

58. The development shall be implemented in accordance with the Dust Management Plan as set out in Appendix G2 of the EIA Regulation 25 response dated 18 May 2021.

Reason: In the interests of amenity and to comply with MLP policy DM1 and CLP policy DM29.

59. Within 6 months of the date of this permission an interim restoration and management scheme shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall include:

- interim restoration details for phases 1 to 13 and the eastern half of phases 14,15 and 16
- details of works to stabilise the northern edge of the quarry,
- interim restoration levels
- interim treatment of the surface, including any seeding and management of the surface
- timescales for implementation

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

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that unfinished phases of the site are maintained in a beneficial use or do not give rise to adverse impact upon local amenity and to comply with MLP policies S10, S12 and DM1 and CLP policy DM29.

60.6 months prior to extraction recommencing in the site following the completion of mineral of extraction with the Park Farm area of CHL/1890/87 (or any superseding or amended permission) details of the phasing of working for phases 14, 15 and 16 western areas and phases 17 to 20 and phasing of restoration for phases 3 to 20 in accordance with the restoration scheme as required by condition 7 shall be submitted to and approved in writing by the Mineral Planning Authority. The phasing of working and phasing of restoration shall be in accordance with the approved details.

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 MLP policies S10, S12 and DM1 and CLP policies S4, DM17 and DM29.

61. Embedded mitigation for environmental issues shall be in accordance with the details set out in the Environmental Statement, in particular the development shall be in accordance with the following:

Environmental Issue	Section of Environmental Statement
Landscape and Visual	Annex A Section 5 by Aecom dated November 2020
Ecology and biodiversity	Annex B Section 6 by Applied Ecology Ltd dated 19 May 2020.
Noise	Annex D Section 6 by Aecom dated November 2020
Hydrology and Hydrogeology	Annex E Section 7 by Wood Environment & Infrastructure Solutions UK Ltd May 2020.

Reason: To minimise the risk of to the water environment, in the interests of local amenity, in the interest of biodiversity and to comply with MLP policies S10 and DM1 and CLP policies S4, DM16, DM18 and DM30.

62. From the date of this permission the operators shall maintain records of their quarterly output and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policy S1, S6, S12 and DM1.

63. Within 3 months of the date of this planning permission signs have been erected on both sides of the haul route at the point where Footpath Boreham 16 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S11 and DM1.

64. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of (6.0) metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with MLP policies S11 and DM1

65. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The 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 in the interests of highway safety) and to comply with MLP policy DM1

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

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with MLP policies S12 and DM1

67. Any fuel, lubricant or/and chemical storage vessel 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 the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.

68. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

Reason: To minimise the risk of pollution of watercourses and aquifers and to comply with MLP policy DM1 and CLP policy DM30.

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

Reason: To ensure the restored land is for agricultural use is not impeded and to comply with MLP policies S12 and DM1

70. From the date of this permission the operators shall maintain records of their annual output of aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with policy S1, S6, S12 and DM1

71. Within 3 years of the date of this planning permission restoration details shall be submitted for approval in writing by the Mineral Planning Authority to achieve the restoration scheme shown on drawing f drawing no. LPA/PA/8L REV A.1 entitled "Plan 1 – Rev A. 1 Reclamation Master Plan (dated 5 September 1994. The restoration details shall include details of ground preparation, seeding/planting mixes and timetable for implementation. The restoration details shall be implemented in accordance with the approved details.

Reason: To ensure the beneficial restoration of the site to biodiversity including wildflower meadow, grassland, water shallows and reedbeds and in accordance with MLP policies S1, S10, S12 and DM1 and CLP policy S4, DM16 and DM29.

6. Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden

The Committee considered report DR/32/22, by the Chief Planning Officer, concerning Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden.

The Committee NOTED the report.

7. Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing

The Committee considered report DR/33/22, by the Chief Planning Officer, concerning the Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing.

The Committee NOTED the report.

