



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 24 September 2021</b>	<b>Council Chamber County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

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1	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	7 - 7
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To approve the minutes of the meeting held on the 23 July 2021.

### **3 Identification of Items Involving Public Speaking**

To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on Tuesday before the meeting.

### **4 Minerals and Waste**

To consider report DR/16/21 relating to:

(i) Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN ("Proposed retention of water management pipeline") to enable the continued use until 30 September 2041.

Ref: ESS/24/20/TEN

(ii) Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN ("the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway").

Ref: ESS/25/20/TEN

(iii) Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN ("Installation and use of a new replacement mobile mineral washing plant") to enable the continued use until 30th September 2039.

Ref: ESS/26/20/TEN

(iv) Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN ("Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.")

Ref: ESS/27/20/TEN

(v) Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.

Ref: ESS/29/20/TEN.

**Location:** Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

**Ref:** ESS/24/20/TEN, ESS/25/20/TEN, ESS/26/20/TEN, ESS/27/20/TEN and ESS/29/20/TEN.

**4.2 Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford 157 - 188**

To consider report DR/17/21 relating to a Pyrolysis Plant to generate electricity from imported solid recovered fuel, associated building and offices.

**Location:** Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP

**Ref:** ESS/61/21/CHL

**4.3 Bradwell Quarry 189 - 215**

To consider report DR/18/21 relating to the extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors compound via Woodhouse Lane, with restoration to agriculture and biodiversity (species rich grassland and wetland).

**Location:** Bradwell Quarry

**Ref:** ESS/12/20/BTE

**5 Information Items**

**5.1 Applications, Enforcement and Appeals Statistics 216 - 217**

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

Report DR/19/20

**5.2 Applications, Enforcement and Appeals Statistics 218 - 219**

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

Report DR/20/21

**6 Date of Next Meeting**

To note that the next meeting will be held on Friday 22nd October 2021, in the Council Chamber, County Hall.

**7 Urgent Business**

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

**Exempt Items**

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

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

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

**8 Urgent Exempt Business**

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

## Agenda item 1

**Committee:** Development and Regulation Committee

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

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

#### **Recommendations:**

To note

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

#### **Membership**

(Quorum: 3)

Councillor C Guglielmi

Councillor J Jowers

Councillor J Fleming

Councillor M Garnett

Councillor I Grundy

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

Chairman

Vice-Chairman

## Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 23 July 2021 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers (Vice-Chairman)
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr S Kane
Cllr M Hardware	Cllr M Mackrory

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

Apologies were received from Councillor Aspinell for whom Councillor Mackrory substituted.

There were no declarations of interest.

### 2. Minutes

The minutes of the meeting held on 25 June 2021 were agreed as a correct record and signed by the Chairman.

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

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

- 1) Paxman Academy, Paxman Avenue, Colchester CO2 9DQ  
To consider report DR/14/21 relating to the provision of a new Multi Use Games Area (MUGA) and associated works and the provision of a new emergency vehicular access from Paxman Avenue to replace the existing emergency vehicle access from Walnut Way.  
**Location:** Paxman Academy, Paxman Avenue, Colchester CO2 9DQ  
**Ref:** CC/COL/100/19

Public speakers:

- Agent, on behalf of Applicant: Mr Markham – speaking for

### 4. Shenfield Library, Hutton Road, Shenfield, CM15 8NJ

The Committee considered report DR/13/21 by the Chief Planning Officer.

The Chairman drew the Committee's attention to the Addendum to the agenda, particularly in respect of updates to conditions 3, 4, 5, 7, 12, 15 and 17 within the RECOMMENDED section between pages 46 and 51.

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:

- Principle of Development
- Schedule of Accommodation/Library Space, Density and Housing Mix
- Design and Landscaping
- Amenity
- Highways
- Sustainability and Flood Risk/Drainage

The Chairman gave his agreement for a statement to be read out on behalf of Councillor Aspinell, who was not present, as the Local County Member. Councillor Aspinell's statement made several points:

- Negative impact on street scene due to overbearing presence
- Intrusion on privacy of adjacent residential dwellings
- Reduction of external community space and loss of trees, particularly the cherry tree
- Lack of storage provision for furniture and equipment used by community groups
- Inadequate parking
- Lack of reference to the Essex Design Guide as recommended by Brentwood Borough Council

In response to the issues raised, the following points were made by officers:

- Although there was a reduction in the amount of open or green space, as a result of an enlarged footprint of the new building, it was expected that this space would remain fully accessible to the public when not in use by the library.
- The Essex Design Guide had been taken into account; Brentwood Borough Council's concern related to the proposal not being presented to the Essex Quality Review Panel. The applicant, as part of the pre-application discussions, was asked to consider presenting the application to the Essex Quality Review Panel but declined to do so. Whilst this was disappointing it was not considered that this was a reason to refuse planning permission.

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

- That the commercial element of Hutton Road began and ended immediately on the other side of the Friars Avenue junction to the southern aspect; on the northern side it continued past the library site.
- The bicycle hoops for the library were covered by a canopy; those for the residential units were fully enclosed.
- There were five charging points for electric vehicles; one per two parking spaces and the overall number of parking spaces proposed for the development was considered acceptable. Currently, there was no free access

to disabled parking, the car park was gated and access had to be requested. Thirty minutes of free parking was available in a car park off Friars Avenue with additional time available if paid for beyond this period. In addition, one hour of free parking was available in bays either side of Hutton Road.

- The loss of the cherry tree was felt to be regrettable, but no objection had been raised by Place Services (Arboriculture) which may have lent weight to this as an objection.
- Condition 11 and the reason for this would be reworded to strengthen the expectation and requirement for the provision of public access to the re-landscaped area in front of the development.
- The flat roof projections on the first and second floors of the development were not proposed to be used as amenity space.
- The parking to rear maintained the existing fence line and the relationship with 2 Friars Avenue would therefore remain similar. The Transport Assessment sought to suggest that the number of vehicle movements from the proposals was potentially akin to what could be expected to result from the use of the current library car park if utilised to full capabilities.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, and subject to the strengthening of condition 11 was proposed by Councillor Garnet and seconded by Councillor Jowers. Following a vote of eight in favour, three against and one abstention, it was

### **Resolved**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: 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 18/03/2021 and shown on drawings titled: 'Location Plan', drawing number: 001, dated 01/03/2021; 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21; 'Proposed First Floor Plan', drawing number: 012 (Rev B), dated 07/07/21; 'Proposed Second Floor Plan', drawing number: 013 (Rev B), dated 07/07/21; 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21; 'Proposed Elevations – Sheet 1 of 2', drawing number: 015 (Rev C), dated 08/07/21; 'Proposed Elevations – Sheet 2 of 2', drawing number: 016 (Rev B), dated 07/07/21; 'Proposed Section AA & Section BB', drawing number: 017 (Rev B), dated 07/07/21; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County 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 policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, CP3 – Transport Assessments, CP4 – The Provision of Infrastructure and Community Facilities, H4 – Mixed Use Development, H6 – Small Unit Accommodation, H9 – Affordable Housing on Larger Sites, H14 – Housing Density, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling, T15 – Pedestrian Facilities, LT8 – Use of Redundant Institutional, Recreational and Community Building, LT11 – Retention of Existing Local Community Facilities, C5 – Retention and Provision of Landscaping and Natural Features in Development, IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development, PC1 – Land Contamination, PC4 – Noise and PC6 – Transport Pollution of the Brentwood Replacement Local Plan (2005).

3. No development above damp proof membrane of the building hereby permitted shall take place until exact details of the materials to be used for the external appearance (including all windows, doors, balconies, roof coverings and rain goods) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the proposed material palette is of a high quality and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, all external windows to bathrooms and/or ensuites of the residential units hereby approved shall be obscured glazed to at least level 3 on the standard scale of obscurity. In addition, no development above damp proof membrane of the building hereby permitted shall take place until a finalised design for the external windows to residential units 1.03, 1.05, 2.03 and 2.05 has been submitted to and approved in writing by the County Planning Authority. The design details submitted shall seek to confirm installation angle/direction, glazing and whether the window would be fully, partially or non-opening. The development shall subsequently be implemented and permanently maintained in accordance with the approved details.

Reason: In the interest of residential amenity, to reduce the potential for overlooking between units 1.03 and 1.05 and 2.03 and 2.05 and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

5. No development above damp proof membrane of the building hereby permitted shall take place until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building hereby permitted has been submitted the County Planning Authority and approved in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

Reason: In the interest of visual amenity, to ensure the design rationale for the building is not subsequently compromised by urban paraphernalia and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

6. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

7. No development above damp proof membrane of the building hereby permitted shall take place until exact details of the carbon/energy saving measures outlined in the submitted 'Energy Statement', document reference: 0120/IW/ES01 (Issue 2), dated April 2021 have been submitted to the County

Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the glazing specification of windows and doors to be installed, building insulation, the proposed air source heat pump system, the location of the electric vehicle charging points proposed within the car park and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies CP1 – General Development Criteria and IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development of the Brentwood Replacement Local Plan (2005).

8. No development or any preliminary groundworks shall take place until:
  - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
  - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

9. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawing titled 'Proposed Landscape Plan', drawing number: F1470/200 (Rev A), dated 16/06/2021. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 10 of this permission.

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 policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

10. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats and Species), in the interest of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

11. Prior to beneficial occupation of the building hereby permitted, a management scheme for the open space in-front of the development (fronting Hutton Road) shall be submitted to the County Planning Authority for review and approval and writing. The development shall subsequently be managed in perpetuity in accordance with the scheme approved. For the avoidance of doubt, the management of this area and public access to it shall in no way be amended unless an alternative scheme is subsequently submitted and approved by the County Planning Authority.

Reason: Concern has been raised that the proposals incorporate a fence and gate to this area and as such this area could visually appear private open space for exclusive use by the residential units, incongruous to the otherwise publicly open frontage of the site. The management scheme to be submitted pursuant to this condition, to confirm, is expected to generally allow unrestricted use of this area by the public in meeting the social objective of the NPPF.

12. Prior to beneficial occupation of the proposed development, the site access off Friars Avenue shall be widened to a minimum of 5.5 metres, as shown in principle on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21. In addition to this, the access barrier

shown on the same drawing shall at no time be installed closer than 6 metres back from the carriageway edge.

Reason: To ensure the access accords with relevant standards, to allow vehicles to enter and leave the highway in a controlled manner, in the interest of highway safety and to comply with policies CP1 – General Development Criteria and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

13. Prior to beneficial occupation of the development hereby permitted, the car parking area, as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21, shall be hard surfaced, sealed and marked out in parking bays. In addition to this, the enclosed bike store and external cycle hoops, as shown on the same drawing, shall be installed. The car parking areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles, in the interest of highway safety and to comply with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling of the Brentwood Replacement Local Plan (2005).

14. Prior to occupation of the any of the residential units hereby approved, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies CP2 – New Development and Sustainable Transport Choices and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

15. No development shall take place until a Construction Management Plan covering:

- a) the proposed demolition of the existing building; and
- b) the construction programme of the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The approved Plan(s) shall be adhered to throughout the demolition and construction period and provide for:
  - an indicative timeline/timeframe for the proposed works;
  - the proposed layout of compounds inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery;

- wheel and underbody cleaning facilities;
- routing of vehicles;
- measures proposed to reduce the potential for amenity impacts or nuisance (with specific reference to that requested by Brentwood Borough Council's Environmental Health Officer as part of their consultation response to this application); and
- measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

For the avoidance of doubt, this condition may be discharged in two parts, to enable the demolition of the existing building prior to the submission and approval of a Plan covering the construction phase.

Reason: In the interests of highway safety, nearby amenity, that construction works may lead to excess water being discharged from the site and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

16. No development shall take place until a detailed surface water drainage scheme and management plan for the site has been submitted to and approved in writing by the County Planning Authority. The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of any SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

17. The development shall be implemented in accordance with recommendations outlined within the submitted 'Phase I & II Geo-Environmental Assessment', produced by EPS, report reference: UK20.5245 (Issue 1), dated 26/02/2021. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources and to comply with the NPPF and policy PC1 – Land Contamination of the Brentwood Replacement Local Plan (2005).



18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, the commercial unit as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21 shall only be occupied by the following use classes: Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b of the Town and Country Planning Use Classes Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: An alternative use of this unit has not been considered as part of this application and a different use could give rise to unacceptable amenity and highway impacts.

## **5. Paxman Academy, Paxman Avenue, Colchester CO2 9DQ**

The Committee considered report DR/14/21 by the Chief Planning Officer.

The Chairman drew the Committee's attention to the Addendum to the agenda, and the Planning Officer also noted that there was an additional change not listed on the addendum for an amended site location plan at condition 2 as 16-0587-CDP-DR-ZZ-XX-L-9006 P1 – Site Location Plan – 28.6.19 was replaced by 16-0587-CDP-DR-XX-XX-A-2001-P4 - Site Location Plan - 23.6.17.

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
- Policy Consideration & Impact on Existing Playing Field
- Location and Layout of MUGA
- Impact on Residential Amenity
- Impact on Natural Environment
- Impact on Historic Environment
- Traffic & Highways

In accordance with the protocol on public speaking the Committee was addressed by Mr Brian Markham, speaking as an agent on behalf of the Applicant. Mr Markham made several points:

- The application sought to enable the provision of a broad and balanced PE curriculum irrespective of poor weather.
- This was not currently possible due to significant flooding in the site during winter months.

- The recalibration of the site as proposed would also allow the provision of clubs outside of core lesson times, designed to promote physical and mental good health.
- It was felt that the proposal submitted addressed concerns raised during the consultation, specifically –
  - That a full assessment had been carried out to explore all possible locations of the facility to balance the needs of delivering the curriculum whilst ensuring effects on the neighbours' property boundaries were minimised
  - That a 4.5m high mesh fence would be installed, to allow natural light into nearby gardens
  - A 2.5m high acoustic fence would be installed along the two identified elevations
  - No flood lighting was proposed
  - Realistic operation times were proposed to ensure no adverse impact to the community by potential use, which was felt to underline the commitment to maintaining positive relationships with all stakeholders in and around the Paxman Avenue area

Following comments raised by Members, it was noted:

- That the application was felt to be beneficial, both to pupils and in enabling use by the wider community.
- That it was felt that the applicant's stated desire to maintain positive relationships and ongoing communication with neighbours was helpful and appropriate.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor Harris and seconded by Councillor Jowers. Following a unanimous vote of twelve in favour, it was

### **Resolved**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: 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 details of the application reference CC/COL/100/19 dated 17 December 2019 and validated on 9 January 2020 together with drawing numbers:

- 6360-D-AIA Rev D – AIA & TPP – 3.12.19
- 6093-D-AIA Rev C – Prelim AIA – 12.12.19
- 9810/GA/01 Rev E – Proposed Synthetic Sports Pitch – General arrangement – 11.6.20  
Option 2 Rev A – Proposed Synthetic Sports pitch General Arrangement – 17.3.20
- GA – 4.5mH 868 Rebound Bay GA Detail – 9.3.20
- 16-0587-CDP-DR-ZZ-XX-L-4006-C5 – Detailed Reference Plan – Visitor Entrance & Bus Parking – 19.2.20
- 16-0587-CDP-DR-ZZXX-XX-LA-9006 P1 P4– Site Location Plan – 28.6.19~~7~~
- 16-0587-CDP-DR-ZZ-XX-L-2003 P11 – BB103 External Areas Assessment – 4.12.19
- 16-0587-CDP-DR-ZZ-XX-L-4027 C2 – Detailed Reference Plan – AWP – 16.10.19

Together with:

- Acoustic Fence Information Sheet from Dawn Fencing Ltd
- Noise Impact Assessment Addendum Report (Ref: 19313/003/dd) prepared by AAD dated 28 May 2020
- Certificate of Calibration – MTS Calibration – 22 May 2019
- FIFA Quality Programme for Football Turf Duo Shape P+50 SBR – Limonta Sports S.P.A. – 30.6.16
- Limonta Sport Duo Shape P+50 Data Sheet
- Manufacturer Calibration Certificate (FL-18-070) NTi Audio AG – 3.9.18
- Planning Statement – Strutt & Parker – December 2019
- Supporting Statement – Sigma Trust – November 2019
- Noise Impact Assessment (Ref: 19313/001/dd) prepared by AAD – 26 November 2019
- Archaeological Desk Based Assessment (1497) – Colchester Archaeological Trust – November 19

and

- Email & attachments from Strutt & Parker 1 July 2021 12:59
- Letter from Strutt & Parker 7 July 2020
- Email from Strutt & Parker 1 June 2020 13:12
- Letter from Strutt & Parker (Ref 210184) dated 14 April 2020
- Email from Strutt & Parker 2 March 2020 16:03
- Email from Strutt & Parker 14 February 2020 16:28
- Email from Strutt & Parker 18 February 2020 15:45
- Letter from Strutt & Parker 9 January 2020
- Letter from Strutt & Parker 17 December 2019

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following 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 Policy DP1 (Design and Amenity), Policy DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

3. The development hereby permitted shall be undertaken in accordance with the Arboricultural Method Statement & Tree Protection Plan (Project No: 6360) Rev D prepared by Haydens Arboricultural Consultants dated 13 December 2019 and Drawing Number 6360-D-AIA Rev D – AIA & TPP –

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

4. The development hereby permitted shall be undertaken in accordance with the Construction Management Plan Rev 2 prepared by Barnes Construction dated November 2019.

*Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

5. The planting details as shown on Drawing Number 16-0587-CDP-ZZ-XX-L-3001 C11 (Landscape General Arrangement Plan) dated 16 October 2019 shall be fully implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted and maintained thereafter in accordance with Condition 6 of this permission.

*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 Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

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

*Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

7. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

8. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 7. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

*Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

9. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 8.

*Reason: To enable the preservation (by record) of any archaeological*

remains and to comply with *Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

10. Within 3 months of the completion of the fieldwork, the applicant shall submit to the County Planning Authority a post-excavation assessment. 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 Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

11. The use of the development hereby permitted shall only be carried out during the following times:

- 08:00 hours to 20:00 hours Mondays to Fridays
- 09:00 hours to 18:00 hours Saturdays
- 10:30 hours to 18:00 hours Sundays

And at no other times or on Bank or Public Holidays.

*Reason: In the interest of residential amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

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

The Committee considered report DR/15/21; applications, enforcement and appeals statistics, as at the end of June 2021.

The Committee NOTED the report.

## **7. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 27 August 2021, to be held in the Council Chamber, County Hall, Chelmsford. Further information on Committee training would be circulated.

There being no further business, the meeting closed at 11:55am.

**DR/16/21****Report to:** DEVELOPMENT & REGULATION 24<sup>th</sup> SEPTEMBER 2021**Proposal:** MINERALS AND WASTE DEVELOPMENT –

- (i) Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN (“Proposed retention of water management pipeline”) to enable the continued use until 30 September 2041.  
Ref No: ESS/24/20/TEN.
- (ii) Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN (“the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway”) to extend the duration of development until 30th September 2041; increase waste imports and consequential HGV movements to 138 Monday to Friday, and 70 Saturdays and increase the maximum daily peak to 204 (reducing to 102 on Saturdays); increase use of the private haul road to 25 HGVs per hour and provide a Restoration and Aftercare scheme by 30th December 2037.  
Ref No: ESS/25/20/TEN.
- (iii) Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.  
Ref No: ESS/26/20/TEN.
- (iv) Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) to enable: the continuation of permitted developments until 30 September 2040; an amendment to the proposed scheme of infilling; an increase in HGV movements to 138 Monday to Friday and 70 Saturdays and an increase in the maximum daily peak to 204 HGVs (reducing to 102 on Saturdays); increased use of the private haul road to 25 HGVs per hour; and provide a Restoration and Aftercare scheme by 30 December 2037.  
Ref No: ESS/27/20/TEN.
- (v) Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.  
Ref No: ESS/29/20/TEN.

**Ref:** ESS/24/20/TEN; ESS/25/20/TEN;  
ESS/26/20/TEN; ESS/27/20/TEN &  
ESS/29/20/TEN

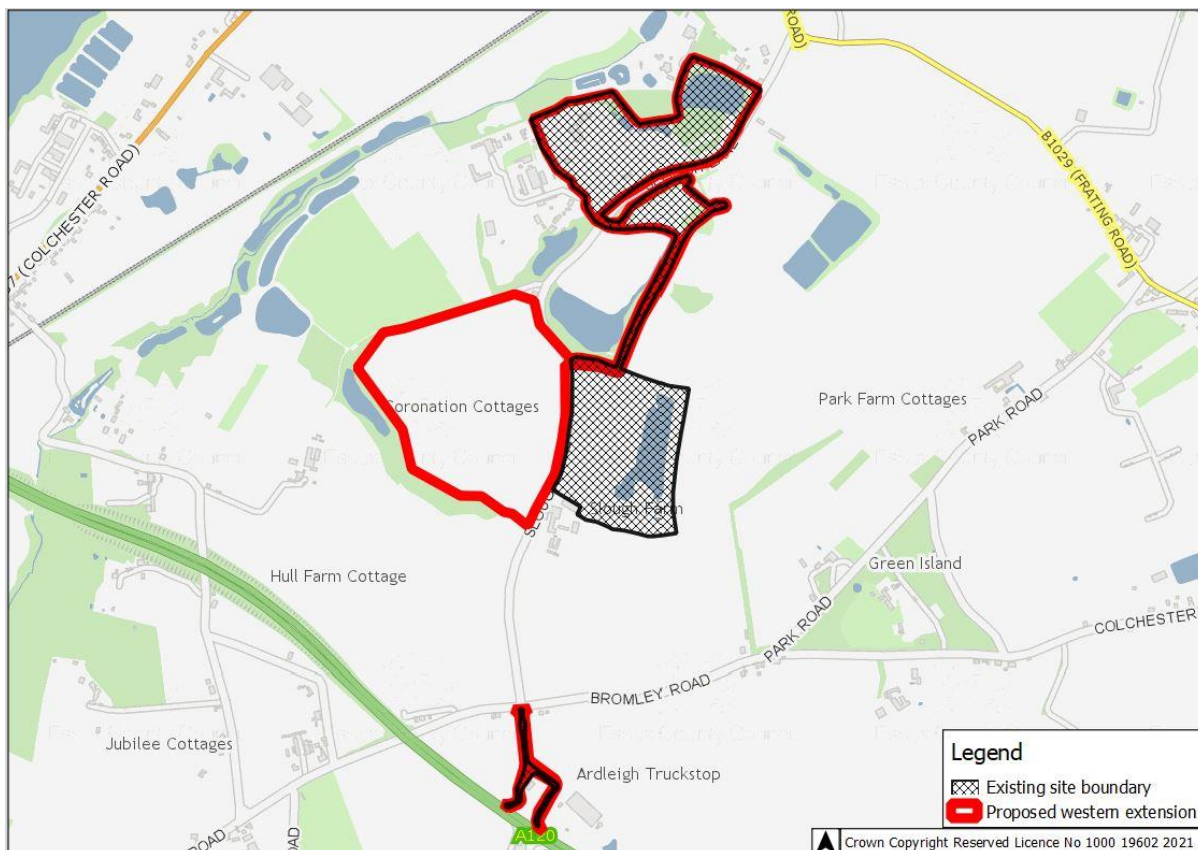
**Applicant:** Sewells Reservoir Construction  
Limited

**Location:** Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

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

**Enquiries to:** Terry Burns Tel: 03330 136440

The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND AND SITE

Martell's Quarry began mineral extraction in the 1920's and its footprint over the years has changed considerably with the land both past and present having developed into separately owned industrial/mineral and waste management interests in their own right.

The original Martells quarry began life north of Slough Lane; moved to the south and saw mineral extraction followed by landfilling take place to the immediate east, under planning permission ESS/56/96/TEN, of the present mineral quarry permission subject of this report, before the quarry activities shifted westwards with an extension application under ESS/18/07/TEN; the "mother" permission of the present mineral site activities.

As referred above the northern half of the present day Martells quarry complex is separated from its southern half by Slough Lane. The northern land parcel accommodates the former original quarry void set within its western side at a lower land level than the higher eastern half of the former quarry footprint. Some of this higher situated land appears to reflect reinstatement activity to surrounding ground levels. The eastern element of the northern land parcel accommodates the applicants quarry processing, stockpiling; recycling and site office facilities. Additional third-party businesses occupy the western land area, and this is known as the Martell's Industrial Estate. Businesses here predominantly occupy the former void area and activities include, but not exclusively, concrete batching, scrap metal, end of life vehicle dismantling and inert waste recycling. Shared access to the processing/industrial area is off Slough Lane. To the south of the Lane and along a short haul road lies the main quarry excavation activities and to



its immediate east lies the active Ardleigh Landfill site which is in the process of final restoration.

Both quarry and landfill HGV traffic access and exit the complex before travelling south along Slough Lane across the B1029 (Bromley Road) to access a private road with barrier provision that links onto the A120 road.

The quarry in its present format was originally permitted In July 2008 under Permission ESS/18/07/TEN. This permission sought the extension westwards of the then quarry (now the Ardleigh Landfill area) and which provided for the extraction of silica sand and gravel and restoration of the land to agriculture by infilling the void with solid, inert and commercial and industrial waste residue. This permission also included the land accommodating the private access road onto the A120.

There have been various amendments sought to the main quarry permissions including with a Variation of Condition permission granted August 2015 - ESS/23/15/TEN that was for the importation of materials from time to time to meet product imbalances and to offer a fuller product portfolio to customers without compliance with Condition 7 (Importation Restriction) of planning permission ESS/46/14/TEN.

Permission ESS/43/14/TEN provided for the installation of a replacement mobile mineral washing plant followed in 2017 by a Non-Material Amendment to provide for a replacement mineral washing plant on the same location.

Planning permission ESS/53/17/TEN, a Variation of Condition application, granted in September 2018 for the lifting of a restriction on having both the quarry and adjacent landfill sites undertaking infilling at the same time.

A Lawful Development Certificate – ref No: ESS/19/18/TEN provides for the use of land as a facility for recycling solid, inert and commercial and industrial waste. This parcel of land is located south of Slough Lane.

The most recent permission for the land, ESS/61/19/TEN a Variation of Condition (of ESS/53/17/TEN) to accommodate to accommodate remediation works required for slope stability; a Planting Establishment and Management scheme and retrospective permission for the provision of a water tank was granted in February 2020.

Mineral extraction currently takes place on the land to the south of Slough Lane. A void area has been formed in a roughly rectangular shape with extraction progressing through the void in an east to west direction. Proposed infilling of the void would take place in three cells known as Landfill Cells 1-3. Cells 1 and 2 would be the larger and primarily comprise the entire extraction area footprint with Cell 1 in the northern half of the void; Cell 2 occupying the southern half whilst a smaller Cell 3 would occupy the north eastern corner of the extraction area.

As the mineral extraction has taken place the perimeter boundary on the north; east and parts of the south have, as provided for from the approved working pans, been provided with graded batters at 45 degrees.

A water management pipeline, some 380 metres in length, that links the excavation void with the lagoons north of Slough Lane was approved under ESS/14/18/TEN in August 2018.

Provision for the siting of a wet recycling facility, ESS/32/18/TEN, to allow handling of non-hazardous and inert wastes was forthcoming in early 2019 within the northern processing plant yard.

As part of the preparation for these series of applications, the applicant undertook Pre-Application advice, ESS62/19/TEN/PRE and a formal opinion was issued in August 2020. A Scoping request was sought and received, ESS/93/19/TEN/SPO, and an Opinion issued in January 2020.

As a consequence of seeking a proposed Western extension to Martells Quarry there would be requirements to seek amendments to the extant quarry permissions through appropriate Variation of Condition applications, the subject of this report, to accommodate revisions to working practices and enable the dovetailing of the quarrying/infilling activities.

The western extension land lies effectively to the south west of the industrial estate and west of the current quarry extraction area. The application area comprises 26.6 hectares (15.9 hectares being the actual western field).

The application documentation notes of the site description: “as boundaries of the Site include a farm track to the north, past which lies agricultural land and Martells Yard. Slough Lane lies immediately adjacent to the Site to the east, past which is the existing Quarry void which is soon to undergo restoration. The boundaries of the Site to the south include a peripheral strip of woodland, past which lies agricultural land; the Site is bounded to the west by a pond, past which lies Hull Farm and agricultural land”.

## 2. PROPOSAL

There are five applications in total, supported with an Environmental Statement (summarised at Appendix D); comprising a proposed western extension of the existing quarry complex together with four other Variation of Condition (VOC) applications seeking to vary conditions to existing permissions. These VOC applications would seek to allow appropriate dovetailing of the existing operational practices of the quarry complex with the proposed western area i.e., for the western extension activities to make use of the existing processing and recycling facilities, internal haul routes and bagging and storage areas. These variations relate chiefly to enabling mineral from the western extension to be handled through the existing processing plant facilities; water management system and timescaling link ups.

- (i) **ESS/29/20/TEN** - Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.

In essence the development would involve extraction, processing, sale and distribution of sand and gravel. It is proposed to undertake phased mineral extraction in the western extension (trading at the Quarry is expected to typically be in the region of 125,000 tpa with a reserve within the western extension being around 1.31 million tonnes. This being made up of some 460,000t of silica sand and 390,000t of sand and gravel). Following mineral extraction and the infilling of the void, the land would be restored back to agriculture. Timescales are quoted as removal of aggregate between the then proposed start date of 2022 – 2036 and infilling being completed 2038. Additional time post infilling to achieve final restoration/landscaping would take place afterwards.

*The application describes the proposal and its working and restoration as “In terms of the Proposed Development, one of the implementation issues identified within the Site Profile is to be able to show that the extracted mineral can be transported to the processing plant without increasing traffic movements on Slough Lane. It is, therefore, proposed that a new access will be created on the eastern side of the western extension and on the western side of the current extraction area. This will allow the extracted mineral to be transported across Slough Lane into the current extraction area, where vehicles will travel along the current haul route to the existing processing area.*

*The proposed crossing point will also allow inert materials to be transported to the western extension where they will be permanently deposited into the resultant void to complete the restoration of the Site.*

*To facilitate the use of the proposed access and haul route and also the use of the existing processing and recycling facilities, it will be necessary for the application to also seek to allow the change of use of the existing permitted haul route, processing and recycling areas that are currently used in conjunction with the existing extension. The application will allow for the existing facilities to also be used in conjunction with the proposed western extension.*

*The current extraction area has approximately 200,000t of sand and gravel remaining to be extracted, which is extracted at a rate on average of 100,000tpa with some possible peak sales at 125,000tpa. At the current rate of extraction, this gives the current working area approximately 2-3 years remaining until reserves are exhausted. Therefore, extraction within the proposed extension area shall have to commence in around three years' time if continuity of supply is to be achieved.*

*Under the terms of the existing permissions for the Quarry, planning permission reference ESS/61/19/TEN restricts the amount of vehicle movements to 108 HGV movements per day (54 in and 54 out). The permission also limits the sales of extracted minerals to 125,000tpa.*

*The net effect of this permission, read in conjunction with later consents, is to allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.*

*The proposed western extension area contains 105,000m<sup>3</sup> of soils and*

overburdens which will be used to form screen banks or directly placed for restoration. There is also 211,100m<sup>3</sup> of silt and interburden which will be processed with the sand and gravel and subsequently separated and stored onsite or directly placed for restoration within the void. This leaves approximately 752,900m<sup>3</sup> of void space which will be filled using inert materials.

There is a need to balance the rate of extraction of mineral against restoring the land in a timely manner and also fulfilling the restoration objectives of the current extraction area, which will have a void space of 600,000m<sup>3</sup> once all the mineral has been extracted.

It is therefore proposed that, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void, a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space and the proposed western extension per annum.

Based on the importation of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17-tonne payload over 275 days per year, this gives an additional 15 loads / 30 HGV movements per day and the peak daily level by 42 movements (21 in / 21 out) per day, with an uplift of 4 HGV movements (2 in 2 out) to the maximum hourly limit. Adding these additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average, Monday to Friday (an increase of 27.7%), applying this uplift to the current 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

The existing planning permissions impose an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift, it gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.

On the assumption that the remaining mineral will be extracted, it is proposed that the remaining void space within the current extraction area will be tipped at a rate of around 85,000m<sup>3</sup> per annum which is expected to commence early 2020. The current extraction area is permitted to take two different waste streams to fulfil the restoration and, therefore, it is expected that inert waste shall account for approximately 70,000m<sup>3</sup> of void per annum with non-hazardous waste amounting to around 15,000m<sup>3</sup> per annum.

The filling of the currently consented inert waste cells will take approximately four years (2023) and the non-hazardous cell will take around 21 years (2040). A period will be needed once infilling has taken place to complete the restoration.

The proposed western extension area has an inert void space that will

accommodate 752,900 m<sup>3</sup> of inert waste once 1,310,000 tonnes of aggregates have been removed between 2022 and 2036.

