
Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 27 May 2022 at 10:30.

Present:

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

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Steptoe, for whom Cllr I Grundy substituted.

Cllr J Jowers declared an interest in item 4.1 of the agenda (Minute 1) concerning Birch Pit, Maldon Road, Birch as he had worked on the development of the Local Plan. Cllr Jowers considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Minutes

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

3. Identification of Items Involved in Public Speaking

There were no public speakers.

4. Birch Pit, Maldon Road, Birch

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

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report and addendum.

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

The Committee noted the key issues:

- Appropriateness of the proposed extension period
- The ecological/biodiversity implications
- Value of existing landscape features and their retention implications
- Potential implication of sterilising mineral

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

- The mineral extracted at this site was not of excellent quality and approximately half of the site had been worked.

- The applicant had not indicated that they would require an increase in HGV movements.
- There would be a negligible impact upon the county's landbank. The Minerals Local Plan allowed for long term flexibility and the landbank would remain for over seven years, as was recommended in planning policy.

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

Resolved

That, subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for the long term management and maintenance of the landscape and ecological features on the land as depicted in principle on Drwg No: BP 10/5: entitled "Full hedgerow" dated April 2020 and to apply for a minimum period of 15 years beyond the statutory five year aftercare period i.e. a minimum total of 20 years¹.

That planning permission be granted subject to the following conditions:

Duration

The following cessation dates shall apply:

1. All mineral extraction shall have ceased, and the land restored in accordance with Drwg No: BP 10/5 entitled "BP 10/5 Full Hedge" dated April 2020 within 5 years of the date of this permission.

For clarity:

All buildings; plant, machinery, structures, and other infrastructure shall have been removed from the land prior to the restoration date.

The land/site area to which the permission relates is identified on Drwg No: B7M/178 entitled "Planning Permission Boundary" less the land parcel (darker blue colouring) identified in the Legend to the Drawing as "Restored land signed off from aftercare".

Reason: In the interests of clarity and to ensure development is carried out in accordance with the submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1 and S10 of the Essex Minerals Local Plan (Adopted July 2014).

¹ For clarity management shall provide for the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme over the management period.

Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/45/18/COL comprising:

- (i) Planning Application form from Hanson Quarry Products Europe Ltd dated 21st December 2018.
- (ii) Planning Supporting Statement entitled "Planning Statement, Section 73 Application to allow for the extension of time for mineral working and restoration and amendments to the approved restoration scheme at Birch Pit, Birch, Colchester, Essex".

SLR Ref: 402.00027.00486, Version No: Final, dated December 2018.

As amended by the email from Joanna Freyther to Terry Burns dated 5th January 2022 at 10:15 and accompanying drawings:

- (i) Drwg No: BP 10/5 entitled "BP 10/5 Full Hedge" dated April 2020.
- (ii) Drwg No: HAN-003-L-BP-P1 entitled "Phasing Plan" dated July 2021.

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 minimum harm to the environment and having regard to Policies 7; 10; 11 and 12 of Essex Minerals Local Plan Adopted July 2014.

Availability of Plans

3. A copy of this permission and the approved plans shall always be available at the operator's site office during the life of the site the subject of this permission. Any subsequent amendments approved by the Mineral Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment

Prior Archaeology

4. No further soil stripping shall take place until a scheme for an archaeological watching brief has received the prior written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

- (i) The recording of archaeological features which are revealed during site operations.

(ii) The production of an archive and report of findings made during the watching brief and the deposit of a copy of any report with the County Sites and Monuments Records Officer.

(iii) The conservation of any artefacts which are recovered and deposit of such artefacts at a suitable museum.

Reason: In the interests of clarity, to enable appropriate monitoring of the soil stripping to address any archaeological features that may be uncovered having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the historic environment.