8. Applications, Enforcement and Appeals Statistics

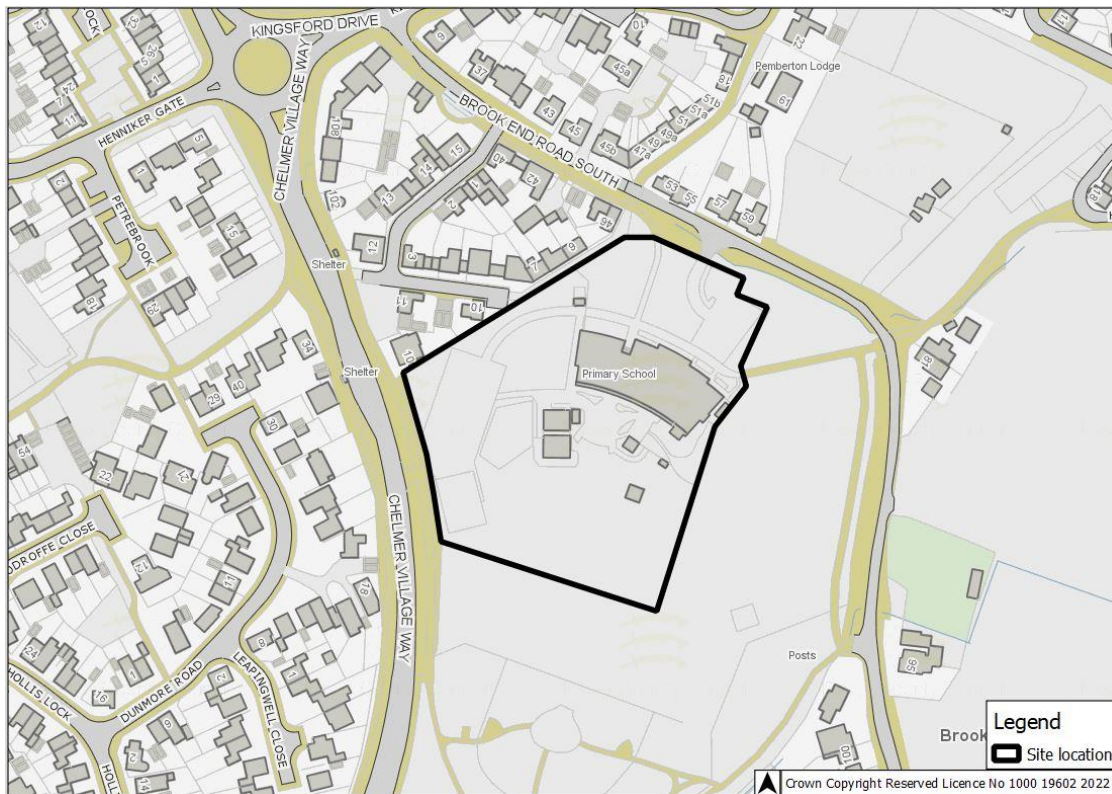
The Committee considered report DR/34/22; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

9. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 23 September 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:05pm.

DR/35/22**Report to:** DEVELOPMENT & REGULATION (23 September 2022)**Proposal:** COUNTY COUNCIL DEVELOPMENT - The retention of a classbase for temporary period without compliance with Condition 3 (time limit) attached to planning permission CC/CHL/30/15**Ref:** CC/CHL/73/22**Applicant:** Essex County Council**Location:** Chancellor Park Primary School, Brook End Road South, Chelmsford, CM2 6PT**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Rachel Edney Tel: 03330 136815The full application can be viewed at <https://planning.essex.gov.uk>

1. BACKGROUND

There is a fairly short planning history for the school site. The most recent planning permission was granted in July 2015 for the installation of the classbase, which is the subject of this application, for a temporary period until 30 September 2022.

2. SITE

Chancellor Park Primary School is situated on Brook End Road South to the east of Chelmsford Town Centre.

The school site is in a predominantly residential area with residential properties in Webb Close and Brook End Road South to the north and Brook End Road South and Dunmore Road and Leapingwell Close to the west. To the south is public open space.

Vehicular access to the site is via Brook End Road South. There are 2 separate pedestrian access points via Brook End Road South.

The main school buildings are located to the east of the site with a car parking area to the north-east. A hard play area is to the west. The school playing field extends to the southern and part of the eastern boundaries of the school site.

The classbase, which is the subject of this application, is located to the south of the main school buildings on the edge of the school playing field.

There is established low level boundary vegetation to a majority of the northern boundary with established higher level boundary vegetation to the eastern and southern boundaries.

3. PROPOSAL

The application seeks the retention of the classbase for a further temporary period of five years.

The classbase currently accommodates a class of pupils and contributes towards the school's net capacity of both permanent and temporary accommodation.

4. POLICIES

The following policies of the Chelmsford Local Plan adopted May 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

Chelmsford Local Plan adopted May 2020

Policy DM20 – Delivering Community Facilities

Policy DM23 – High Quality & Inclusive Design

Policy DM27 – Parking Standards

Policy DM29 – Protecting living and working environments

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 Chelmsford Local Plan adopted May 2020 is considered further in the report.

NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place for the area.

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL - PLANNING DEPARTMENT – No objection.

SPORT ENGLAND – No objection subject to a condition requiring the removal of the classbase at the end of the temporary period and reinstatement of the land to its former condition.

SPRINGFIELD PARISH COUNCIL - Any comments received will be reported.