*It is proposed that the void space will be filled at a rate of around 70,000m<sup>3</sup> per annum, the commencement of which will be deferred until 2023 to allow time for a void to be created and also for the inert void in the current working area to be consumed. It is likely infilling shall have been completed in the western extension by 2038 and time will be needed thereafter to complete the restoration.*

#### *Working and Restoration Schemes*

*Following the completion of any enabling works, including the creation of the proposed crossing point and water management pipeline, soils and any overburden materials shall be stripped on a progressive basis and temporarily stored within the Site within the footprint of Bund 1 and Bund 2, located on the northern and eastern boundaries. The proposed bunds will form an effective screen to protect the amenity of nearby residents and users of Slough Lane. Materials will be removed in conjunction with any necessary archaeological and ground investigations. ....*

*On completion of extraction within the current working area, extraction shall commence within the Site. .... working will be undertaken on a phased basis running north to south and on a campaign basis. The mineral shall be excavated using a hydraulic excavator, supported with a number of dump trucks which shall transport material to the mineral processing area along the dedicated haul route, where the materials will be stockpiled, processed and then transported from the Quarry for onward distribution.*

*.... Phase 2 of the operations in which mineral extraction will have been completed within Phase 1. The importation of inert waste residues from the operation of the inert waste processing facility will commence to allow the placement of materials within the void until the formation levels are reached within Phase 1. The extraction operations will also commence within Phase 2 and will progress in a north to south direction until all of the mineral has been extracted.*

*Phase 3 .. the penultimate operational phase, in which mineral extraction continues to advance towards the southern boundary with restoration progressing behind. On completion of restoration, the Site shall undergo management and aftercare designed to ensure delivery of the end use”.*

*The applicant has also stated in the preparation for the applications that “The Essex Minerals Local Plan Adopted July 2014 has allocated land to the west of the existing Quarry as a silica sand, and sand and gravel extraction site with an estimated reserve of 460,000 and 390,000 tonnes respectively.....*

*The Essex Waste Local Plan Adopted July 2017 has also allocated the western extension area as an inert waste recycling facility capable of recycling approximately 40,000tpa and as an inert landfill capable of accommodating 1,000,000m<sup>3</sup> of inert waste.....*

In respect of the four Section 73 applications the submitted documents propose

amendments to be made to the following permissions seeking:

- (ii) **ESS/24/20/TEN** - Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN ("Proposed retention of water management pipeline") to enable the continued use until 30 September 2041.

The submission states the application "*proposes to vary Condition 1 to allow the retention of the water management pipeline until 30 September 2041, which will be consistent with the proposed restoration date being sought within the Section 73 application for planning permission reference ESS/61/19/TEN and also the proposed end date for the proposed western extension area*".

- (iii) **ESS/25/20/TEN** - Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN ("the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway") to extend the duration of development until 30th September 2041; increase waste imports and consequential HGV movements to 138 Monday to Friday, and 70 Saturdays and increase the maximum daily peak to 204 (reducing to 102 on Saturdays); increase use of the private haul road to 25 HGVs per hour and provide a Restoration and Aftercare scheme by 30th December 2037.

The submission states "*Condition 2 attached to planning permission ESS/32/18/TEN states:*

*"The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 June 2033 in line with the cessation and restoration requirement of the permission ESS/53/17/TEN, to which this application area relates."*

*This application seeks to vary Condition 2 to allow for the continuance of the permitted developments until 30 September 2040 and the land restored within one year. The proposed timescale will allow for the current extraction area and proposed western extension to be restored using residual waste materials and ensure all stockpiles of waste are processed prior to the lapse in permission.*

*It is therefore proposed that Condition 2 be varied as follows:*

*"The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 September 2041."*

*Condition 10 of the permission states:*

*“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.*

*The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/53/17/TEN) hereby permitted shall not exceed the following limits:*

- daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - averaged over period of 1 year;*
- daily HGV movements of 54 (27 out and 27 in) (Saturdays) - averaged over period of 1 year;*
- inclusive of a maximum daily peak for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.....”*

*Condition 11 of the extant permission states:*

*“The use of the private haul road to the A120 shall be restricted to a maximum of 21 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (included cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”*

*The net effect of these conditions, is to allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.*

*The proposed western extension area contains a void space of approximately 752,900m<sup>3</sup> which will be filled using inert materials.*

*There is a need to balance the rate of extraction of the mineral against restoring the land in a timely manner and also fulfilling the restoration objectives of the current extraction area which will have a void space of 600,000m<sup>3</sup> once all the mineral has been extracted.*

*It is therefore proposed that, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void, a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space and the proposed western extension per*

*annum.*

*Based on the importing of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17 tonne payload over 275 days per year, this results in a total of 68,000 tonnes per annum. This gives an average of 14.5 (say 15) loads / 30 HGV movements per day, based on 275 working days.*

*Adding the proposed additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.*

*In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.*

*The existing planning permission imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.*

*It is proposed that Condition 10 be varied as follows:*

*“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.*

*The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission) hereby permitted shall not exceed the following limits:*

- daily HGV movements of 138 (69 out and 69 in) (Monday to Friday) - averaged over period of 1 year;*
- daily HGV movements of 70 (35 out and 35 in) (Saturdays) - averaged over period of 1 year;*
- inclusive of a maximum daily peak for of 204 HGV movements (102 out and 102 in) reducing to 102 HGV movements (51 out and 51 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.....”*

*It is proposed Condition 11 be varied as follows:*

*“The use of the private haul road to the A120 shall be restricted to a maximum of*



*25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (included cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”*

*Condition 19 currently states:*

*“prior to the completion of the excavation of sand and gravel from land south of Slough Lane associated with the Principal permission ESS/53/17/TEN, or by the 30th December 2026, whichever date is the earlier, a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”*

*This application seeks to amend Condition 19 to defer the date in which a restoration scheme is required to be submitted for the recycling area. This deferment is being sought due to the proposed western extension to the Quarry and also due to the change in timescales relating to the working and restoration of the current extraction area permitted under planning permission reference ESS/61/19/TEN.*

*It is therefore proposed that Condition 19 be varied as follows:*

*“By the 30 December 2037 a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”*

- (iv) **ESS/26/20/TEN** - Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.

*The application states: “Condition to be Varied*

*The details concerning the relevant consent and condition are set out below along with the proposed changes to permit the Proposed Development within this application.*

*Condition 2 of planning permission reference ESS/43/14/TEN states:*

*“The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref ESS/18/07/TEN; the plant*

*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 30 June 2033; and the site restored in accordance with the approved restoration scheme and timetable.*

*The mineral washing plant is required to facilitate the processing of the extracted mineral from within the current extraction area and proposed western extension area.*

*It is therefore proposed that Condition 2 be varied as follows:*

*“The plant 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 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.*

*The proposed timescale will allow mineral processing to continue for a further two years after mineral extraction has ceased to ensure any stockpiled mineral can be processed within the proposed timeframe”.*

- (v) **ESS/27/20/TEN** - Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) to enable: the continuation of permitted developments until 30 September 2040; an amendment to the proposed scheme of infilling; an increase in HGV movements to 138 Monday to Friday and 70 Saturdays and an increase in the maximum daily peak to 204 HGVs (reducing to 102 on Saturdays); increased use of the private haul road to 25 HGVs per hour; and provide a Restoration and Aftercare scheme by 30 December 2037.

The application proposes:

“Condition 2 attached to planning permission ESS/61/19/TEN states:

“Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 June 2033.

Condition 3 states:

“With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site when they are no longer required for their purpose solely in connection with the development hereby permitted. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access

and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases, the recycling facility and landfilling and in any case not to prevent the restoration of the site by 30 June 2033. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.”

Condition 4 states:

“The landfilling hereby permitted shall cease by 30 June 2032 and the site shall be restored within 1 year in accordance with the details set out Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.”

Condition 5 states:

“The use of land adjacent to the processing plant for stockpiling shall be for a limited period and shall expire on 30 June 2032 following the completion of extraction works at Slough Lane when the use shall cease, and the site shall be cleared and restored in accordance with the approved scheme of restoration as determined under Condition 56 of this permission.”

The Site has approximately 200,000t of sand and gravel remaining to be extracted, which is extracted at a rate on average of 100,000tpa with some possible peak sales at 125,000tpa. At the current rate of extraction, this gives the current working area approximately 2-3 years remaining until the reserves are exhausted.

Once all the mineral has been extracted, the Site will have a void space of 600,000m<sup>3</sup>, which is consented to be infilled with inert and non-hazardous waste.

The current conditions attached to the permission allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.

It is therefore proposed that in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes will be imported to the Quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space.

Once mineral extraction has ceased within the Site, it is proposed that the remaining void space will be tipped at a rate of around 85,000m<sup>3</sup> per annum which is expected to commence early 2020. The Site is permitted to take two different waste streams to fulfil the restoration and, therefore, it is expected that inert waste shall account for approximately 70,000m<sup>3</sup> of void per annum with non-

hazardous waste amounting to around 15,000m<sup>3</sup> per annum.

The filling of the inert waste cells will take approximately four years and the non-hazardous cell will take around 21 years. A period will be needed once infilling has taken place to complete the restoration.

The existing Quarry void cannot be infilled and restored within the current permitted timescale; therefore, this application seeks to change the permitted restoration dates for the Site to allow the land to be restored in accordance with the approved restoration scheme.

It should be noted that the sand drying, and bagging area is an existing permitted activity that operates within the Martells Industrial Estate and is not required to be removed once mineral extraction has ceased.

The sand drying and bagging area will continue to be used in conjunction with the processing and sale of the extracted mineral from within the current extraction area as well as the proposed western extension.

It is proposed that Condition 2 be varied as follows:

“Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 September 2041.”

It is proposed that Condition 3 be varied as follows:

“With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site by 30 September 2041 and the land restored by 30 September 2042. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases,

the recycling facility and landfilling and in any case not to prevent the restoration of the site. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.”

It is proposed that Condition 4 be varied as follows:

“The landfilling hereby permitted shall cease by 30 September 2040 and the site shall be restored within 1 year in accordance with the details set out Drwg No:

KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019."

It is proposed that Condition 5 be varied as follows:

"The use of land adjacent to the processing plant for stockpiling shall expire on 30 September 2040 and the site shall be cleared and restored within one year in accordance with the approved scheme of restoration as determined under Condition 56 of this permission."

#### Condition 6

The proposed western extension seeks to create a new access on the eastern side of the western extension and on the western side of the current extraction area. This will allow the extracted mineral to be transported across Slough Lane into the current extraction area, over part of Landfill Cell 3, where vehicles will travel along the current haul route to the existing processing area.

To facilitate the creation and use of the proposed crossing point and haul route, this application seeks to rework the permitted phasing within the Site to allow for Landfill Cell 3 to be infilled first. The proposed phasing can be seen on Drawing Reference KD.MTQ.2.008.

This application seeks to allow for the inclusion of an interburden and soils storage area within Landfill Cell 2. As part of the current workings a layer of interburden between the sand and gravel and clay has been discovered. To allow access to the clay to facilitate the restoration of the Site, it will be necessary to remove this layer and place it for final restoration. It is also proposed to store soils that will be used in the final restoration on top of the interburden to allow working to progress within the Site. The permitted temporary storage of silt will also need to be relocated within Landfill Cell 2, to allow the proposed developments to proceed.

This application also seeks to allow for the installation of two noise barriers within the consented recycling area. It is proposed that a barrier is constructed to a height of four metres around the northern side of the recycling area and a barrier to a height of three metres is placed along the southern side.

The barriers will consist of interlocking concrete blocks and are proposed as part of noise mitigation for the Site and the proposed western extension. The location of the proposed barriers can be seen on Drawing Reference KD.MTQ.2.008.

The Proposed Development therefore seeks to amend Condition 6 (Approved Details) to replace Drawing Reference KD.MTQ.1.003 with Drawing Reference KD.MTQ.1.008 to allow for the changes to the permitted phasing, the inclusion of an interburden / soils store, relocation of the silt store and the installation of two noise barriers within the recycling area.

#### Condition 25 and Condition 26

Condition 25 states:

“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/53/17/TEN) hereby permitted shall not exceed the following limits:

- daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - averaged over period of 1 year;
- daily HGV movements of 54 (27 out and 27 in) (Saturdays) - averaged over period of 1 year;
- inclusive of a maximum daily peak for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.”

Condition 26 currently states:

“The use of the private haul road to the A120 shall be restricted to a maximum of 21 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”

This application proposes to allow for a further 40,000m<sup>3</sup> of non or less recyclable waste to be imported to the Site, in addition to the existing permitted waste stream that provides approximately 45,000m<sup>3</sup> to be used for the filling of the current void. This will provide approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space.

Based on the importing of an additional 40,000m<sup>3</sup> per annum at 1.7 t/m<sup>3</sup> and a 17-tonne payload over 275 days per year, this results in a total of 68,000 tonnes per annum. This gives an average of 14.5 (say 15) loads / 30 HGV movements per day, based on 275 working days.

Adding the proposed additional vehicles to the existing permitted traffic flows results in 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138

movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

Condition 26 imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements). However, the Applicant has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.

It is therefore proposed that Condition 25 be varied as follows:

“All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan ‘Figure 1.1 and 3.3’ except for local deliveries as indicated on plan ‘Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission) hereby permitted shall not exceed the following limits:

- daily HGV movements of 138 (69 out and 69 in) (Monday to Friday) - averaged over period of 1 year;
- daily HGV movements of 70 (35 out and 35 in) (Saturdays) - averaged over period of 1 year;
- inclusive of a maximum daily peak for of 204 HGV movements (102 out and 102 in) reducing to 102 HGV movements (51 out and 51 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.”

It is proposed Condition 26 be varied as follows:

“The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (included cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 36.”

Condition 56 states:

“Prior to the completion of the excavation of sand and gravel from land south of Slough Lane, a scheme or schemes for the restoration and aftercare of the plant

site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.”

This application seeks to amend Condition 56 to defer the date in which a restoration scheme is required to be submitted. This deferment is being sought due to the change in timescales relating to the working and restoration of the current extraction area and the proposed western extension.

It is proposed Condition 56 be varied as follows:

“By the 30 December 2037 a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall be submitted to and agreed in writing by the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

The submission document is supported with:

- (i) A Noise Assessment has been produced Recognises that for the recycling facility to the south of Slough Lane would benefit from noise barrier additions.
- (ii) Landscape and Visual – Unlikely to change from current situation.
- (iii) Dust – As site operations would remain the same then dust emissions likely to remain the same.
- (iv) Transport – A Transport Statement undertaken considered the use of the road network flows; vehicle types and capacity. The findings were acceptable and indicated that the existing infrastructure was suitable to accommodate the routine movement of HGV traffic from the site.
- (v) Hydrology – As no aspects of the permitted operations likely to change that there would not be any adverse impacts arising upon surface and ground waters.
- (vi) Ecology – Considers that due to the disturbed nature of the site that there would not be any implications for ecological implications. No Ecological Impact Assessment as previously proposed has been undertaken.
- (vii) Historic Interests – Noted that as there are no proposed changes to the working area that no additional adverse impacts on historic interests.

### **3. POLICIES**

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

The development plan comprises:



- i) Essex Minerals Local Plan Adopted July 2014
- ii) The Essex and Southend Waste Local Plan (adopted July 2017)
- iii) Tendring District Council Local Plan 2007
- iv) Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

Other material considerations include:

- v) The National Planning Policy Framework (NPPF) July 2021.
- vi) The National Planning Policy for Waste
- vii) Planning Practice Guidance

The following policies of the Essex Minerals Local Plan Adopted July 2014; Essex and Southend Waste Local Plan (adopted July 2017) and the Tendring District Council Local Plan 2007. The Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) has been published.

Although at an early stage in the development plan process the policies within this plan, whilst of limited weight, are being referenced in the District Council planning committee reports (selected policies revised July 2014) (paraphrased or in quotation marks if set out in full) are of relevance to this application:

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

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

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

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

- b) Policy S2 – “Strategic priorities for minerals development”

This policy outlines the strategy for ensuring a sustainable delivery of minerals for Essex. The strategy promotes:

1. Ensuring that the minerals development contributes towards the reduction in greenhouse gas emissions and demonstrates adaption to climate change.
2. No significant effects arise from the proposal.
3. Reducing through design; good practice; re-use; recycling aspects the quantities of mineral used, and waste generated.
4. Addressing ancillary aggregate recycling availability.
5. Safeguarding of mineral resources.
6. Provision of Allocated sites.
7. Geographical dispersal of sites to support development.

8. Ensuring phased working and high quality restoration to ensure: the reduced reliance on landfilling; provision of beneficial afteruses securing long term community/environmental benefits including biodiversity and protecting best and most versatile agricultural land.
9. Maintaining transshipment sites to provide for appropriate import and export of minerals.

c) Policy S3 – “Climate change”

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

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

d) Policy S4 – “Reducing the use of mineral resources”

The policy seeks the reduction of waste generation; re-use and recycling employed.

e) Policy S5 – “Creating a network of aggregate recycling facilities”.

The policy seeks to maintain the existing network of recycling facilities.

f) Policy S6 – “Provision for sand and gravel extraction”.

This policy provides for ensuring the steady supply of mineral through the Plan period.

g) Policy S7 – “Provision for industrial minerals”.

