

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 DM1 and 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 DM1 and 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 DM1 and 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 DM1 and 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 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

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.

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 DM1 and 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 DM1 and 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 DM1 and 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.