LOCAL MEMBER – CHELMSFORD – Chelmer - Any comments received will be reported.

6. REPRESENTATIONS

Seven properties were directly notified of the application. Three letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
When school was built 20 years ago, it was envisioned it would be a 'walk to school' school for local residents.	Noted.
Not the case with adjacent roads being narrow & having double yellow lines, traffic has moved to Kingsford Drive at the junction of Brook End Road South.	Noted. See appraisal.
This section of road used twice daily as parking area for both Chancellor Park & Barnes Farm Primary Schools.	Noted.
Additional places will equate to more cars putting pressure on the area.	The retention of the classbase would not in itself lead to an increase in pupil numbers.
Also bus route and main road off the estate.	Noted.
Access to properties and pathway crossings regularly blocked by cars.	Noted. See appraisal.
Local residents struggle to park near their homes.	Noted.
Road only changes to 20mph from 40mph 10 metres from junction and with vehicles blocking views this is a recipe for a child to be injured whilst trying to access either school.	Noted.
Existing road infrastructure supporting Chancellor Park cannot support additional pupils.	Noted. The retention of the classbase would not in itself increase pupil numbers at the school.
Parents park in Kingsford Drive with no thought to residents – blocking driveways and parking in unsafe manner up to both roundabouts.	Noted. See appraisal.

Some residents don't have off-road parking so need to park on the road.	Noted.
School needs to address issue of parking. Consideration should be given to use the playground accessible from Chelmer Village Way for parking during drop off and pick up times. School uses the playground for events and coaches for school trips and access is already there from Chelmer Village Way.	Noted. See appraisal.
Objection not to the application for the classbase but the associated impact 30 cars will have on existing drop off and collection times on Kingsford Drive, Brook End Road North & South & associated roads.	Noted. The retention of the classbase will not in itself increase pupil numbers at the school.
Kingsford Drive is bus route, existing delays with drops offs parking across driveways and blocking buses.	Noted. See appraisal.
Accident previously with children and cars in Kingsford Drive.	Noted.
Application for zebra crossing rejected for Kingsford Drive for walking residents dropping off.	This is outside the scope of this application.
Parking restricted in Brook End Road South with yellow lines.	Noted.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Impact on Playing Field
- C. Design & Sustainability
- D. Impact on Residential Amenity
- E. Parking & Highways

A NEED

Adopted Policy DM20 (Delivering Community Facilities) states inter alia that *"planning permission will be granted for extensions to existing facilities and services which support the local community"*.

Paragraph 94 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key issues before applications are submitted.

Chancellor Park Primary School sits within the Chelmsford Primary Group 3 planning group. Capacity within that group was most recently assessed as 3,148 places and dates sourced from ECC's School Organisation 10 Year Plan for Essex School Places 2017-2033 document (updated annually) shows that whilst spare capacity exists, this capacity is not at a level that could be met if the existing temporary accommodation was removed from the school site without replacement. A higher number of primary school places are expected to be required to address future local parental demand.

3. Springfield

Current PAN: 420
Current Capacity: 3148

Reception Place Forecast

Year	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
+/-	9	23	6	0	-11	-19	-29	-39	-49	-58
Barnes Farm Infant, Barnes Farm Junior, Beaulieu Park School, The Bishops CE & Catholic Primary, Chancellor Park Primary, Perryfields Infant, Perryfields Junior, Springfield Primary, Tyrrells Primary										

The increased demand for school places is being driven by significant local housing developments. Whilst bespoke solutions are coming forward to mitigate the anticipated impact of increased demand for primary school places in the area, the existing temporary classbase is required to sustain the current number of places being delivered in the area.

The existing classbase contributes 30 of the school's 240 places. The retention of the classbase would provide the school with much needed additional teaching accommodation and help ECC to meet its statutory duty in providing sufficient school places at the school to meet parental demand.

Chelmsford City Council has no objection to the retention of the existing classbase on the school site for a further temporary period.

The applicant has stated that there is not currently a temporary classbase replacement scheme scheduled for the school. There is an on-going programme of replacing temporary accommodation with permanent but because of pressure on budgets, schools are subject to a prioritisation process.

The budget setting process for the financial year 2023-24 is at a very early stage and the Education Capital Programme (which includes the replacement of temporary accommodation with permanent) has not yet been finalised. The classbase was originally required to accommodate a bulge class at the school for a period of 7 years. However, an increased demand for primary school places

at the school has resulted in this application requiring the retention of the classbase for a further temporary period of five years.

The retention of the existing classbase for a further temporary period would provide the school with much needed additional accommodation and it is considered that this would be in accordance with the provisions of the NPPF and Policy DM20.

B IMPACT ON PLAYING FIELD

The classbase is located on the edge of the school playing field. Sport England was a statutory consultee for the original application and has been consulted on this current application.