This policy addresses Silica Sand provision with the identification of the extension land to Martells Quarry.

h) Policy S8 – “Safeguarding mineral resources and mineral reserves”

The Plan identifies both Mineral Safeguarding and/or Mineral Consultation Areas for mineral resources of national/local importance and seeks to safeguard such minerals from sterilisation/prejudice effective working.

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

That applications demonstrate:

- a) Addressing health and safety; amenity; quality of life of communities and environment.

- b) Inclusion of mitigation measures
- c) No unacceptable adverse impacts
- d) Improvement/enhancement of the environment.

j) Policy S11 – “Access and Transportation”

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

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

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

l) Policy P1 – “Preferred and Reserve Sites for Sand and Gravel Extraction”.

The policy identifies Preferred Sites where the principle of extraction and the need for release of mineral has been proven. The policy lists a number of sites including the application land, identified as Site No. B1 “Slough Farm, Ardleigh”.

m) Policy P2 – “Preferred Sites for Silica Sand Extraction”.

As with Policy P1 above.

n) Policy DM1 – “Development Management Criteria”.

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

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

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

p) Policy DM3 – “Primary Processing Plant”.

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

The policy requires such plant to be temporary.

Q) Policy DM4 – “Secondary Processing Plant”.

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

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

The policy requires such plant to be temporary.

Relevant policies in the Essex and Southend Waste Local Plan (adopted July 2017) are:

- a) Policy 1 “Need for Waste Management Facilities”
- b) Policy 3 “Strategic Site Allocations”
- c) Policy 9 “Waste Disposal Facilities”
- d) Policy 10 “Development Management Criteria”
- e) Policy 11 “Mitigating and Adapting to Climate Change”
- f) Policy 12 “Transport and Access”

In the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

- a) Policy 1 “Need for Waste Management Facilities”.

The policy addresses the Plans need to meet shortfall in, amongst other wastes, of up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste.

- b) Policy 3 “Strategic Site Allocations”.

Recognises that the Slough Farm, Ardleigh site as a Strategic Site Allocation for inert waste recycling and inert landfill.

- c) Policy 9 “Waste Disposal Facilities”.

Whilst preference is for landfilling to the Allocated landfill sites identified within the Waste Local Plan, preference is highlighted towards restoration of a Preferred site in the Mineral Local Plan.

- d) Policy 10 “Development Management Criteria”.

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- i. Local amenity
- ii. Safety and capacity of road network
- iii. Appearance quality and character of the landscape and visual environment.

#### iv. The natural environment

##### e) Policy 11 “Mitigating and Adapting to Climate Change”.

This policy seeks to ensure waste management development demonstrates effective measures through construction and operation to minimise potential climatic change contribution. This would be through having regard to (where appropriate to these applications):

1. Siting, design and transport arrangements;
2. On site renewable and low carbon energy generation where feasible.
3. Sustainable Drainage Systems.
4. On site resilience to unexpected climatic effects.
5. Where appropriate sustainable travel plans.

The policy requires waste management development not giving rise to unacceptable flood risk; no risk to quantity and quality of surface and groundwaters including impediment of flow.

##### f) Policy 12 “Transport and Access”.

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

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

##### a) Policy EN1 “Landscape Character”

Provides for protecting the Districts landscape and distinctive local character and where possible to enhancing it.

##### b) Policy EN4 – “Protection of the Best and Most Versatile Agricultural Land”.

Seeks to protect the best and most versatile land unless special justification shown.

##### c) Policy EN6, 6a, 6b – “Biodiversity; Protected Species; Habitat Creation”.

These three policies address the protection and enhancement of biodiversity; resisting development likely to have adverse impact on protected species and consideration to new wildlife habitats on new development.

d) Policy EN7 – “Safeguarding Mineral Supplies”.

Not permitting development likely to prejudice mineral supply from Preferred Areas in the Minerals Local Plan.

e) Policy RA1 – “Martell’s Pit, Ardleigh”.

Seeks to secure road improvements within the employment area of Martells Pit prior to new premises being occupied.

f) Policy TR1 – “Transport Assessment”.

Seeks requirement of transport assessment where development likely to have transport implications.

g) Policy TR1a – “Development affecting highways”.

Seeks the consideration for the reduction and prevention of hazards to highway traffic and to the effects on the transport system and to the physical and environmental capacity to cater for the proposed traffic generation.

h) Policy TR9 – “Access of freight to transport networks”.

Seeks, in relation to road transport, that development likely to generate significant traffic generation is well located to suitable routes in relation to the District road hierarchy without causing adverse effects on environmentally sensitive areas or existing communities.

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

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

j) Policy COM 21 – “Light Pollution”.

Seeks to resist external lighting if it causes unacceptable visual intrusion/disturbance/danger to highway safety.

k) Policy COM 23 – “General Pollution”.

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

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

a) Policy SP1 “Presumption in favour of sustainable development” whereby the council would support development which contributes to the economic, social and environmental conditions of the area.

b) Policy PPL1 “Development and Flood Risk” which requires that all development proposals include appropriate flood risk measures.

- c) Policy PPL3 “The Rural landscape” which seeks to protect the landscape from overriding harm to character or appearance. New development should be minimising light pollution.
- d) Policy PPL4 “Biodiversity and Geodiversity” which includes new proposals to be considering potential for enhanced biodiversity.

## National Planning Policy Framework

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

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

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

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

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

making, as well as at decision making and that these include in relation to this application:

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

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

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouses gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

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

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

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



*Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.*

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

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

*Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices”.*

#### **4. CONSULTATIONS**

Summarised as follows and for all applications unless indicated otherwise:

TENDRING DISTRICT COUNCIL - For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; & ESS/27/20/TEN– No objection/comment.
- ESS/29/20/TEN – No objection and comment “*due to the large scale and nature of the proposal, landscape impact and traffic movements/highway safety will be vital to the assessment and acceptability of the development*”.

TENDRING DISTRICT COUNCIL-ENVIRONMENTAL HEALTH DEPARTMENT –  
For ESS/29/20/TEN – Recommend that the proposed noise and dust mitigation measures set out in the Environmental Statement are implemented.

COUNTY AIR QUALITY CONSULTANT (CAQC) – In respect of:

- ESS/24/20/TEN – No objection subject to retention of the condition 6 relating to removal of the pipework.
- ESS/25/20/TEN – Comments “*There is no proposed change to the operational hours of the Site. An additional 30 HGVs are proposed (15 in / 15 out) as an annual average, which equates to an uplift off approximately 28 % from the current consent (Condition 10). This would equate to a daily peak of 204 weekdays and 102 on Saturdays and an additional 4 (2 in / 2out) HGVs on the haul route per hour (Condition 11). An air quality assessment has not been undertaken by the applicant and there is no reference made to associated increases in vehicle emissions*

and potential for air quality impacts at sensitive receptors (i.e., residential properties) within this planning application. There are no AQMAs declared within 5km of the Site. There is one residential receptor located on Slough Lane (Slough Farm) and two residential properties on Bromley Road (White House and Carringtons) within 50m of the haul route. There are no statutory or non-statutory sites of ecological interest within 250m of the Site. However, a change of 30 HGVs is below the threshold required for an air quality assessment as outlined within the Institute of Air Quality (IAQM)/ Environmental Protection UK (EPUK) planning guidance (Land-use Planning and Development Control: Planning for Air Quality, January 2017 v1.2), which sets the level of change at 100 HGVs per day (as an annual average daily traffic flow) outside of an Air Quality Management Area (AQMA). It is therefore, accepted that emissions from additional HGV movements is unlikely to give rise to significant air quality impacts at sensitive properties in proximity to trafficked routes to and from the Site. There has been no dust assessment submitted for the application, on the basis that daily operations are not proposed to change and therefore dust levels are likely to remain the same with current dust mitigation measures and good working practices in place. It is noted that sensitive receptors could potentially experience adverse impacts for an extended period of operations (up to 2041).

#### *Conclusion*

*There is no objection to this application, subject to the continuation of dust mitigation measures currently in place”.*

- ESS/26/20/TEN – Comment: “no objection to this application, subject to the continuation of dust mitigation measures currently in place”.
- ESS/27/20/TEN – Comment: No objection subject to condition to require updated Dust Management Plan.
- ESS/29/20/TEN – Comments that “the proposed Western extension will require an additional 30 HGV movements (15 in and 15 out) to fulfil its operation and restoration plan. This total is below the threshold required for an air quality assessment as outlined within the Institute of Air Quality (IAQM)/ Environmental Protection UK (EPUK) planning guidance (Land-use Planning and Development Control: Planning for Air Quality, January 2017 v1.2), which sets the level of change at 100 HGVs per day (as an annual average daily traffic flow) outside of an Air Quality Management Area (AQMA). There are no AQMAs declared within 5km of the Site. There is one residential receptor located on Slough Lane (Slough Farm) and two residential properties on Bromley Road (either side of the private access road onto the A120) which have potential to be impacted. There are no statutory or non-statutory sites of ecological interest within 250m of the proposed Western extension. It is therefore, accepted that air quality emissions from additional HGV movements is unlikely to give rise to air quality impacts at sensitive properties in proximity to trafficked haul routes.

A dust assessment has been submitted in accordance with the IAQM’s guidance on the Assessment of Mineral Dust Impacts for Planning, 2016. It focusses on the Western extension only and does not reassess the

*permitted operations within the existing quarry.*

*The existing air quality has been reviewed using an old report from Tendring District Council (2012).*

*This should be updated with more recent information (i.e., 2019 or 2020 Annual Status Reports) to adequately demonstrate that PM10 concentrations in the vicinity of the Quarry would be below 17µg/m<sup>3</sup> and consequently the risk of exceeding the relevant Air Quality Objectives for PM10 would be low.*

*The dust assessment identified receptors of varying sensitivities to dust risk, of which four were within 250m of the Site boundary. Activities identified as Medium source emissions were Mineral extraction, Land filling of the inert waste and wind whipping of dust from bunds. All other activities were stated as Low (presumably 'Small' following the guidance). The closest high-risk receptors (residential properties) were identified as Slough Farm (approximately 25m east of the Site) and Coronation Cottages (approximately 10m north of the Site). The corresponding dust impact risks were calculated to be Medium and Low, respectively, based on the wind strength and frequency of direction and source emission levels. The assessment concluded that Moderate dust effects would be possible without appropriate mitigation along Slough Lane and at Slough Farm and Slight dust effects at Coronation Cottages, adjacent farmland and businesses on Martells Industrial estate.*

*Negligible dust effects were noted at all other identified receptors. With appropriate mitigation, these effects would, at worst, be Slight (at Slough Farm) to Negligible (elsewhere).*

*The mitigation outlined in the dust assessment included the formation of a 5m bund at the north of the Site and 3m soil storage bund along the eastern boundary with a new hedgerow to be planted at the first available planting season. Restoration would be phased (reducing the area over which dust emissions may be released) and work north to south. It is unclear what mitigation will be in place during the initial soil stripping and bund formation to limit nuisance dust at Coronation Cottages, although good site management and best practice techniques as currently employed at the Quarry are proposed to be maintained. The primary remedial mitigation method will be the application of water to waste material and surfaces and dampening of haul roads to minimise dust emissions.*

*The new access road will consist of hard standing either side of the road and up to 20m of hardcore beyond to reduce dust transmission. Daily visual inspections at the Site boundaries, Slough Farm, site access, haul roads and the public highway are proposed to be undertaken. Operations are to be limited if dust emissions are observed or poor weather conditions prevail (dry and windy).*

*The dust action plan lists actions to be implemented in the event of any dust or particles release from site of sufficient quantities to cause harm or pollution and the persons responsible for carrying out those actions. It includes the suspension of any operation causing visible dust emissions, if*

necessary. The plan also outlines the procedures following receipt of a complaint. The following is recommended:

- Provide confirmation based on a review of more recent Local Air Quality Management publications or air quality data to confirm that PM10 concentrations are below 17µg/m3.

Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (e.g., during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages which are close to the proposed application site boundary.

It is recommended that a condition is placed on the planning permission for the Western Extension that requires all dust mitigation, management and monitoring measures for operation of the Site to be included within a stand-alone Dust Management Plan to be submitted to Essex County Council for approval prior to commencement of works. This should include details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e., under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints. The plan should include those measures set out in the planning conditions for planning permission ESS/61/19/TEN for the Quarry which relate to dust management and control”.

#### COUNTY NOISE CONSULTANT (CNC) – For:

- ESS/24/20/TEN – No objection subject to retention of the condition 6 relating to removal of the pipework.
- ESS/25/20/TEN – Comment “The application does not include any noise assessment information, and simply confirms that the existing noise limits would continue to apply unchanged. No information is provided to demonstrate that the noise limits would continue to be complied with. The closest receptor to the access road, and therefore those with the greatest potential to be affected by the increase in HGV movements, are White House and Carringtons. When considered in isolation, the change in HGV noise generated by the increase in HGV movements is approximately 1 dB(A). Such a change in traffic noise is generally considered likely to be at around the threshold of perceptibility.

The planning application has not demonstrated whether this increase in noise is insufficient to cause a breach of the noise limits. We have undertaken our own indicative calculations of HGV noise and conclude that compliance with the noise limits during periods of maximum hourly movements (25 per hour) may be marginal; however, compliance is considered likely during the weekday average movements (12 per hour).

The increase in operational time period requested will lead to local receptors being exposed to noise from the wash plant site and associated HGVs for an additional 8 years. PPG: Minerals does not provide any guidance on the acceptability of duration of effect; however, it should be noted that many mineral extraction and processing sites operate for many decades in the

*same location. The noise limit advice provided by PPG: Minerals is considered relevant to long term noise effects.*

*Conclusion*

*We do not propose to object to this application, subject to the retention of the noise related conditions identified above”.*

- For ESS/26/20/TEN – Comment “Do not proposes to object to this application, subject to confirmation that noise emissions and hours of operation of the mineral wash plant are controlled by other extant planning consents that will remain in force for the life of this new permission, should it be granted”.

ENVIRONMENT AGENCY - In respect of:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No comment to make.
- ESS/29/20/TEN – No objection noting that the site is subject to an Environmental Permit and discussions are taking place to amend this.

GEOESSEX – Comment “*Martells Quarry, Ardleigh is an important site for Pleistocene stratigraphy and palaeoenvironment reconstruction. It is designated as an SSSI for its geological interest and described in the Geological Conservation Review Report on the Quaternary of the Thames, Bridgeland 1994. ....*

*GeoEssex would like to ensure that access is allowed during the working life of the quarry for geologist s from GeoEssex or the representatives to enable geological description and documentation of the pit outcrops as they evolve with mineral extraction in collaboration with the company geologist. We would also like to see the borehole information obtained to fully delineate the site. This would support the archaeological investigations specified by our colleagues in Place Services.*

*We would also welcome the opportunity for members of geological groups such as the Geologist s' Association, and our sister organisation, the Essex Rock & Mineral Society, to visit the site on pre- arranged visits from time to time to view the sections. Visitors would fully comply with PPE as is already the practice when visiting other similar working pits in the area.*

*There is a significant body of knowledge that has been built up over the past decades, but this reveals that there is still much to be learnt from direct observation of the geological deposits themselves. Understandings of the is kind are particularly significant as they record the climate change of the past which is the key to understanding the present-day scenario being faced by our planet.*

*We feel that to have any effect on GeoConservation and to add to the body of geological knowledge of the area, the above elements must be made conditions of the planning consent. We would be pleased to discuss further any of the elements referred to above with both ECC and the gravel extraction company”.*

HIGHWAYS ENGLAND – No objection.

HIGHWAYS - STRATEGIC DEVELOPMENT - In respect of:

- ESS/24/20/TEN & ESS/26/20/TEN – No objection.

LEAD LOCAL FLOOD AUTHORITY-SUDS TEAM – In respect of

- ESS/24/20/TEN & ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN-No objection/No comment.
- ESS/29/20/TEN – No objection subject to conditions to address surface water management and maintenance arrangements.

NATURAL ENGLAND CONSULTATION SERVICE(NE): – For: ESS/26/20/TEN – NE note that *“the application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European Sites of Special Scientific Interest) are likely. The designate site which could be impacted by this proposal is:*

***Bullock Wood SSSI***

*Natural England’s consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal”.*

NE generic response states *“Natural England’s initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority (i.e., the relevant Impact Risk Zone has been triggered). ....*

*We consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward. We therefore advise your Council to review the application under consideration and apply the following generic advice, as appropriate.*

The advice covers impacts to Groundwater; Surface Waters; Ambient Noise; Lighting; Airborne Dust and “Functionally Linked Land” which is land in close proximity to European Special protection Areas; Changes to restoration to benefit Biodiversity; Increasing infilling/Adjustment to Contours; Aftercare Arrangements; Application of the Habitats Test.