Construction Environmental Management Plan (CEMP): Biodiversity

5. No further clearance of vegetation and/or topsoil stripping within the site shall take place until a scheme for ecological working has received the prior written approval of the Mineral Planning Authority. The scheme shall then only be implemented as approved or as may subsequently be approved, in writing, by the Mineral Planning Authority. The scheme shall make provision for:

- a) Risk assessment of potentially damaging activities;
- b) Identification of any biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during site operations (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 site operations when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site
- j) Management and Implementation programme

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment and to allow the Mineral Planning Authority to

discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Ecological Design Strategy

6. Within 6 months of the date of this permission an Ecological Design Strategy shall be submitted to the Mineral Planning Authority. The scheme as approved in writing by the Mineral Planning Authority shall then be implemented as approved for the life of the development. The scheme shall make provision to address, across the four coloured land parcels (as identified within the legend key; less the land parcel identified as “Restored land signed off from aftercare”) on Drwg No: B7M/178 entitled “Planning Permission Boundary,” the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to conserve and enhance protected and Priority species and habitats and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Time Limit On Development Before Further Ecological Surveys Are Required

7. Prior to entry into any phase of working, as identified on Drwg No: HAN-003-L-BP-P1 entitled “Phasing Plan” dated July 2021, no works including removal of vegetation shall take place until an assessment by a qualified ecologist has been undertaken to determine whether further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures required

through Condition 5. The supplementary surveys shall be of an appropriate type for habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.

Reason: In the interests of clarity and to make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Protection of Existing Trees and Perimeter Vegetation

8. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention as depicted on Drwg No BP 10/5 entitled "Full Hedge" dated April 2020 shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Arboricultural Method Statement

9. Within two months of the date of this permission an Arboricultural Method Statement shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:
 - a) Identification, protection and retention of hedgerow/trees/woodland.
 - b) Measures to demarcate the standoff from any affected hedgerow/trees/woodland.
 - c) Maintenance of the demarcation measures during the life of the site activities.
 - d) Programme of works to achieve a) – c) above.

For clarification all trees should be protected in accordance with BS: 5837 "Trees in relation to design, demolition and construction –Recommendations".

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

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Importation

10. No wastes shall be imported to the site until a detailed scheme for the reception of waste materials has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall include a quality control system for incoming wastes, which establishes criteria by which materials will be identified as uncontaminated and suitable for disposal at the site. The scheme shall then be implemented as approved.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Mineral Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to Policies 7 and 10 of the Essex Minerals Local Plan Adopted July 2014.

11. No minerals other than cement powder and associated additives for the production of ready-mix concrete shall be imported into the site.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Mineral Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to Policies 7 and 10 of the Essex Minerals Local Plan Adopted July 2014.

Siting of Earth Banks/Mounds

12. No soil mounds/banks shall be constructed within the spread of any tree or within 2 metres of any retained hedgerow.

Reason: To ensure the integrity of neighbouring trees and ecological interests that, without identified safeguarding could be harmed as a result of the development going ahead uncontrolled, having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework that seeks to minimise impacts on biodiversity interests.

Depth of Extraction

13. Maximum depth of working shall not exceed 20 metres below the existing mean surface level.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design approved having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Revised Working Scheme

14. Within two months of the date of this permission a scheme of working shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved or as may subsequently be approved, in writing, by the Mineral Planning Authority. The scheme shall make provision for
- (i) A scheme of future phasing and soil stripping.
 - (ii) Accommodation of the retained hedge and tree line as provided for on Drwg No: BP 10/5 entitled "Full Hedge" dated April 2020.

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner having regard to Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Environmental Protection

Hours of Operation

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

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014.

Highway Cleanliness

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

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety in accordance with Policies DM1, DM2, and S10 of

the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

HGV Movements

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

Mondays to Fridays: 262 movements (131 in/131 out)

Saturdays: 130 movements (65 in/65 out)

Sundays and Bank/Public Holidays: none

Reason: In the interests of clarity; limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014.

Monitoring Vehicle Movements

18. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration, weight and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of clarity; limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Sheeting Vehicles

19. All loaded HGVs shall be sheeted before leaving the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Pumps

20. Any pumps used on the site shall be powered by electricity or acoustically insulated diesel-powered units. -

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Noise – Monitoring

21. Within 6 months of the date of this permission, a scheme providing for compliance noise monitoring at the locations identified in Condition 23 shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved. The scheme shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 23 of this permission and as identified on Figure 10 -1 entitled “Monitoring Locations” of the revised chapter 10 of the Environmental Statement accompanying the email from Michelle Dawson to Gail Hitchens of 7th June 2019 @ 17:06 during the life of the development.
 - b) Unless determined by the Mineral Planning Authority noise monitoring to be at six monthly intervals.
 - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
 - d) Monitoring to be carried out for at least 2 separate periods and for at least a total of 30 minutes at each monitoring location during the working day which shall include Saturday periods whilst typical site operations are occurring.
 - e) The logging of all weather conditions including wind speed and direction.
 - f) The logging of both on site and off site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
 - g) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points /frequency may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 23 of this permission.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Noise – Temporary Operations

22. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 23 shall not

exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Noise - Normal Levels

23. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/45/18/COL/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion /dB LAeq,1hr
Palmer's Farm -	54 dB LAeq 1hr
Stemming's Farm	47 dB LAeq 1hr
Brakes Farm	54 dB LAeq 1hr
Roundbush Bungalow	54 dB LAeq 1hr
Birch House Care Home	54 dB LAeq 1hr

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Silencers

24. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Reversing Alarms

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

26. Within 3 months of the date of this permission a scheme to address dust suppression measures as recorded in Paragraph 9.104 of Chapter 9 of the Traffic and Highways section of the Environmental Statement shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved. The scheme shall make provision for accommodating those aspects identified below and shall be used and maintained in operational order for the duration of the development.

- Wheel washing facilities located 250m from the junction with Maldon Road as appropriate;
- Fixed sprinklers along the paved haulage route between the weighbridge and the concrete based plant area; and
- An on-site mobile bowser that is operated along the paved and unpaved haulage routes during dry and windy meteorological conditions.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Practice Guidance for ensuring that suitable control is in place in respect of dust emissions.

Additional Dust Control measures to Accommodate Screen Bund Removal and Silt Lagoon Reinstatement Works within 250 metres of Palmer's Farm and Palmer's Farm Cottage

27. No removal of the screen bunding nor reinstatement activities of the silt lagoon shall take place until prior written approval for how the dust control measures identified within paragraph 5.2.2 of Section 5.2 of the SLR Planning Statement entitled “Potential Environmental Effects and Summary of Mitigation measures” of the Planning Statement are to be undertaken has been received from the Mineral Planning Authority.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Practice Guidance for ensuring that suitable control is in place in respect of dust emissions.

Lighting

28. No additional artificial external lighting to that already existing, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.
- b) Lighting design details.
- c) Proposed Illuminance coverage.
- d) Assessment of sky glow and light spillage outside of site boundary.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Fixed Plant and Buildings

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

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area and to comply with Policies DM1 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Burning

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

Reason: To protect the amenity of neighbouring occupiers having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Rubbish

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

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area in accordance with Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Surface Water Drainage and Pollution Protection

32. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

33. a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;
- b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;
- c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and
- d) There shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987)

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

34. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land drainage and groundwater having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

35. No foul drainage or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land drainage and groundwater regime having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

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

Reason: To minimise any nuisance and to protect the amenities of neighbouring land users and the rural environment/local area having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Handling and Storage of Soil and Soil Forming Material

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

Reason: To ensure that the Mineral Planning Authority is given opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

38. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on

that part), or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part unless specified by the archaeological Working Scheme of Investigation.

Reason: To prevent loss and damage of the soil resource having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

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

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

41. The topsoil shall be stripped to full depth (variable with land quality but generally 30cms-35cms on the better quality soils) and shall, wherever possible, be immediately respread over an area of reinstated subsoil. If this immediate resspreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

Reason: To prevent damage to the integrity of the soil resource and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12

of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

42. The upper and lower subsoils shall to be stripped, stored and replaced separately. Wherever possible, the lower subsoil shall be immediately respread over the overburden and the upper subsoil over the lower subsoil. If this immediate resspreading is not practical these subsoils shall be stored separately for subsequent replacement.

Reason: To prevent damage to the integrity of the soil resource and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

43. The storage of agricultural soils shall conform to the following criteria:

- 1) Topsoil's, upper subsoils, and lower subsoils shall be stored separately.
- 2) Where continuous mounds/bunds are used, dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority.
- 3) Topsoil mounds/bunds shall not exceed 3 metres in height and subsoil mounds/bunds shall not exceed 5 metres in height.

Reason: In order to protect the soil resource/to preserve the integrity of the soil structure and to prevent the accumulation of harmful weeds building up in the soil resource having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

44. All storage mounds/bunds intended to remain in situ for more than six months shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and the application rates shall be agreed with the Mineral Planning Authority in writing no less than 1 month before it is expected to complete the formation of the storage mounds/bunds.