Sport England has noted that the proposal involves the retention of a modular classroom on part of the school's playing field for a temporary period until August 2027. The current planning permission (CC/CHL/30/15) requires the modular classroom to be removed within 3 months of 30 September 2022. An extended period is now being applied for because the school may need the classroom for an extended period to meet projected educational needs over this period. Sport England was consulted on the original application in 2015 and no objection was made for a number of reasons including the building only being proposed for a temporary period. A condition requiring the removal of the classroom and the restoration of the land to its former condition was imposed on the 2015 planning permission in order to ensure that the siting of the classroom was temporary in practice and to allow this area to be used for playing field use in the future. While the siting of the classroom would be extended by a further 5 years, the impact of the proposal on the playing field would otherwise not be significant and therefore its position on the current proposal would be similar to that on the original application.

It is not considered that the development would reduce the sporting capability of the site and the impact would be temporary in nature. Sport England is satisfied that the proposed development broadly meets the intention of Sport England Policy exemption 3.

Sport England has no objection to the application subject to a condition being attached should planning permission be granted requiring the removal of the temporary classbase at the end of the extended period and the reinstatement of the land to its former condition.

The condition has been requested to ensure that the length of time that the area of the playing field occupied by the classbase is minimised and to ensure that the potential that the area may offer in the future for meeting school sports use is not permanently prejudiced.

It is considered appropriate to impose the requested condition should planning permission be granted.

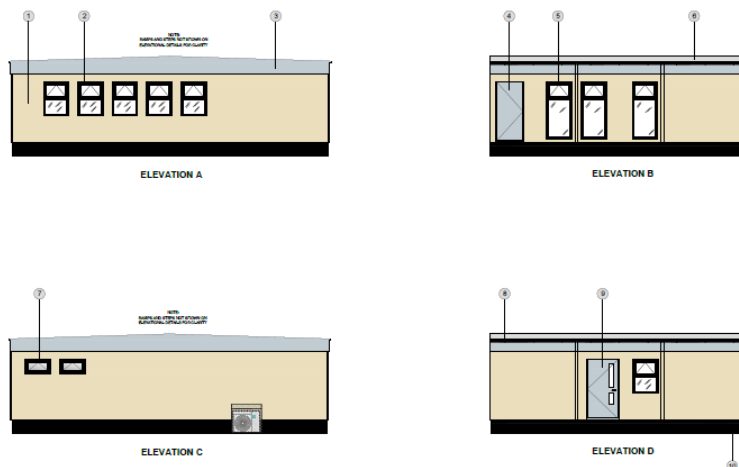
C DESIGN & SUSTAINABILITY

Adopted Policy DM23 (High Quality and Inclusive Design) states inter alia that

“development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.”

The classbase is a single storey modular building measuring 11m x 9m x 3.4m in height. It consists of 1no. classroom, lobby area, storage area and toilet facilities (including accessible).

The classbase is cream in colour with light grey fascias, doors and frames. The windows are white UPVC with black rainwater goods.



The building is of mainly timber construction which is a renewable resource. The building has LED lighting throughout, PIR controlled lighting (motion sensor lighting) to the main areas with daylight dimming and a heat pump system to provide the heating within the building. The building is insulated to achieve the elemental u-value standards (measure of heat loss in a building such as a wall, floor or roof) set out in Building Regulations.

Stepped and ramped access provides access to the building.

Chelmsford City Council has not raised an objection to the retention of the classbase for a further temporary period.

Whilst the design and appearance of the building is not considered appropriate for a permanent building, the continued use of the classbase for a further temporary period is considered to be acceptable, on the basis of educational need and lack of harm to the character and appearance of the area due to its scale, siting, form and materials. It is considered the proposal would be in accordance with Policy DM23.

D IMPACT ON RESIDENTIAL AMENITY

Adopted Policy DM29 (Protecting Living and Working Environments) states inter alia that *“planning permission will be granted for development proposals provided the development safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does*

not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements.”

The classbase is located to the south of the main school building on the edge of the school playing field.

The nearest residential properties in Webb Close adjoin the northern boundary of the school site (approximately 25 metres). An existing classbase and low-level boundary vegetation help screen the classbase from view.

No letters of representation have been received with regard to the retention of the classbase for a further temporary period.

The classbase has been on the school site for 7 years and in view of this it is not considered that there would be any greater impact on the landscape, visual or residential amenity of the neighbouring residential properties than existing. The existing classbase would remain in educational use and would not in itself result in excessive noise, activity or vehicle movements. It is considered the proposal would be in accordance with Policy DM29.