PLACE SERVICES (ARBORICULTURE) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN– No Comment.
- ESS/29/20/TEN – No objection.

PLACE SERVICES (ECOLOGY) –For:

- ESS/24/20/TEN; ESS/25/20/TEN & ESS/27/20/TEN – No Comment
- ESS/26/20/TEN – No objection.
- ESS/29/20/TEN - No objection subject to securing biodiversity mitigation and enhancement measures.

PLACE SERVICES (LANDSCAPE) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No Comment.
- ESS/29/20/TEN – No objection subject to conditions.

PLACE SERVICES (HISTORIC ENVIRONMENT) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN– No Objection.
- ESS/29/20/TEN – No objection subject to conditions covering prior ground investigation addressing archaeological and geo archaeological works and recording.

PLACE SERVICES (HISTORIC BUILDINGS) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN – No Objection.
- ESS/29/20/TEN - As a consequence of additional information the Historic Buildings Officer has commented: *“The ‘Assessment of Setting of Hulls Farm’ provides a more detailed assessment of the Grade II Listed Hulls Farmhouse. This document identifies through map regression that the land on the application site did not form part of the landholding of Hulls Farm and was historically owned/farmed by Slough Farm. As such, there is no historic functional link between the application site and Hulls Farmhouse. The agricultural land associated with Hulls Farmhouse, immediately surrounding the listed building, would therefore remain unchanged. Furthermore, it is acknowledged that the proposed change to the wider setting of Hulls Farmhouse would be temporary in nature and the agricultural use of the land would be later restored. Therefore, upon review of the additional information submitted, it is considered that there would be no harm to the particular significance of the Grade II Listed Hulls Farmhouse. It is noted that the revised assessment submitted has identified a historic functional link between the application site and Slough Farm. There are a number of nineteenth century red brick buildings at Slough Farm which are considered to be non-designated heritage assets. Accordingly, due to the close proximity of the application site and the historic link between Slough Farm and the application site, it is considered that the proposed extension would cause harm to the significance of these non-designated heritage assets. Therefore paragraph 197 of the NPPF would be relevant. It is acknowledged however that this would be a low level of harm upon heritage assets of low significance and would be temporary in nature”.*

PLACE SERVICES (URBAN DESIGN) – For:

- ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN & ESS/27/20/TEN- No Comment.
- ESS/29/20/TEN - No Comment.

PUBLIC HEALTH ENGLAND (PHE) – Have reviewed all applications as a whole in respect of potential emissions.

They comment: *“PHE wish to make the following specific comments.*

### *Air Quality*

- ☐ *Reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, and address inequalities (in exposure).*
- ☐ *It is unclear whether potential air quality emissions from non-traffic sources have been considered such as fixed plant and equipment or non-road mobile machinery (NRMM) as part of the air quality assessments.*
- ☐ *Consultation with the Air Quality Officer was undertaken in 2015. The Air Quality Officer, /Environmental Health Department should be consulted in light of any changes to proposals since this time.*

### *Dust*

- ☐ *The Dust and Environmental Management Plan advises that the 2012 Local Air Quality Updating and Screening Assessment for Tendring District Council identified no new developments with fugitive or uncontrolled sources and no industrial sources of air pollution.*

*Consideration may be needed of more recent air quality assessments from Tendring District Council to inform the assessment regarding existing air quality at the site.*

- ☐ *It is stated that the dust assessment is for the control of dust and particulate from the site during the working and restoration of the western extension only. However, it is noted that following a screening and scoping request consultation with Essex County Council, it was recommended that the assessment should also review existing dust control measures within the site to ensure that they remain suitable in light of the proposed development. The dust assessment should encompass the site activities as a whole rather than just the extension.*
- ☐ *The dust assessment should include details regarding the assessment and mitigation of construction impacts. With regards to Coronation Cottages, no information is provided regarding mitigation measures to limit potential impacts from the creation of the screening bund.*
- ☐ *Whilst screening of impacts using qualitative methodologies is common practice (e.g., for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.*

### *Noise*

- ☐ *It is recommended that the environmental health department are consulted with regards to any potential impacts from noise from the proposed development and variations taking into account any potential cumulative impacts.*

### *Water*

- ☐ *Tendring District Council environmental health department should be consulted with regards to potential impacts on any nearby private water supply abstraction sites.*

### *Health Impact Assessment*

*The Director of Public Health should be consulted on the wider determinants of health within the health impact assessment.*

### *Additional Points*

- ☐ *Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2016). Therefore, the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will*



*respond separately to any such consultation”.*

ARDLEIGH PARISH COUNCIL- In respect of all 5 applications the Parish comment: *“Our comments relate to some extent to all applications but are most pertinent to ESS/25/20/TEN and ESS/27/20/TEN where increased traffic movements are proposed.*

*We understand and appreciate that there is an existing and large operation from this site, which has been developed in accordance with the Minerals Local Plan <https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan> and that continuation of activities on this site and its western extension are now inevitable.*

*We therefore wish to focus our comments on the issues relating to the impact of HGV and similar traffic on the local roads and in particular the junction of Bromley Road and Slough Lane.*

*There is a national speed limit at this point on Bromley Road and local residents have expressed concerns about the safety of the junction crossing from the private access road to Slough Lane and the negative effects of HGV traffic 6 days per week. We are aware of plans for the A120/ A133 link road which will connect to the HGV private access road. We would urge that consideration be given to the layout of this crossroads between Bromley Road, Slough Lane and the private access road to the A120. For example could there be “Lorries crossing” signs on the Bromley Road? Furthermore, this is a very fast section of the Bromley Road, and we would ask that the speed limit for this section of Bromley Road be reduced to 40mph for the benefit and safety of local residents and other road users”.*

In respect of ESS/29/20/TEN and re-consultation – No objection noting *“that the extraction sites have been 'made good' as they have been developed and the quarry vehicles have good access direct to the A120 so should have little cause to use lanes in Ardleigh”.*

LOCAL MEMBER – TENDRING - RURAL WEST– ARDLEIGH AND LITTLE BROMLEY -Any comments received will be reported.

## **5. REPRESENTATIONS**

As a result of the site/press notices (Essex County Standard) and neighbour notification (36 addresses) of which 9 were returned undeliverable. There were 4 representations received from one of the addresses objecting to the extension application ESS/29/20/TEN. Whilst for the other four applications there were 45 neighbour notifications undertaken with 5 representations received, including one from Manningtree, objecting to ESS/27/20/TEN.

The comments received related to:

<u>Observation</u>	<u>Comment</u>
Increase in traffic movements, pollution, noise and dust. The road side is	See appraisal

constantly being eroded by two lorries trying to pass each other, the road is not wide enough to pass. As a pedestrian, walking along this stretch of road is dangerous enough without all the extra lorries that should not be coming or going this way. The road is a national speed limit, has no street lights, no pavements and the hedges are not maintained, obscuring the drivers and pedestrian views, especially at the junction of Slough Lane and Frating road. Since the opening of a new processing plant at Martells, there has been a significant increase in noise, dirt and dust emissions which has had an adverse affected on the local area.

The nature, narrowness and state of Slough Lane. A request for Risk assessment of the drivers and cyclist who use this road. Safety concerns at the junction of Slough Lane/Bromley Road and that signage be reinstated and maintained. Speed limit be considered for Bromley Road.

Not all traffic turns right from Martells and many turn left. There is a weight restriction limit of 7.5 tonnes which is being ignored and this raises enforcement concerns.

Increase in vehicle movements through Manningtree resulting in more noise, pollution and vibration.

Need for safety audit where increased use of the junction at Bromley Road/Slough Lane now intensified; where accident has previously occurred. Also increased carbon footprint on the local environment.

Signage for a no through road was installed and replaced once at the end of the piece of old Bromley Road giving access to Wheatsheaf House. This is requested to be replaced perhaps in a more visible place as the driver of large lorries who turn in by mistake have

Traffic Assessment compiled as part of Environmental Statement. The Highway Authority has not objected. Also see appraisal.

See appraisal.

Traffic can use the public highway to make deliveries to customers.

Traffic Assessment compiled as part of Environmental Statement. The Highway Authority has not objected.

This query about public highway signage is outside of the application footprint. The comments from the local resident have been passed to the Highway Authority for consideration.

nowhere to turn at the bottom of the road. The hammer head at the end is overgrown and the area for turning has reduced over the years as there has been no council maintenance.

## **6. APPRAISAL**

The principal issues in respect of these applications are considered to be:

- Principle of the development
- Conformity with the development requirements set out in the MLP (Preferred Site) and WLP (Allocation) site profiles respectively.
- Landscape/Visual.
- Ecology
- Noise and Dust/Other environmental aspects.
- Traffic.
- Restoration/Afteruse.

### **A PRINCIPLE OF THE DEVELOPMENT**

The western extension land parcel has been recognised and accepted as an allocation site (Site A9) within the Minerals Local Plan (MLP) as well as being identified as “Site L(n)1R Slough Farm” within the Essex and Southend Waste Local Plan (adopted July 2017) (WLP).

An allocation is not in itself planning approval for that particular site but more one of identifying an area of land that is suitable for future mineral working/waste management activity subject to appropriate planning permission being gained.

The sites inclusion within both Development Plans as allocations, having been through the plan-making process, provides some comfort to potential operators in respect of their future working programmes and also to communities as to where potential sites may take place and to how a county would be able to meet its mineral demand requirements through that particular plan period.

Within the Minerals Local Plan each of the allocation sites has its recommended “specific issues to be addressed” – or ‘development principles’ and similar aspects relate to the WLP identification.

Such further considerations as identified within the MLP and WLP are always subject to more detailed assessment when individual applications are eventually submitted. An example of where further consideration would be required is the issue over how the application land would be linked to the main site processing plant facility. In the MLP the allocation land is shown linking through the industrial estate. However, during the process of preparing the application a more appropriate routeing making use of the Martells Quarry internal haul road via a crossing over Slough Lane, was identified and is proposed in the present

application without impacting unacceptably on local amenities. A further change is the applicant's confirmation that the recycling provision considered in the WLP site identification process would not be carried forward and that the existing recycling facility assets would be utilised instead.

Such refinements in scheme designs allow sites to ensure that viable mineral reserves are not ultimately sterilised, and that extraction can be achieved in an environmentally sustainable way whilst serving the economic demands of the area. The

Overall, the principle of the development in this location has been acknowledged through the Mineral Local Plan allocation process.

Relevant MLP policies to support this aspect are S1; S2; S3; P1; SP1 (as referred to earlier in the report); WLP Policy 1; 3; 9 and 10.

**B CONFORMITY WITH THE DEVELOPMENT REQUIREMENTS SET OUT IN THE MLP (PREFERRED SITE) AND WLP (ALLOCATION) SITE PROFILES RESPECTIVELY.**

In general, the western extension application accommodates most of the development requirements that the respective MLP and WLP identified for addressing in respect of the particular site profile. The requirements are set out in Appendix A. Where the western extension land differs from the adopted Plan site profile is in:

For the MLP:

1. Issue 1 "Extraction would not be able to commence until extraction and the necessary restoration has been completed on the latest extension area ref ESS/18/07/TEN".
2. Issue 4: "Ability to access processing plant without increasing mineral traffic movements on Slough Lane needs to be demonstrated".

For the WLP:

- 1 "The aggregate recycling operation should be tied to the life of landfilling within the Slough Farm site and hence be able to be removed at the cessation of landfilling operations".

In respect of the "Issue 1" MLP comment above: This seeks to set a restriction on the progress of extraction within the western extension land pending restoration within the extant extraction void.

The suite of applications being considered have not provided for this aspect but have sought to extend infilling and restoration deadlines within the existing quarry area. As discussed earlier in the report the applicant seeks to extend the landfilling and restoration dates from the permitted 30<sup>th</sup> June 2032 deadline (with restoration completed a year afterwards) to a new date of 30<sup>th</sup> September 2040 (final

restoration being then 2041) within the existing extraction area.

As part of the current suite of applications it is reported that, there was some 2- 3 years remaining mineral reserve within the permitted area, as at the time of the present suite of application submissions. Following mineral exhaustion then the operator would progress into the western extension land.

Allowed to do so would mean having activities take place either side of Slough Lane with little to no restoration having been achieved in the extant void footprint.

The MLP profile comments were clear and the issue of cumulative impact was highlighted at the Pre-Application/Scoping exercise stage of this suite of applications. The applications are limited in fully addressing this aspect with little acknowledgement of there being left large areas of unrestored land whilst new extraction would be taking place. Such impacts would clearly extend the footprint of disturbance in the countryside.

The applications are seeking additional uplifts to the importation tonnages for receipt of waste to be both recycled and residual to go to void restoration; this capacity increase would be on the back of increasing HGV traffic. The traffic aspect is more fully addressed below. The consequences arising from this suite of applications would be the extension of timescales across the footprint of a still active quarry complex.

Clarity on the situation to achieve some restoration has been sought and elicited the agents letter in June 2021, appended as Appendix B to this report. The letter sets the background and reiterates the dates for various infilling/extraction intentions.

That the complex has experienced various delays such matters should not preclude the seeking of early restoration. A balancing act therefore needs to be taken, recognising the need for continuity of supply of the mineral whilst also ensuring the intent of the Issue 1 requirement within in the MLP to see progressive restoration and its materialisation before further mineral extraction within the western extension land.

This Issue 1 reference is supported through the MLP Policies of S2; S10 and especially within S12 which addresses restoration aspects. Policies recognise the support to progressive working of mineral sites and ensuring associated restoration at “the earliest opportunity”. That this aspect is not recognised or addressed clearly within the suite of applications is an omission that does little to dispel the view that the principal aim of these applications is primarily focused on maximum mineral availability together with maximum void space to accommodate increased importation tonnages; increased HGV movements and both being extended in time over and above previously assured timescales of completion under the extant permissions.

Policy S7 is specific to the maintenance of the silica sand supply and that the

application site is the only recognised location within the MLP to contain such a resource. The application does not labour on what this policy seeks to support; however, a balance needs to be made to reflect the requirements contained within both other adopted Policies and the adopted MLP site profiles. These issues are not intrinsically opposing; they are there to ensure that the legacy of mineral workings is minimised, and land restoration is achievable.

The long history of the Martells quarry complex has been touched on earlier in this report; the earlier history was of one quarry which has in more recent years seen its division with separate operators; one operating what is now the eastern complexes landfill activities and the present applicant operating the western complex with the mineral extraction and processing plant interests.

During the course of this history the complex has experienced restrictive conditions, as referred to earlier, controlling the extraction of mineral and subsequent infilling activities within the now present mineral extraction void until mineral extraction and subsequent landfilling had been completed within the adjacent land parcel that now comprises the eastern landfill parcel. The reason provided for that condition was “To minimise disruption to agricultural operations on the holding, to avoid cumulative impacts on the development and to enable the Mineral Planning Authority to monitor the development in accordance with policies .....”.

This restriction was subsequently relaxed as part of a subsequent planning application and to date the two sites have progressed accordingly. The landfill site is nearing completion with reinstatement on remaining parts of the land parcel comprising the soil replacement operations scheduled for completion in 2023.

The agents recent summing up of the situation does little other than repeat past assertions about the timetabling aspects of past/future events and being a defence of his client’s position. Whilst the current operator’s involvement at Martells has been of a more recent presence; the requirements set out in the MLP site profile have been in place a lot longer and been highlighted to the agent through the process of the preparation of this current suite of applications. That these applications have not addressed the MLP profile requirements to a satisfactory extent is disappointing. Furthermore, the operator’s “frustration” at earlier restrictive conditions as referred to above, should be weighed alongside the fact that these restrictions were in place at the time of the current operator seeking to acquire the interests in the Martells site. Likewise, how these restrictions would have fed into their future planning aspirations, as now presented through the current suite of applications, should have been known about at that early stage and the MLP/WLP “requirements” should not have come as any surprise at this stage. As said, that the applicant has not attempted to achieve any early restoration initiative is a disappointment.

Notwithstanding any final determination of the applications; a balance has to be considered whereby the continuity of business and the maintenance of supply of mineral continues whilst restoration of the disturbed land is achieved within an

acceptable timescale.

Taking on board the delays in securing appropriate Permitting and the timescales predicted for any meaningful land reinstatement within the extant void then any restriction in line with the MLP profile requirement would require the business to cease mineral supply for what could be one or two years as at the very least one of the extant voids 3 predicted landfill cells could be infilled and the land restored.

It is proposed that the Western Extension land be worked through in three Phases. Phase 1 has around 450,000 mineral and the application documents quote that extraction rates within the existing void have been around 100,00 tonnes per annum with peaks of 125,000 tonnes. The application documents reference that infilling of the worked out voids would either take place as the Phases work through or for infilling to be commenced once the western extension land is worked of mineral. In any event, it would appear reasonable, allowing mineral continuity and to ensure restoration being achieved in the current void area that a condition be imposed that no soil stripping takes place in the Phase 2 area until restoration reaches and includes topsoil level along a line that could be demarcated on a plan agreeable to all parties. As a consequence of discussions with the agent a Plan has been prepared, Appendix C, which provides for areas of land to have achieved early restoration within the extant void before any further workings take place beyond the proposed Phase 1 area in the western extension land.