To prevent loss and damage of suitably identified soil forming material having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

45. The final surface of the restored overburden shall be at such a level as to follow the final pre-settlement contours.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy

DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

46. The lower subsoils and upper subsoils shall be spread to an even depth over the restored overburden so as to follow the final pre-settlement contours.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

47. The topsoil shall be spread to a minimum depth of 30cm over the reinstated subsoil so as to form the final pre-settlement contours over the land required to be restored to agriculture.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

48. The minimum settled depth of topsoil; subsoil and soil - forming material shall be 1 metre.

Reason: To clarify those details approved; to ensure that within the defined depth of the replaced soil layers these are appropriate for the approved afteruse and achieve the approved restoration contour levels having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

49. The applicant shall notify the Mineral Planning Authority at least 3 working days in advance of the commencement of the final subsoil placement on each phase, or part Phase. On completion of the subsoil placement, no further work is to be carried out for a period of 5 working days without the consent of the Mineral Planning Authority to allow an inspection of the site to take place.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed aftercare use and to enable the Mineral Planning Authority the opportunity to monitor restoration activities having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All stones and other materials in excess of 75mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure that the soil resources of the site are replaced appropriately, to avoid stones that may impede cultivation techniques and impact on the aftercare uses of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Restoration

51. Within 6 months of the date of this permission, a revised restoration scheme based on Drwg Ref No: BP 10/5 entitled "Full Hedge" dated March 2020 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for: -
- a) Restored landform contour levels.
 - b) Reinstatement programme to provide for achieving the retention of the hedgerow and tree line in the north eastern corner as identified on Plan Birch 001 entitled "Tree Constraints Plan" dated November 2020 that accompanied the DB Landscape Consultancy Birch Quarry Tree Constraints Plan Accompanying Notes dated 24th November 2020 accompanying SLR letter dated 15th December 2020.
 - c) The provision of the wetland/reedshelf and small pond complex features together with cross sections, levels and engineering details.
 - d) Removal of all site structures.
 - e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use and to retain control over the development so as to not prejudice the restoration and afteruse of the land having regard to Policies DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Landscaping

52. Within six months of the date of this permission a scheme of landscaping, based on Drawing Ref No: BP 10/5 entitled "Full Hedge" dated March 2020 shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Detail of the locations of the planting programme as set out in the planting schedule outlined on the above plan.
 - b) A landscape management programme for the planting programme detailed on the above plan together with existing retained landscape features including all hedgerows, tree belts and

woodland blocks.

- c) Husbandry management of the existing perimeter hedgerows/trees and woodland.
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities for all areas
- e) Grass seed mixes and rates.
- f) A programme of implementation to include the provision for planting of the northern hedgerow during the first available season and for remaining planting to be undertaken following restoration within each working phase parcel.
- g) A programme of maintenance.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites and for landscaping strategy's to address mineral working related impacts.

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

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Agricultural Aftercare

54. Within one year of the date of this permission an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five-year period during which they are to be taken and shall make provision for: -

- (i) soil analysis;

- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, site operators, landowners and interested parties to review performance supported by written reports which set out the works carried out over the previous seasons prior to the meeting and a forward programme of works to be carried out in the following seasons before the next meeting.

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

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Amenity Aftercare

55. Within one year of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation/wetland and grassland shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for how the biodiversity; wetland; amenity grassland and landscaping areas are managed and maintained.

The scheme shall provide for: -

- (i) Description and evaluation of features to be managed.
- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.

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- (iv) Appropriate management options for achieving aims and objectives.
 - (v) Prescriptions for management actions.
 - (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - (vii) Details of the body or organisation responsible for implementation of the plan.
 - (viii) Annual meetings with representatives of the Mineral Planning Authority and landowners to review performance and to be supported by written reports which set out the works carried out over the previous seasons prior to the meeting and a forward programme of works to be carried out in the following seasons before the next meeting.

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

Reason: To ensure that the land is rehabilitated to a suitable condition to support the return of the land to achieve its landscape and biodiversity interest having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites and to ensure that the Mineral Planning Authority is able to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Cessation

56. In the event of site operations being discontinued for six months in the period specified in Condition 1 then the land as disturbed within the approved application area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 45- 55 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 the National Planning Policy

Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high standard.

5. Enforcement of Planning Control Update

The Committee considered report DR/23/22 concerning enforcement matters for the period 01 February 2022 to 30 April 2022.

The Committee NOTED the report.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/24/22; applications, enforcement and appeals statistics, as at the end of April 2022.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 24 June 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 10:58am.