E PARKING & HIGHWAYS

Adopted Policy DM27 (Parking Standards) states inter alia that *“the Council will have regard to the vehicle parking standards set out in the Essex Parking Standards – Design and Good Practice (2009) or as subsequently amended.”*

The Parking Standards Design and Good Practice document 2009 states that a maximum of 1 car parking space per 15 pupils should be provided. On this basis a maximum of 15 car parking spaces should be provided.

There are 21 car parking spaces provided on the school site and two cycle shelters are provided for use by pupils. No additional provision is proposed as part of this application as there would not be an increase in pupil numbers at the school. It is considered that the existing provision would be in accordance with Policy DM27.

Three letters of representation have been received from local residents raising concerns over existing parking issues relating to both Chancellor Park and Barnes Farm Primary Schools, which includes inconsiderate parking by parents and the impact this has on local residents.

It has been suggested that parents should be allowed to drop off and pick up pupils by accessing the playground area via an existing maintenance access from Chelmer Village Way. However, this has not been put forward as an option by the applicant as part of this application and therefore potential risks for pupil safety and impacts on the highway have not been assessed. As noted further in the report, a School Travel Plan exists and provides other options.

Parking along a majority of Brook End Road South is restricted by single and double yellow lines. The usual parking restrictions exist outside the school in Brook End Road South. However, there are very limited (if any) parking

restrictions on roads surrounding the school site. The surrounding estate roads are narrow and although many properties have off-road parking, insufficient sized garages and off-road parking spaces for larger cars appears to contribute to cars overhanging pavements and parking on the highway, which in turn may contribute to access problems for buses and other vehicles in combination with parent parking at peak times.

The school, through its Travel Plan actively encourages parents and pupils to walk, cycle or scoot to school. Parents who do choose to drive pupils to school are encouraged to park in the nearby Asda supermarket or Chancellor Pavilion car park and walk the rest of the way to school (approximately 1km/0.6 miles).

The school already participates in the annual 'Walk to School' week and pupils undertake road safety training. Pupils also have the opportunity to participate in the 'Bikeability' scheme.

The parking restrictions in place outside the school in Brook End Road South are monitored by staff at peak times and offending cars asked to move by staff.

The school is very much aware of the negative impact inconsiderate parking by parents can have on the immediate locality and uses its school newsletter to highlight issues with regards to parking and remind parents about the importance of parking considerately when dropping off and picking up pupils. Residents can contact the school with concerns about inconsiderate parking and the school acts on this by way of reminders to parents or conversations with identified parents about the expectations for parking.

In September 2022 62% of pupils walked to school, 5% cycled, 6% used a public bus service, 6% 'parked and walked', 1% used a school bus, 15% travelled by car and 5% car shared.

The school monitors the use of cycle and scooter parking with a view to providing additional facilities should there be sufficient demand. It also monitors the number of complaints from residents regarding parking in the vicinity of the school and encourages the reporting of dangerous or illegal parking of cars within the vicinity of the school.

The retention of the classbase for a further temporary period would not in itself lead to an increase in pupil numbers at the school; it is required to sustain existing pupil numbers.

8. CONCLUSION

It is considered appropriate to grant planning permission for the retention of the existing classbase for a further temporary period until 31 August 2027 as it provides the school with much needed additional teaching accommodation.

The existing classbase is considered to be compatible with its surroundings and function on the school site. It is not considered that there would be a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties.

It is considered that the proposal would be in accordance with Policy DM20, Policy DM23, Policy DM27 and Policy DM29 of the Chelmsford Local Plan adopted May 2020.

9. RECOMMENDED

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

1. The development hereby permitted shall be carried out in accordance with the details of application reference CC/CHL/30/15 dated 12 May 2015 and validated on 19 May 2015 together with:
 - Planning Policy Statement for proposed modular classbase building – I D Planning – May 2015
 - Design and Access Statement – 18 May 2015
 - School Travel Plan
 - Drawing Number 2K1411-13A/SP – Site Plan – 21 April 2015
 - Drawing Number 2K1411-13AOUGD – Underground Drainage – 27 April 2015
 - Drawing Number 2K1411-13A/SL – Site Layout – 21 April 2015
 - Drawing Number 2K1411-13A/E – Elevations – 21 April 2015
 - Drawing Number 2K1411-13A/P Revision D – Plan – 7 November 2014
 - Drawing Number 2K1411-13A/CP – Car Park Plan – 18 May 2015

AS AMENDED BY

- Statement of Need – Infrastructure Delivery – Undated
- Drawing Number 2K1411-13A/SPit – Site Plan – 4 June 2015

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

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 Policy DM20 (Delivering Community Facilities), Policy DM23 (High Quality & Inclusive Design), Policy DM27 (Parking Standards) and Policy DM29 (Protecting living and working environments) of the Chelmsford Local Plan adopted May 2020.*

2. The use of the temporary classbase hereby permitted shall cease on 31 August 2027 and within 3 months of that date the classbase shall be removed from site and the land restored to its former condition within a further 28 days.