This balance between enabling the operator to continue business whilst also providing for achievable restoration commitments within the extant land area is considered an appropriate balance.

In terms of the Access availability comment above under MLP No 2, the MLP did show a proposed access into the operators existing processing plant facility as being routed northwards following the western boundary of the industrial estate before cutting across the industrial estate to access the processing plant area in its north western corner.

Were this route to be undertaken then there would be consequences with any access having to cross a private access track serving a farm and associated businesses; the following of the estate boundary would require the haul road to utilise private third-party land and impact agricultural activities. Likewise, the crossing through of the industrial estate would again impact third party land ownerships; potential conflict with and disrupt existing business interests and their existing design layouts.

The proposed access route that has been submitted for the western extension is to provide access via a short link, crossing Slough Lane, this matter is addressed further below in the traffic appraisal. Access into the processing plant would then be along both the existing Martells internal haul road and Slough Lane crossing point to access the processing plant facility.

Under the WLP comment; it was considered the western extension land accommodating a recycling facility tied to the life of the quarry activities. The suite of present applications provides for the existing processing plant and recycling facilities to handle the infilling/recycling activities envisaged for the western extension land and so no recycling facility would be required on this extension land.

In terms of the conformity aspects to both the MLP and WLP site profile requirements; it is considered given the above discussion points that the conclusions reached provide for an acceptable addressing of the site profile requirements. In policy terms the conformity aspects could be supported through Policies S1; S2; S3; P1; SP1 (as referred to earlier in the report); Policy 1; 3; 9 and 10.

## C NOISE AND DUST/OTHER ENVIRONMENTAL ASPECTS.

The EHO; CNC and CAQC have overall not raised objection to the suite of applications submitted in respect of the potential for noise and air quality/dust related aspects. Their comments have either requested the implementation of the recommended mitigation measures outlined in the application or for the imposition of conditions to require such specific schemes as a dust mitigation strategy for activities within the western extension.

The existing site activities do have schemes in place for both periodic noise monitoring and dust control. Such schemes could be extended to accommodate the proposed western extension programme. Overall, the experience of the existing site activities has been one of general noise and dust control compliance. Where there has been a noticeable issue by officers has been from dust arising as a consequence of both carry out of material falling from vehicles trafficking across Slough Lane by dumptrucks/site plant movements together with a combination of visiting quarry/industrial estate HGV related traffic. This aspect is addressed further below in the Traffic appraisal. What the occurrences do raise is the need for more proactive demonstration of management control.

Notwithstanding that comment, it is recognised that the dust presence is contributed to by overrunning of the verges at the site entrance by various parties using the northern entrance into the industrial estate/quarry complex as well as the southern entrance into the landfill site/quarry complex. Not all blame can be attributed to the quarry operator however, their presence does contribute significantly to this issue. Addressing a number of factors would assist this issue in the longer term. The Traffic appraisal discusses this aspect further.

The proposed western land areas noise and dust mitigation measures including that of screen bunding that would be grassed and its positioning opposite the nearest sensitive receptor would assist in maintaining an acceptable living environment to that particular location. The presence of the nearby industrial estate complex is already a source of noise that the receptor has had to live alongside for many years. The applicant's assessments for the protection of this receptor have been found, subject to the imposition of conditions, by parties such as the EHO and CNC and CAQC to be acceptable. The specialist consultees have not considered there to be other offsite sensitive locations around both the



western extension land/existing quarry complex footprint either singly or cumulatively to be negatively impacted were this suite of applications to be found acceptable. The CNC recommended noise level limits for receptors is considered appropriate.

From a noise generation aspect, the suite of applications does not represent a conflict against Policies S2; S10; DM1 and Policy 10.

In respect of dust generation, with the access road issues to one side, the continuation of use of the existing quarry activities and infrastructure are not unacceptable. The addition of the western quarry footprint could be accommodated, subject to conditions, without significantly increasing dust nuisance into the locality. On that basis the dust potential for the cumulative suite of applications could also be not conflicting with Policies S2; S10; DM1 and Policy 10.

However, it is the increased potential arising from both the continuation/extended timescale of use together with the traffic intensification on the existing bellmouths which remain of concern and likely without mitigation measures to worsen. This aspect of the dust potential arising from the present applications would negatively impact the amenity of the area as so conflict with policy. Measures that could mitigate dust generation are addressed further below.

#### D LANDSCAPE/VISUAL

A proposed western extension for the quarry could introduce further and potentially cumulative landscape/visual intrusion into the locality.

The CLO has been closely involved along with the CEO whose ecological interests are addressed further below. The CLO has undertaken site visits and meeting with the agent and as a result of suggestions revisions to the scheme have been forthcoming.

There are provisions for new screen bunding along the Slough Lane road frontage and opposite Coronation Cottages together with a programme of advance planting. New planting together with safeguarding/management of existing planting would ensure the integrity of the landscape features and over time its strengthening.

The CLO has also sought the safeguarding through sensitive design and management of the trees situated within the proposed sightline of the western extension lands crossing point of Slough Lane. Retention where possible of these trees would be welcome and alongside future hedgerow planting in this location would contribute to.

There has been a potential concern raised by the Historic Buildings Officer (HBO) who comments that "The previous consultation response evaluated that the proposed extension to Martells Quarry would cause harm to the significance of the Grade II Listed Hulls Farmhouse due to the change to part of its historic rural landscape context. The advice also outlined that the applicant had not provided a sufficient assessment of significance and setting, in line with paragraph 189 of the

National Planning Policy Framework. The 'Assessment of Setting of Hulls Farm' provides a more detailed assessment of the Grade II Listed Hulls Farmhouse. This document identifies through map regression that the land on the application site did not form part of the landholding of Hulls Farm and was historically owned/farmed by Slough Farm. As such, there is no historic functional link between the application site and Hulls Farmhouse. The agricultural land associated with Hulls Farmhouse, immediately surrounding the listed building, would therefore remain unchanged. Furthermore, it is acknowledged that the proposed change to the wider setting of Hulls Farmhouse would be temporary in nature and the agricultural use of the land would be later restored. Therefore, upon review of the additional information submitted, it is considered that there would be no harm to the particular significance of the Grade II Listed Hulls Farmhouse.

*It is noted that the revised assessment submitted has identified a historic functional link between the application site and Slough Farm. There are a number of nineteenth century red brick buildings at Slough Farm which are considered to be non-designated heritage assets. Accordingly, due to the close proximity of the application site and the historic link between Slough Farm and the application site, it is considered that the proposed extension would cause harm to the significance of these non-designated heritage assets. Therefore paragraph 197 of the NPPF would be relevant. It is acknowledged however that this would be a low level of harm upon heritage assets of low significance and would be temporary in nature"*

*Para 197 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

As part of undertaking this balanced judgement; consideration also needs to take onboard such topographical/physical aspects and such other features which may exist between the Listed/non designated feature/s and the application land; such mitigation measures that may be proposed and the duration of any perceived impact.

The HBO has noted that there are some red brick buildings associated with Slough Farm; however equally there are a number of significantly larger and more modern industrial warehouse type barns in juxtaposition with the red brick buildings. The barns themselves dwarf the red brick features and the whole of the Slough Farm residential/farm infrastructure footprint already has the existing applicants' workings to the immediate north and north east.

The proposed Western extension land, as with the existing workings, would have perimeter screen bunding. Visual connectiveness between any workings taking place within the western extension and the Slough Farm buildings would therefore be avoided. It is not felt that the non-designated assets would therefore be negatively impacted over and above what they are already experiencing at the present moment.

Seen from a landscape/visual aspect the proposed suite of applications could be accommodated without impacting negatively on landscape or visual interests and

so not conflict with MLP policies S10; DM1; DM2; WLP Policies 10 and TDLP Policies EN1 and QL11.

## E TRAFFIC

The applicant's quarry complex activities; the adjoining landfill site and the Martells Industrial Estate generate a range of traffic from cars and light vans through HGV rigid body tippers/cement mixers to the articulated type haulage transporters. The quarry complex traffic element includes both the applicants own liveried fleet as well as third party vehicles.

The majority, but not all the business interests, within the estate have vehicle movement restrictions or operating time periods linked to their respective planning permissions. The history of the Martells quarry complex has seen an intensification of business activity through the installation of various recycling facility interests being based there as well as block making/bagging and the mineral business. The operators own fleet/third parties and trade have all intensified use. Traffic has consequently increased, and the extant permissions relating to the Martells Quarry complex now has an overall traffic restriction that restricts HGV flows to:

- “• *daily HGV movements of 108 (54 out and 54 in) (Monday to Friday) - **averaged over period of 1 year;***
- *daily HGV movements of 54 (27 out and 27 in) (Saturdays) - **averaged over period of 1 year;***
- *inclusive of a **maximum daily peak** for of 160 HGV movements (80 out and 80 in) reducing to 80 HGV movements (40 out and 40 in) (Saturdays) for all vehicles associated with development, hereby approved, including concrete batching plant operations”.*

As a consequence of the suite of applications the subject of this report, the proposal is to seek a rise or “uplift” in movement figures with the applicants traffic consultant stating “..... *based on the combined mineral production and waste importing, recycling and infilling, HGV flows associated with the Site are restricted to an annual average of 108 movements per day (54 in / 54 out) Monday to Friday; 54 (27 in / 27 out) on Saturday; with an absolute limit of 160 movements (80 in / 80 out) Monday to Friday and 80 movements (40 in / 40 out) on Saturday.*

*Condition 25 of the planning permission imposes a limit on the use of the private haul road to 21 HGV movements (over 7.5 tonnes gross vehicle weight) per hour. The HGV activity may occur at any time during the permitted operating hours of between 07:00 – 18:30 Monday to Friday and 07:00 – 13:00 on Saturdays, with no working on Sundays, Bank or Public Holidays, which equates to 275 working days per annum.*

*Based upon the importing of an additional 40,000 m3 of infill material at an average mass of 1.7 tonnes per m3 results in a total of 68,000 tonnes per annum, and an average of 14.5 (say 15) loads / 30 movements per day, based on 275 working days and a typical payload of 17 tonnes per vehicle.*

*Adding these additional vehicles to the existing permitted traffic flows results in **138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35)***

**loads in / out, resulting in 70 loads on Saturday.**

**In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.**

*The existing planning permission imposes an hourly limit of 21 HGV movements in any hour. By applying the 27.7% uplift gives an hourly peak of 26.8 (say 27 movements).*

*However, the operator has confirmed that a maximum of 25 movements per hour would be sufficient to accommodate the peak level of activity anticipated to arise as a result of the increased imports, which equates to 1 vehicle movement every 15 minutes on the local highway network.*

*In terms of the average impact, an additional 30 movements per day equates to an average of 2.6 movements per hour, or 1 vehicle movement in or out of the Site every 23 minutes.*

#### Development Traffic Impact

*In terms of the impact of the proposed increase in traffic activity, based on a peak hourly impact of 4 movements per hour (2 in / 2 out) above the currently permitted levels, by referring to the observed HGV activity on Slough Lane it is apparent that this falls well within the range of existing daily and hourly variations in HGV activity currently experienced throughout the working day.*

*By reviewing the ATC [Automatic Traffic Counters] survey data, it is apparent that the peak hourly traffic flow observed at the 3 sites was 137 movements between 08:00 – 09:00 on Tuesday at Sites 1 and 2. Of this flow, 4 movements were HGVs. In the worst case, assuming none of the existing HGV traffic was associated with the Site during this peak hour, adding 25 HGV movements would result in a total traffic flow of 162 vehicles per hour, which in absolute terms remains a low flow, even when taking into account the fact that parts of the route operate on a single track basis with passing places”.*

On a clarification note, the location of the ATC's shows that they were all positioned south of the existing Martells industrial estate/quarry entrance. There appears to have been no assessment carried out for vehicle movements approaching/leaving the site entrances going easterly.

From a purely Highways technical aspect the County Highways Officer has not objected on traffic grounds and has recommended conditions including some to address highway improvements. It is recognised that traffic is an emotive issue across all application types. In respect of these applications there are existing traffic movements associated with both the quarry complex and the adjacent and unrelated business activities within the industrial estate as referred to earlier.

Notwithstanding the above the traffic aspect needs to be considered in planning land use terms. The presence of the quarry complex results in it being the likely

major generator of traffic associated with the greater Martells Industrial Estate/Quarry combined complex. At the time of the 2007 application addressing the first extension of mineral extraction, the traffic generation associated with the quarry was for a weekday daily average of 108 HGV's with a daily maximum peak of 160 and for Saturdays 54 and 80 movements respectively. The report at the time considered that the peak movements were being attributable to local deliveries of concrete batching products. The reasoning behind that condition was addressed as being for highway safety.

The present application seeks to increase this generation number further such that an annual average daily peak of 138 (70 on Saturdays) and a maximum daily peak of 204 (102 Saturdays) would be sought.

It is important to note that the Transport Assessment (TA) made in support of the extension application was commissioned to consider "acceptability of the proposed development in terms of transport matters ...." The TA although it refers to "..... *based on the combined mineral production and waste importing, recycling and infilling*" does not specifically clarify/differentiate in its surveys/findings and recommendations as to whether such HGV's involved relate to the applicants own fleet/for third party contractors or trade. Neither, as noted below does it clarify the movement impacts on Slough Lane east of the site entrance.

Notwithstanding the above comments; these applications subject of this report offer an opportunity to review the extant traffic condition wording which has been carried forward through the successive applications related to the Martells quarry activities. Within the extant condition relating to routeing requirements and the limits on HGV movements the inclusion in the wording of an annual average daily rate does little to assist clarity or help from a monitoring and enforcement aspect. This would be particularly true were there a need to monitor a daily flow as a result of local concerns/any other reason. By its very nature an annual average would not be of much use trying to interpret the limit over a short timescale of a day or twos need for monitoring purposes. That the complex were to have a single reference to a maximum daily limit would assist clarity and be more precise.

On the basis of the maximum limits; the proposal is now to increase the maximum daily peak from 160 to over 200 and having a Saturday maximum peak of over 100. As stated above there is potential for confusion; lack of clarity and precision for monitoring and enforcement purposes by reference to daily peaks and annual averages. The inclusion of this wording appears to be historical and the current planning application supporting documentation does little to offer detailed justification as to why that average annual figure should really be retained or for that matter is necessary. Neither has the applicant provided historical traffic generation figures to substantiate what the quarry complex has been generating for weekday/weekend movements nor for that matter what historical averages have worked out at.

Were all traffic associated with the quarry complex to abide solely by the restricted route (as implied by the TA) out of the site and down to the A120 via the private access, then effectively the traffic generation being contemplated could, as with the present situation, be accommodated away from the majority of the surrounding built up/sensitive receptors. The exceptions being those few properties (three in

total) located south along Slough Lane. Use of the restricted route would inevitably see traffic continuing, in reflection of some representees comments, to use Slough Lane with its narrow winding nature; a feature that would have to be an accepted reality. Unfortunately, the generation of quarry complex traffic, and other industrial estate business users, ability to use alternative routes for their “local deliveries” does not guarantee that all quarry complex related traffic could be relied upon to use the access/egress route as stated above. Neither in the application planning statement nor the TA has the flow rates of traffic/HGV’s approaching/leaving the industrial estate/quarry complex from the east been assessed nor clarity on the traffic that does not use the restricted route. It is reasonable to assume a potential for some intensification in use of local roads other than the restricted route which could occur through this suite of applications. The use of the restricted route and “local deliveries” is considered further below.

It has been referred to earlier that traffic accessing off Slough Lane to the A120 goes via a private access point, or control barriers. The limit on the private way was restricted through condition. As with the routeing/traffic generation condition this private access restriction is historical with a similar reasoning as reported above for the generation limits, was for highway safety reasons.

It has been referred to earlier that the TA has not substantiated historical or current movement figures but relied on the existing condition limits as a given uncontested base line to seek additional moments figures. Notwithstanding the points/queries as raised above, it has been recommended earlier that reference to the annual average HGV movement figure be removed and retention of a daily limit, would appear to offer clarity and certainty to all concerned. The level of traffic associated with the industrial estate/quarry complex has not been an historical problem and the general use of the restricted route has been acceptable. Therefore, were planning approval to be forthcoming then an absolute daily movement limit of the proposed levels of 204 (Weekday) and 102 (Saturday) for all HGV’s associated with the quarry complex would be recommended.

As regards traffic routeing restrictions, similarly worded restrictions are in place for both the Martells quarry complex as with a number of the neighbouring industrial estate businesses. This restriction is again historic and has, to varying degrees been adhered to. The restrictions require HGV traffic to turn right out of the estate, travel along Slough Lane and to cross Bromley Road and access onto the A120 through the private access point situated just off the A120 and behind the Household waste Recycling Facility. The exception to this routeing is for local deliveries to be accommodated and more on this below.

Quarry related traffic does in general abide by the extant routeing restrictions, although as with the other business interests in the estate, HGV traffic does turn left along Slough Lane and go towards Ardleigh along Station Road or eastwards on Frating Road. Likewise, quarry related traffic, and other business interests on the estate could divert off Slough Lane when travelling southwards at the Bromley crossroads by turning right into Colchester or left towards Great Bromley.

There has, as noted earlier in this report been some third party representations relating to both HGV traffic through Ardleigh as well as along the highway network; especially Slough Lane where the concern of increases, narrowness of road etc

has been a cause of concern.

There has been local concern about HGV traffic movements running between the Martells Quarry complex and another associated site; that of Elmstead Hall an agricultural reservoir/quarry location (with links to the applicant company). From concerns expressed there has been the applicant company HGV's and third party contractors using Slough Lane - Bromley Road - Wivenhoe Road to access between the sites. Following approaches to the two site operators this latter issue has been mostly addressed. The Elmstead HGV's are required under their own traffic routeing requirement to turn left at their site entrance away from Wivenhoe Road.

In respect of adherence to routeing requirements relating to both the above Elmstead concerns, as well as representations made on this suite of present applications, this is a difficult aspect to monitor and control. It would virtually require a physical permanent presence at Martells to check and possibly then be following each vehicle as it leaves. The issue of vehicles also visiting the complex/estate would be another matter requiring policing. On top of this is the "local delivery area" envelope that was delimited at the time of the early quarry permission in the 1990's. The envelope covers a wide area surrounding the Martells estate/quarry and HGV's could easily travel through this envelope and exit on various roads into the wider locality under the pretext of local deliveries.

A number of the roads in the Ardleigh area such as the A137 and B1029 Station Road are classed by Essex Highways as PR routes "high volume traffic routes essential to the economy of Essex". A recent Essex Highways Ardleigh Parish Council Feasibility Study into Weight Restriction Review was undertaken in 2020. This study noted the provision of such Orders; the signage in place and whether improvements/relocating signage was needed. It is noted that the Essex Highways Panel have recommended a design only scheme with, subject to funding, implementation in a future year. This would address amongst other matters lorry route directional signage to the Martells Industrial Estate along the PR route mentioned above.

Potential options to seek tightening up of this routeing restriction has been considered although with little obvious alternatives being forthcoming. It is however better than nothing at all. The site operator has intimated through their agent that a straight forward restriction for all their vehicles to just travel south along Slough lane to the A120 could be accommodated. However, there are, as referred, other businesses within the estate as well as sub contractors/visiting HGV's to the complex which would remain outside of the control of the quarry operator.

Whilst there are no doubt instances off HGV's being "off route" and could comprise both industrial and quarry related traffic, this is not considered to be an overwhelming occurrence. That HGV's may not adhere to local weight restriction orders could again be down to those actually doing a local delivery although non adherence when it is not a local delivery is likely to be taking place by all HGV users of the local highway system. Operators have a role to play in encouraging their drivers and those of third party visitors to abide by traffic regulations. Admittedly this is difficult to police as referred to earlier, it is a national issue and

can ultimately be down to police/trading standards.

Following discussions between the applicant's agent and traffic consultant together with the County Highways Officer a number of measures have been put forward to help mitigate traffic movements on Slough Lane as well as wider afield.

One of the main visual experiences of passing the Martells estate/quarry entrance is the deterioration of the highway surface between the two entrance ways positioned opposite each other on Slough Lane. Overrunning by various traffic users of the bellmouth verges has contributed significantly to mud/dust, according to the weather patterns, being exhibited across the highway and contributing to the lengthy tracking marks and debris along the road. Combined with the general infringing of the grass verges down most of the length of Slough Lane this tracking appears to merge on occasions for some considerable way south along the carriageway.

There are no pavements as is usual along most of these rural roads and the narrowness and weight of traffic has been highlighted earlier.

It has been recognised that a benefit, were planning approval to be forthcoming that significant road improvements at the industrial estate entrance could be accommodated within a set time period. This could address improving the stretch of carriageway and the provision of bull nose kerbs at the bellmouth. The latter would significantly dissuade HGV's from overrunning the verges.

Further improvements to the road signage to address the approaches to the Slough Lane and Bromley crossover points and provisions for their long term maintenance would assist in highlighting to all road users the HGV presence.

This report has earlier commented about Weight Restriction Orders. Notwithstanding, local delivery servicing aside, the comments earlier about drivers appearing to ignore these restrictions, they do have their place in the provision of measures that seeks to control/direct traffic on the public highway.

A recommendation from the County Highways Officer includes for a "*£3,000 financial contribution (index linked) towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network*".

Were planning approval to be forthcoming then one of the recommendations would be for the above financial contribution to be sort to accommodate towards a weight restriction along the said route.

From a traffic generation aspect, were all quarry complex related traffic restricted to the previously approved route in and out, then the proposed movement numbers could be argued, subject to possible limiting the peak numbers, to be acceptable. However, it has been discussed that there are "local delivery" provisions and that this has not been totally incorporated into the overall Traffic Assessment, nor has detailed breakdown of existing Quarry complex movements into/out of the complex been provided over any quantifiable period to assess



meaningful route patterns.

Road improvement works would be beneficial if only to accommodate the intensified use predicted by the applicant's business interests. Off site signage improvements and contributions to the restrictions in the local area would assist with directing all HGV movements in the local area.

A clear restriction and upper daily limit for HGV's operating from the quarry complex would be recommended to ensure clarity for all and monitoring and enforcement purposes.

In traffic terms the suite of applications could be considered not to conflict, on the above assessment basis, with MLP policies S10; S11; DM1 and DM2; WLP policies 10 and 12; TDLP policies TR1; TR1a; TR9; QL11.

## F ECOLOGY

From an ecological aspect the CEO has not objected overall subject to securing biodiversity mitigation and enhancement measures.

In respect of the western extension land, the ecological interest the CEO notes that suitable sufficient buffers would be incorporated around the attenuation ponds to prevent runoff into the nearby watercourses/Salary Brook.

Also picking up the applicant's ecological findings noting "*The Ecological Assessment (Susan Deakin, February 2020) recommends a habitat buffer around the perimeter of the site to make the development acceptable by preventing indirect or direct effects to ecological features (mitigation), particularly due to the proximity of the existing watercourse, and other nearby wetland habitats close to the site, which feed into Salary Brook, as well as for provision of reasonable biodiversity enhancements. The Landscape Ecology and Management Plan (required by condition) should set out the details for the establishment and implementation of the habitat management requirements. In order to secure this to achieve the desired aims, we have recommended that a S106 is used as the mechanism to ensure that the habitats are managed in the longer term and are retained after the restoration of the site because conditions are time limited*".

The CEO recommends that "*A long-term Landscape and Ecological Management Plan should also be provided through a section 106 agreement. Ideally, this should be 20 years after the statutory five year after-care period and should include any existing or proposed habitats relating to the Section 73 applications, which will need to be managed for a longer time period than currently proposed to reflect the extension to the time that the land will be affected*".

Securing the ecological requirements could be achieved through condition and the longer term management and maintenance of biodiversity interests could be secured through a Section 106 agreement.

Overall, the ecological aspects of the suite of applications are not considered to conflict with MLP policies S10; DM1 and DM2; WLP policy 10; TDLP policies EN6 and QL11.

## G RESTORATION/AFTERUSE

The existing quarry complex has conditions in place requiring the land to be restored primarily for an agricultural afteruse. It is not considered that the ability to reinstate the land across the complex would not be unachievable and the “temporary” nature of the site activities would see the land put back to beneficial use. The reinstatement to principally agriculture would also apply to the proposed western extension land area.

The Agricultural Land Classification (ALC) of the existing western extension land is classed as 3b and it is proposed that such land quality would be retained in the reinstatement programme and it is inferred “bettered”.

Achieving similar, and in principle a betterment of what was there originally, can be achievable through careful handling of the insitu soil resource; high standard of reinstatement and a dedicated aftercare regime. Good site management and conditioning play their part.

The reinstatement proposals are considered appropriate for the land in question. Subject to a recommended long term management program there would be additional biodiversity enhancements secured for the local area.

In terms of restoration and afteruse of the land the suite of applications overall do not conflict with policy S2; S10; S12; DM1; Policy 10 nor EN6, 6a and 6b.

## 7. CONCLUSION

The report has assessed the suite of applications, comprising some five interrelated applications to address the proposed extension of extraction activities onto new land and for conditions within the other four permissions to be varied to enable dovetailing of the quarry complexes activities. The report has acknowledged the allocated status of the western extension land in the Development Framework and to the specific site profile issues raised in both the MLP and WLP notations.

In assessing the conformity of the application to their development requirements contained in the above documents, the report finds general conformity. However, in respect of a requirement to restrict new extraction from the western extension land until restoration has been completed within the existing site workings the report has needed to balance a number of aspects. In particular there has been the recognition that the applicant has an established business and disruption to mineral supply continuity should be avoidable where practicable. The present applications themselves also seek time extensions to the infilling of the present void area where the presently approved landfill cells provision (2 cells identified for receipt of inert and 1 for non-hazardous) would see infilling being completed across the existing permitted land by 2042. Within that timescale the applicants have stated that the inert cells would take some 4 years to infill leaving the non-hazardous cell continuing receipt of wastes until nearer the proposed end date. What has needed to be weighed in the balance has been what level of meaningful restoration within the permitted land area could be achieved without disrupting the continued mineral supply aspect.

The report has noted delays to infilling commencing within the present void and that the void presently remains open with some insitu mineral still to be removed. The proposals seek a phased sequence of mineral extraction within the western land area., to which the application statement states would take place over a 14-year lifespan with mineral being extracted, at time of the application, between 2022 -2036. On the predicted extraction rates each Phases of mineral extraction would take a few years to work through and on that basis, it is not considered unreasonable that a restriction is imposed such that completion of at least the southernmost inert landfill cell within the present void is achieved to include topsoil level before further mineral phasing takes place within the proposed western extension land area. On this basis there would then be some tangible reinstatement of land within a known timescale.

The report finds that the proposed access haul road utilising a small crossover point of Slough Lane and linking into the existing site internal haul road is acceptable.

In terms of traffic, the report notes that the quarry complex and adjoining industrial estate are generators of high HGV volumes. In terms of the current traffic restrictions pertaining to the quarry complex the controls restrict HGV flows to an annual average of 108 movements per day (54 in / 54 out) Monday to Friday; 54 (27 in / 27 out) on Saturday; with an absolute limit of 160 movements (80 in / 80 out) Monday to Friday and 80 movements (40 in / 40 out) on Saturday.

The proposals are to seek increases such that the new figures would provide for 138 movements (69 in / 69 out) per day Monday to Friday and 34.5 (say 35) loads in / out, resulting in 70 loads on Saturday.

In terms of the absolute peak figures, based on the uplift from 108 to 138 movements per average day Monday to Friday (an increase of 27.7%), applying this uplift to the current peak of 160 movements results in a proposed absolute peak of 204 movements (102 in / 102 out) per day during the weekday period and 102 movements (51 in / 51 out) on Saturdays.

The report sets out the applicants traffic consultant's assessment that the local highway could accommodate such increases and that the County Highways Officer has not objected overall to the increased rates.

However, it is noted that traffic is an emotive issue and routeing restrictions have not always been complied; can with local delivery intent travel off route or are all under the operator's control.

The revisiting and possible tightening of the restrictive routeing provision has been considered although the report concludes that whilst some HGV's may not be adhering to the routeing requirement/existing environmental restrictions, they are not considered to be on a regular occurrence or at levels that have given rise to substantiated complaint. It is also noted that there are other businesses within the industrial estate who generate traffic as well as third party operators who use the public highway network in this area.

The report does consider there to be ground to simplify for clarity and monitoring

purposes the inclusion of an annual average daily rate which does little to simplify the process were there a need to monitor a daily flow as a result of local concerns/any other reason. The report notes that by its very nature an annual average would not be of much use trying to interpret the limit over a short timescale. That the complex has a maximum daily peak figure is more helpful and clearer to all parties what the movement restrictions are.

The report recommends that whilst noting that the quarry complex already benefits from a maximum 160 daily movement weekday peak and that the applicant has confirmed a maximum 25 HGV' movements per hour could be accommodated then the already permitted 160 daily maximum HGV movements would suffice to cover, with capacity, the applicants proposed daily generation limit. For Saturdays, it is reasonable to expect that a shorter day does not have to incur additional rises in traffic generation and the previous peak limit of 80 movements is already in existence and could suffice.

The report considers that road improvements should reasonably be required to upgrade the highway at the quarry/industrial estate access point; road signage provision for both traffic direction/warning be installed and that funding contribution be secured towards environment weight restrictions along a local road.

In terms of environmental disturbance arising from noise and dust the report recommends a continuation of the quarry complexes noise monitoring regime and proposes noise limits at new sensitive receptors. In terms of Dust the recommendation seeks a Dust Management Plan to be submitted.

In landscape and visual terms the proposals provide for new screen bunding along the Slough Lane road frontage and opposite Coronation Cottages together with a programme of advance planting. New planting together with safeguarding/management of existing planting would ensure the integrity of the landscape features and over time its strengthening.

In cultural heritage terms the report finds that the proposed Western extension land, as with the existing workings, would have perimeter screen bunding. Visual connectiveness between any workings taking place within the western extension and the Slough Farm buildings which include some out buildings of interest but are non designated, would therefore be avoided. The report finds that the non designated assets would not be negatively impacted over and above what they are already experiencing at the present moment.

From an ecological perspective the County Ecologist has not objected and recommended securing the ecological requirements through condition and the longer term management and maintenance of biodiversity interests via a Section 106 agreement that would cover for an extended period of 20 years (5 year statutory and 15 years additional).

The report finds that the restoration of the land back to agriculture with biodiversity inclusion would be appropriate.

Subject to the imposition of conditions and the advance completion of legal agreements to secure road improvements and biodiversity enhancement

management the proposed development is conforms with the development plan and NPPF.

## **8. RECOMMENDED**

That for **ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN** planning permission be granted subject to:

- (1) For Planning permission ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN the prior completion of an appropriate Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 legal agreement under the Highways Act 1980 to provide for:
  - (i) Prior to any site preparation works being carried out in respect of planning permission ref no: ESS/29/20/TEN, a £3,000 financial contribution (index linked) shall be deposited with Essex County Council towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network. Such contribution to be paid on commencement of development. (Payback 5 years).
  - (ii) The carrying out of highway works for the creation of the new Slough Lane crossing point and
  - (iii) The carrying out of highway works at the Martells Industrial estate Slough Lane junction together with
  - (iv) Undertaking a formal Stage 1 Road Safety Audit outlining the junction detail/ crossing points design/ improvements for (ii) and (iii) above.
  - (iv) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing Nos KD.MTQ.1.004 entitled "Restoration Plan" dated August 2019 and KD.MTQ.2.009 Rev D entitled "Concept Restoration" dated April 2021 and to ensure that this will apply for a minimum period of 15 years beyond the statutory five-year aftercare period i.e. a minimum total of 20 years

And

- (2) Following completion of the legal agreements referred to in (1) above planning permission be granted subject to the following conditions:

### **A. For ESS/24/20/TEN**

#### **Duration**

1. All operations authorised or required by this permission shall cease, and the pipeline and any other supporting infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission either

within four months of the date of the pipeline no longer being used in connection with its quarry water management role or not later than 30th September 2041.

Reason: To restrict the period of the operations in accordance with the adjoining permitted quarry operations that require restoration of the quarry land by 30th September 2041 and to which the pipeline infrastructure are designed to serve and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Planning Practice Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high standard having regard to Policies S12 of the Essex Minerals Local Plan Adopted July 2014.

#### Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application ESS/14/18/TEN comprising:
  - (i) Letter from PDE Consulting Limited dated 10/05/18
  - (ii) Planning Application form from Sewells Reservoir Construction Ltd dated 10/05/18
  - (iii) Supporting document entitled "Planning Application and Supporting Statement" from PDE Consulting Ltd dated May 2018.
  - (iv) Drwg No: M13.227C.D.001 entitled "Water Abstraction Pipeline" dated May 2018.

As amended by those details reserved by condition 4 (Landscaping) of planning permission ref no: ESS/14/18/TEN those details set out in:

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
- (ii) Landscape Plan details complied by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.  
Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

As amended by planning application ESS/24/20/TEN comprising those details set out in:

- (i) Application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
- (ii) Supporting document entitled "Planning Application and Supporting Statement, Variation of Condition 1 attached to planning permission reference ESS/14/18/TEN to allow for the retention of a water management pipeline until 30 September 2041" from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with

the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014.