Reason: *To ensure the temporary nature of the permitted use and to comply with Policy DM29 (Protecting living and working environments) of the Chelmsford Local Plan adopted May 2020.*

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would be located adjacent 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.

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 County 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

CHELMSFORD - Chelmer

DR/36/22**Report to:** DEVELOPMENT & REGULATION (23 September 2022)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** George Stockdale Tel: 03330 137555

The full applications can be viewed at: <http://planning.essex.gov.uk/>

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 01 May to 31 August 2022.

2. DISCUSSION**A. Outstanding Cases**

As at 31 August 2022 there are 25 outstanding cases. Appendix 1 shows the details of sites (36) where, after investigation, a breach of planning control is considered to have occurred or where the case has been closed following investigation.

B. Closed Cases

11 cases were resolved during the period 01 May to 30 August 2022.

Local Member notification

Countywide

District: Basildon

Location: Belvedere Blind Lane, Billericay.

Nature of problem: Burning of Waste and Waste Activities.

Remarks: Reports of burning of waste received from the Environment Agency. Ongoing multi-agency site monitoring, this case relates to the burning of waste, and it is considered that the EA are the appropriate authority to lead in this matter.

District: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane.

Nature of problem: Stockpile Heights.

Remarks: Following site monitoring, the height of the material stockpiled is exceeding that which is permitted. ECC as WPA are now considering further enforcement action in relation to this breach of planning condition in the form of a Breach of Condition Notice.

District: Braintree

Location: Foxborough Hills, Halstead Road.

Nature of problem: Soil Importation.

Remarks: CASE CLOSURE: Following a joint site inspection in May 2022 with Braintree District Council, it was decided that this case is not a County Matter so Braintree District Council will lead with ECC assisting where necessary.

District: Braintree

Location: Straits Mill, Bocking, Braintree.

Nature of problem: Carpet Recycling.

Remarks: Non-compliance with Enforcement Notice requiring all waste to be removed from site. Fire at site in early December and another in the summer. EA are prosecuting the operators, ECC as the WPA are looking to prosecute landowners for non-compliance with the current Enforcement Notice.

District: Braintree

Location: Codham Little Park Farm, Codham Park Drive, Braintree.

Nature of problem: Unauthorised Waste Transfer Facility and Mineral Extraction.

Remarks: Reports of Waste Transfer Facility and unauthorised extraction. Visited the site and met with the operators/landowners. Small waste transfer station operating with an area being used to extract sand. Extracted sand was still on site along with other waste for work on the land. Void has been restored using sand from the extraction. Waste has also been removed and site restored. Waste Transfer Facility still in-situ but not operating and will be removed.

District: Braintree

Location: Bradwell Quarry, Church Road, Bradwell.

Nature of problem: HGV Routing.

Remarks: Complaints received regarding HGV routing. Ongoing communications with the site and ECC as WPA to ensure that HGVs are following the planning permission.

District: Braintree

Location: Rivenhall Airfield, Coggeshall Road, Braintree.

Nature of problem: HGV Routing.

Remarks: Complaints received regarding HGV routing. Ongoing communications with the site and ECC as WPA to ensure that HGVs are following the planning permission.

District: Braintree

Location: Bluegate Farm, Braintree Road, Great Bardfield.

Nature of problem: Importation of Waste.

Remarks: Land is currently being used as a material recovery/recycling facility. An application was submitted to retain the use of the land and a timescale has been agreed for the operators to cease activity and remove the waste from the land. The deadline has now passed, and half of the waste material has not been removed, ECC as WPA are now considering the expediency for enforcement action.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch, Brentwood.

Nature of problem: Importation of Waste.

Remarks: Following a number of visits to the site, the activities had not ceased, and waste had not be cleared as discussed with the landowner. ECC as WPA served an Enforcement Notice which took effect on 05/07/22 requiring the waste to be removed and operations ceased by 05/11/22. ECC are working with the local council to monitor the site.

District: Castle Point

Location: DC Donovan Limited, Towerfield Business Park, Fane Road.

Nature of problem: Depositing of Soil.

Remarks: Environment Agency informed ECC and Castlepoint Local Council that there was going to be a new operator taking over the permit and they planned on creating a bund. Not considered a county matter and no further complaints received. ECC to assist Castlepoint District Council and EA as WPA when necessary.

District: Castle Point

Location: Unit 6 Scotts Yard, Northwick Road, Canvey Island.

Nature of problem: End of Life Vehicle Recycling.

Remarks: End of Life Vehicle site which does not have the benefit of planning permission or environmental permit. PCN served on the landowners. Environment Agency and ECC conducting a joint approach to the site. Site has reportedly been cleared and tenants are to be removed from land. ECC will visit and ensure site has been cleared or may consider enforcement action to be expedient.

District: Chelmsford

Location: Land at Meadow Lane, Runwell.

Nature of problem: Waste Activities.

Remarks: Joint inspections with EA, ECC, Police and CCC following cease and desist letters sent by both the EA and ECC. Further multi-agency visits planned.

District: Chelmsford

Location: Dunmow Group Metal Recycling Plant, Regiment Business Park, Eagle Way.

Nature of problem: Operating Hours and Amenity Issues.

Remarks: Site monitoring following complaints of early morning working and noise. The site has been operating outside the hours permitted by planning permission. ECC as WPA are now considering whether further enforcement action will be considered expedient. ECC are also liaising with EA and local council.

District: Chelmsford

Location: Land at Hollow Lane, Hollow Lane, Broomfield.

Nature of problem: Importation of Waste.

Remarks: The unauthorised Importation, deposition and spreading of waste, mainly soils and

builder's waste. A TSN was served on the 4 November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14 January 2020 for the removal of all waste material. Further updates to follow in relation to the site.

District: Colchester

Location: Colchester Skip Hire, Green Acres, Old Packards Lane.

Nature of problem: Operating Hours.

Remarks: Application ESS/15/19/COL as approved permits a specific number of vehicles to exit the site from 6:00am. These vehicle movements are controlled by planning conditions. Application ESS/11/21/COL was refused on the 22 October 2021 and has recently been appealed, ECC are awaiting the outcome of the appeal. Ongoing early morning site monitoring to assess vehicle movements and operations.

District: Colchester

Location: Colchester Skip Hire, Wormingford Airfield, Fordham Road.

Nature of problem: Wood and Green Waste Recycling.

Remarks: A wood processing and green waste site was operating without the benefit of planning permission. The operator has now applied for planning permission with Essex County Council. The site will be continued to be monitored.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley.

Nature of problem: Importation of Waste.

Remarks: No further action is taken by ECC as WPA in respect of the breach of the Enforcement Notice served, subject to the land being sold and any new landowners working with the WPA towards compliance with the notice.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: A certificate of Lawfulness was submitted to ECC, as WPA, which has now been refused. Land is currently being used as a material recovery/recycling facility. ECC are now liaising with the landowner to agree a timescale for the operators to cease activity and remove the waste from the land. If sufficient progress is not made, ECC as WPA are now considering the expediency for enforcement action.

District: Epping Forest

Location: Ashlyns Farm Open Windrow Composting Site, Epping Road.

Nature of problem: Odour and Breach of Condition.

Remarks: Environment Agency leading case regarding waste storage as EA have several criteria that need to be met and worked on, and due to the time constraints of the composting process, these will need to be carefully monitored. It was decided to wait to serve a BCN as this would severely impact the EA's compliance approach and potentially send regulation backwards for both ECC and EA.

District: Epping Forest

Location: Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing.

Nature of problem: Operating Outside of CLUED.

Remarks: Waste soil being stored outside of CLUED. Enforcement Notice served on the landowners requiring the activities ceased and waste be removed. The landowners have appealed the notice and ECC as WPA are dealing with this currently.

District: Epping Forest

Location: Bliss Heights, Abridge.

Nature of problem: Importation of Waste.

Remarks: Following a joint site inspection with the Environment Agency, Epping Forest District Council and Essex Fire & Rescue Service roughly 10,000-15,000 tons of waste had been deposited on the site, namely trommel fines and soils without the benefit of planning permission. An Enforcement Notice was served on the 11 April 2022 which has been appealed and is currently being dealt with by ECC as WPA.

District: Epping Forest

Location: Chase Farm, Vicarage Lane West.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: CASE CLOSURE – Reports of skip business and waste transfer station being operated. Site visited with Epping Forest District Council officers. Waste transfer station being operated without the benefit of planning permission or environmental permit. Skip operations at site have ceased and related waste removed. Small amount of waste still on site but EFDC will lead as land designated for housing.

District: Maldon

Location: Bradwell Wicks, Leisure Plots, Maldon Road.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Importation, deposition, spreading and burning of waste in various locations on the Land. Following a multi-agency investigation, the Environment Agency led a successful prosecution against the individual involved which has led to a prison sentence and a court order to clear the land.

District: Maldon

Location: Land South of Maldon Road, Maldon Road, Woodham Mortimer.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSED: Complaint of waste activities. Planning permission for houses on the land, work in relation to this. ECC as WPA will provide Maldon Council with further assistance where necessary.

District: Rochford

Location: 3 Murrels Lane (Off Church Road), Hockley.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Landowners have complied with conditions of EN as of site visit on the 20 June 2022. Site restored and waste removed.

District: Rochford

Location: Unit 3 Rawreth Industrial Estate, Rayleigh.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Site was operating a small waste transfer station without the benefit of planning permission. ECC as WPA worked with the operator to stop breaches and the site are now operating with local council and EA guidance.

District: Rochford

Location: Lovedown Farm, Hockley.

Nature of problem: Importation of Waste.

Remarks: CASE CLOSURE: Following discussions with Natural England and the Environment Agency, this case has been closed following partner agencies ceasing their investigations and taking no further action.

District: Rochford

Location: Dollymans Farm, Doublegate Lane, Rawreth.

Nature of problem: Unauthorised Mineral Extraction.

Remarks: Site was served a Stop Notice and an Enforcement Notice to cease unauthorised mineral extraction and refill void created. Site is still under notice and will be monitored to ensure compliance or if further enforcement is required, void is being refilled.

District: Tendring

Location: Ragmarsh Farm, Harwich Road, Manningtree.

Nature of problem: Agricultural Land with Soil Stockpile.

Remarks: CASE CLOSURE: Site visited with Tendring District Council and ECC as WPA are of the view that this operation should be considered an engineering project in relation to the planning permission rather than waste disposal and as such TDC will lead. Some of the activities will be covered under agricultural permitted development.

District: Uttlesford

Location: Parkers Farm, Smiths Green Lane, Takeley, Bishops Stortford.

Nature of problem: Waste Operations.

Remarks: CASE CLOSURE: Site operating a small waste transfer station. PCN served on landowner and operator. The site was visited several times, the latest May 2022, and was cleared of all waste and no further activities have been conducted.

District: Uttlesford

Location: Widdington Recycling, Hollow Road, Widdington

Nature of problem: Operating Hours.

Remarks: CASE CLOSURE: In March 2022, a BCN was served and ECC has been conducting early morning monitoring visits to ensure compliance with BCN and current planning permission. The site is considered to have complied with the BCN and the case has been closed, however the site will be monitored and if any breaches or complaints are received, it may be considered expedient to take further enforcement action.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow.

Nature of problem: Working outside of CLUED. Installation of soil washing plant, creation of hard standings for block making and installation of ready-mix concrete plant.

Remarks: Wash plant installed without benefit of planning permission. Pre-application discussions on-going.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield.

Nature of problem: Importation of Waste.

Remarks: Investigations on-going with EA as to potential unauthorised landfill and land raising. Together with breaches of extant planning permission conditions and legal agreement relating to built development, phasing, and restoration

District: Uttlesford

Location: Boro Farm, Newmarket Road, Great Chesterford.

Nature of problem: Unauthorised Waste Transfer Facility.

Remarks: Soil treatment site was operating without the benefit of planning permission. The operator had applied for planning permission with Essex County Council, which was refused. The site has continued to operate and following the refusal, was served with an Enforcement

Notice. The operators have appealed the Enforcement Notice and ECC as WPA are currently dealing with this.

District: Uttlesford

Location: Highwoods Quarry, Stortford Road, Little Canfield.

Nature of problem: Planning Condition

Remarks: Issues with relocating the access track that cuts diagonally across the site and mainly through phase E. Ongoing discussion with operator to resolve issue.

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted

Nature of problem: Importation of Waste

Remarks: Importation, depositing, storing, and spreading of waste materials on the land. Enforcement Notice was not complied with, and the landowner was prosecuted. Land has been sold in parts, with some areas being purchased. ECC as WPA are trying to work with the new landowners to ensure compliance with the Enforcement Notice. Ongoing dialogue with new landowner and local council, if progress is not made further, the expediency for further enforcement action/prosecution will be considered.

DR/37/22**Report to:** DEVELOPMENT & REGULATION (23 September 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.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of July	37
Nº. Decisions issued in August	1
Nº. Decisions issued this financial year	13
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in August	1
Nº. applications where Section 106 Agreements pending at the end of August	13

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of July	17
Nº. Decisions issued in August	5
Nº. Decisions issued this financial year	13
% 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 August	5

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in August	6
Nº. Committee determined applications issued in August	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	90
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of August	53
Nº. of referrals to Secretary of State under delegated powers in August	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of August	5
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of July	31
Nº. of cases cleared this financial year	7
Nº. of enforcement notices issued in August	0
Nº. of breach of condition notices issued in August	0
Nº. of planning contravention notices issued in August	0
Nº. of Temporary Stop Notices issued in August	0
Nº. of Stop Notices issued in August	0