#### Availability of Plans

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

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

#### Landscape

4. Landscaping of the site shall take place in accordance with the details approved on 21<sup>st</sup> November 2018 comprising:
  - (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
  - (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.  
Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to the Essex Minerals Local Plan Adopted July 2014 Policies S10 and DM1; Tendring District Local Plan Adopted 2007 Policy QL11 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Landscape Management

5. Any tree or shrub forming part of the landscaping scheme undertaken as part of this application shall be maintained such that if it dies, is damaged, diseased or removed within a duration of 5 years following original planting, it shall be replaced during the next available planting season (October to March inclusive) with others of similar size and species, unless the Mineral Planning Authority gives written consent for any variation.

Reason: In the interest of replacing that planting stock removed as part of the application; that appropriate replacement landscape planting is provided to help integrate the land into the local landscape and that this landscaping is maintained until the planting becomes established to comply with Policies

DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Reinstatement

6. No removal of the pipeline shall take place until the operator has secured an approved scheme for the pipeline removal that details removal methods, land reinstatement and landscape planting. The pipeline and land reinstatement and landscaping shall then be undertaken in accordance with the approved scheme.

Reason: In the interests of clarity and to secure the reinstatement and landscaping of the land to integrate it back into the landscape having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites

#### **B. For ESS/25/20/TEN**

#### Commencement

1. The development hereby permitted shall be taken to have commenced September 2019 as set out in the letter from PDE Consulting dated 9<sup>th</sup> September 2019.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended]. To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Duration of Permission

2. The use of land for the development hereby approved shall be for a limited period and the development shall be removed and the land restored by 30 September 2040 in line with the cessation and restoration requirements of the permission ESS/27/20/TEN, to which this application area relates.

Reason: To restrict the period of the operations in accordance with the working and infilling of the Martells quarry to which this application is related and to enable the Waste Planning Authority to retain control over operations; and to ensure the clearance and future restoration of the land in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017)) and Policy QL11 of the Tendring District Local Plan 2007.

#### Approved Details

3. The development hereby permitted shall be carried out in accordance with the details submitted in respect of Planning Permission ESS/32/18/TEN by



way of the:

- (i) Planning Application form from PDE Consulting Ltd dated 20th September 2018
- (ii) Planning Application Supporting Statement from PDE Consulting Ltd entitled "Planning application seeking for the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, and the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway" dated September 2018.

Supporting reports comprising:

- (iii) Noise Report produced by Walker Beak Mason dated 12th September 2018.
- (iv) Dust Assessment produced by PDE Consulting Ltd dated September 2018.
- (v) Flood Risk Assessment and Hydrological Impact Assessment produced by BCL Hydro dated September 2018.
- (vi) Landscape and Visual Impact Assessment produced by Kedd Limited dated August 2018.
- (vii) Ecological Report produced by Susan Deakin Ecology dated September 2018
- (viii) Drwg Nos: M13.227(b). D.001A entitled "Site Location Plan" dated September 2018
- (ix) Drwg No: M13.227(b). D.003A entitled "Soils Wash Plant Elevations" dated September 2018
- (x) Drwg No: M13.227(b). D.004A entitled "Current Situation" dated September 2018
- (xi) Drwg No: M13.227(b). D.005A entitled "Weighbridge and Weighbridge Office Detail" dated September 2018.

As amended by the email from Abgail Molyneux to Terry Burns dated 15th February 2019 at 11:53 and accompanying:

- (i) Drwg No: M13.227(b). D.002C entitled "Soils Wash Plant Proposed Layout" dated February 2019.
- (ii) Drwg No: M13.227(b). D.007A entitled "Detailed Landscaping Plan" dated February 2019
- (iii) Drwg No: M13.227(b). D.008A entitled "Detailed Sump Area" dated

February 2019.

- (iv) Drwg No: M13.227(b). D.009 entitled "Dimension Plans" dated February 2019.

As amended by those details reserved by Condition 6 (Processing Plant) of planning permission ref no: ESS/32/18/TEN those details set out in:

- (i) Letter from PDE Consulting Ltd dated 9th September 2019.
- (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
- (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

As amended by planning application ESS/25/20/TEN and those details set out in:

- (i) Planning application form from PDE Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020. and
- (ii) Planning Application and Supporting Statement - Variation of conditions attached to planning permission reference ESS/32/18/TEN to allow for the continuance of permitted developments until 30 September 2040. Also, to allow an increase in waste imports and consequential HGV movements. To defer the submission of a restoration scheme for the recycling area until 30 December 2037" from PDE Consulting Ltd dated February 2020.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Availability of Plans

- 4. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

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

#### Permitted Development Rights

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant

(other than hydraulic excavator or plant for the movement of materials) except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

Reason: To enable the Waste Planning Authority to properly control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Processing Plant

6. The design of the processing plant shall be in accordance with the details approved on 26<sup>th</sup> September 2019 under Condition 6 of ESS/32/18/TEN comprising:

- (i) Letter from PDE Consulting Ltd dated 9th September 2019.
- (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
- (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

Reason: To ensure that the recycling plant as commissioned accords with the proposed recycling plant details as provided for in the application documents and against which the environmental impacts were assessed against having regard to The Essex Minerals Local Plan Adopted July 2014 Policies DM1 and S10 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Stockpiles

7. Stockpiles of materials on site shall not exceed a height from original ground level of:
- 3 metres for topsoil
  - 4 metres for subsoil (except where used as acoustic bund);
  - 6 metres for unprocessed and processed aggregates, and
  - 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Sale of Aggregate/Other Product

8. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the

development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Access Usage

- 9 The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017), and Policy QL11 of the Tendring District Local Plan 2007.

#### Sheeting

10. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Routeing Requirements/HGV movements

11. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the principal permission ESS/27/20/TEN) hereby permitted shall not exceed the following limits:

- daily HGV movements of 160 (80 in and 80 out) (Monday to Friday)
- daily HGV movements of 80 (40 in and 40 out) (Saturdays)
- The total movements shall apply to all vehicles associated with the development, hereby approved, including recycling and infilling operations.

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

12. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans). The private haul access road shall be kept shut outside the approved working hours indicated in Condition 13.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

## ENVIRONMENTAL PROTECTION

### Operating Hours

13. The development hereby permitted shall only be carried out during the following times:

07:00 – 18:30 Monday to Friday,  
07:00 – 13:00 Saturdays

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

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

### Lighting

14. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007

#### Noise Limits – Temporary Operations

15. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties identified in Condition 16 of this permission shall not exceed 70dB LAeq, 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These noise limits and timescales apply to the cumulative operations on land under the applicant's control i.e., the processing plant hereby consented and the extraction, processing and restoration activities consented under ESS/27/20/TEN. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise Limits – Normal Operations

16. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

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

The above noise limits are for noise arising from all combined activities on land under the applicant's control i.e., the processing plant hereby consented, and the extraction, processing and restoration activities consented under ESS/27/20/TEN

Reason: To protect the amenities of the local residents from the effects of

noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise Monitoring

17. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission, except the frequency of monitoring shall be increased during periods of mineral extraction or restoration operations within 400m from Coronation Cottages, noise levels shall be monitored at this location only on a fortnightly basis and the results submitted to the Waste Planning Authority within 1 week of the date of monitoring unless agreed otherwise by the Waste Planning Authority;

Unless specified otherwise noise measurements should be made at the following noise sensitive locations Rumage House, Ardleigh Park, Coronation Cottages, Slough Farm, Carringtons and George Hall. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Noise – Vehicle reversing/silencers

18. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

19. All vehicles, plant and machinery operated within the site shall be fitted with

and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Restoration

20. Prior to the completion of the excavation of sand and gravel from the western extension land approved under permission ESS/29/20/TEN or by the 30th December 2037, whichever date is the earlier, a scheme or schemes for the restoration and aftercare of the recycling area to an amenity/agricultural afteruse or other such afteruse shall be submitted to the Waste Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

#### Landscaping

21. The development hereby permitted shall be implemented in accordance with the landscaping provisions set out on Drwg No: M13.227(b).D.007A entitled "Detailed Landscaping Plan" dated February 2019 accompanying the email from Abigail Molyneux to Terry Burns dated 15th February 2019 at 11:53.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

22. All landscaping shall be maintained to the satisfaction of the Waste Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting shall be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in



accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

**C. For ESS/26/20/TEN**

1. The development hereby permitted under ESS/43/14/TEN shall be carried out in accordance with the details of the application dated 23 October 2014 together with the accompanying:
  - (i) Supporting Statement, dated October 2014;
  - (ii) Drawing ref. MQ1 entitled "Location Plan";
  - (iii) Drawing ref. MQ2 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Plan showing land under applicants control and application area";
  - (iv) Drawing ref. MQ3 (received via email from Aggregate Industries UK Ltd 28/11/2014) entitled "Application drawing".

As amended by the Non-Material Amendment for a replacement mineral processing plant details approved on 14<sup>th</sup> September 2017 comprising:

- The Application form from Sewells Reservoir Construction Limited 30<sup>th</sup> August 2017.
- Drwg No: M2500 E4 Layout dated 02/12/2011
- Drwg No: SP907 –LAYOUT-01A entitled "Wash Plant Layout" dated 02/03/2017
- Set of 8 no photographs untitled and undated showing elevations of the mobile plant in place on site.

As amended by planning application ESS/26/20/TEN comprising:

- a. Planning application form from PDE Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020. and
- b. the planning statement entitled "Planning Application and Supporting Statement, Variation of Condition 2 attached to planning permission reference ESS/43/14/TEN to allow for the continuance of permitted developments until 30 September 2039" from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the 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 having regard to Policies DM1, DM3 and S12 of the Essex Minerals Local Plan Adopted July 2014. Tendring District Local Plan policies QL11, COM23 and EN1.

2. The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref: ESS/18/07/TEN and as amended through subsequent permissions the latest iteration being permission ESS/27/20/TEN and for the western extension land permitted

under ESS/29/20/TEN; the plant 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 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.

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 having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan policies QL11, COM23 and EN1.

#### **D. For ESS/27/20/TEN**

##### **Notification Dates**

1. The Mineral Planning Authority shall be notified in writing 7 days prior to the following:
  - (a) Intention to start soil stripping within any area.
  - (b) Completion of silica sand extraction.
  - (c) Commencement of the landfilling.
  - (d) Completion of landfilling.
  - (e) Completion of restoration
  - (f) Completion of final restoration to agriculture.

(for clarity, the commencement of extraction was notified as 22 March 2010, submitted to the Mineral Planning Authority on 15 March 2010 under condition 3 of planning permission reference ESS/18/07/TEN.

The commencement of mineral importation was notified as 23 October 2017 to the Mineral Planning Authority on 16 October 2017 by email from John Snow of PDE Consulting Ltd at 17:12.

Reason: To enable the Mineral Planning Authority to monitor the site to ensure compliance with the planning permission and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan ((Adopted July 2014)) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

##### **Duration of Permission**

2. Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Reinstatement of the land to and including topsoil level shall be completed by 30 September 2041.

Reason: In the interests of clarity and to ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with Policies DM1, DM3, S6, S10, S11 and S12 of the Essex Minerals Local Plan (Adopted July 2014), and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

3. With the exception of the existing drying shed and associated plant and hardstanding and office building indicated on plan no. ENV/BB/111 all buildings, plant, machinery, foundations, roadways, structures or erections used in connection with the development hereby permitted shall be removed from the site by 30<sup>th</sup> September 2041 and the land restored by 30<sup>th</sup> September 2042. For the avoidance of doubt this shall include the processing plant and associated stockpiles, access/egress road used to service the site from Bromley Road to the truckstop on the A120, through which access and egress to and from the A120 is gained and all buildings, plant (inc. water tank), machinery, foundations, roadways, structures or erections used in connection with any of the operational extraction phases, the recycling facility and landfilling and in any case not to prevent the restoration of the site by 30 September 2042. The access/egress road to/from the truckstop on the A120, including ancillary bunds shall be restored to a condition suitable for agriculture in accordance with a scheme of restoration that shall have previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of clarity and to enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a beneficial use in compliance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policies 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

4. The landfilling hereby permitted shall cease by 30 September 2040 and the site shall be restored within 1 year in accordance with the details set out Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.

Reason: In the interests of clarity and to provide for the completion and progressive restoration of the site within the approved timescale and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

5. The use of land adjacent to the processing plant for stockpiling shall be for a limited period and shall expire on 30 September 2040 when the use shall cease, and the site shall be cleared and restored in accordance with the approved scheme of restoration as determined under Condition 57 of this permission.

Reason: In the interests of clarity and to enable the Minerals/Waste Planning Authority to adequately control the development and to ensure the clearance and future restoration of the stockpiled area once extraction onsite has ceased, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1,

EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Approved Details

6. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/18/07/TEN) dated 29 March 2007 and the Environmental Statement dated March 2007 together with drawing numbers;

Fig 1.1 Location – Dated January 2007

Fig 2.1 Site – Dated January 2007

Fig 2.2 Local Delivery Area – Dated January 2007

Fig 2.7 Location of groundwater and monitoring boreholes – Dated January 2007

Fig 3.4 Site Investigation – Dated January 2007

Fig 5.1 Working Areas – Dated January 2007

Fig 5.2 Rev B Pre-Settlement Contours - Dated January 2008

Fig 5.3 Rev A Post Settlement Contours - Dated January 2008

Fig 5.4 Progressive Working of Area A - Dated January 2007

Fig 5.5 The progressive working of Areas B & C Dated January 2007

ENV/BB/111 Drying shed, associated plant, hardstanding office Dated May 1997

As amended by planning application reference ESS/46/14/TEN dated 31 October 2014 together with;

- Covering Letter – Dated October 2014
- Planning Statement 'Martell's Quarry – Planning Application to vary Condition 2 of Planning Permission ESS/18/07/TEN under section 73 of the Town and Country Planning Act 1990 –Proposed Re-phasing of Operations at Martell's Quarry' – Dated October 2014
- Drawing No M13.227.D.001 (Undated)
- Drawing No M13.227.D.002 (Undated)
- Drawing No M13.227.D.003 (Undated)
- Drawing No M13.227.D.004 (Undated)
- Emails dated 10 November 2014 and 11 November 2014

As amended by those details reserved by condition of planning permission ref no: ESS/18/07/TEN:

- a. For Archaeological Field Work Investigation those details set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.
- b. For Soil Movement those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as

varied by a letter dated 19 May 2009.

- c. For Machine Movements those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.
- d. For Soil Bund Management those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009
- e. For the Noise Monitoring, those details set out in the report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.
- f. For the Highway Improvement Works those details set out in the application for approval of details reserved by condition received 15 June 2009, together with the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).
- g. For the Highway Works to Haul Road Entrance – those details set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009.
- h. For the Standard Road Warning Signs those details set out in the approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.
- i. For the Highway Directional Signs those details set out in Drawing no:D122418-01 Revision P2 as amended by the e-mail from Andrew Wright dated 30 July 2009.
- j. For the Wheel Washing those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008. reserved by condition received 15 June 2009.
- k. For Dust Suppression those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and amended Environmental Dust Scheme updated February 2009 and received 10 February 2009.
- l. For Landscaping those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:
  - (i) Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
  - (ii) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (iii) Plan MQ/L12A Landscape proposals dated 8 March 2009,
  - (iv) Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2

(dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

- m. For Landscaping retention and protection those details set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/I12A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.
- n. For Habitat Management and Creation those details set out in the application for approval of details reserved by condition 13 November 2008 for the habitat management plan including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and:
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/I12A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.

As amended by the planning application reference no: ESS/23/15/TEN comprising:

- (i) Planning application form from Heaton Planning dated 11 May 2015 and
- (ii) Planning statement entitled "Application to vary condition 7 of planning permission ESS/46/14/TEN under Section 73 of the Town and Country Planning Act 1990 to enable the importation of material" dated May 2015
- (iii) Drwg No: M13.277.D.005 entitled "FINAL".

As amended by the planning application reference no: ESS/53/17/TEN comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 27th October 2017.
- (ii) Letter from PDE Consulting Limited dated 27th October 2017.
- (iii) Supporting report from PDE Consulting Limited entitled "Planning Application and Supporting Statement" dated October 2017.
- (iv) Drwg No: M13.227(a). D.001 entitled "Site Location Plan" dated October 2017.
- (v) As amended by the Letter from PDE Consulting Limited dated 17th May 2018.

As amended by those details reserved by condition of planning permission ref no: ESS/53/17/TEN comprising:

- a) For Waste Importation – (Condition 29) those details as set out in:
  - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
  - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.
- b) For Condition 34 (Odour Emissions): those details as set out in:
  - (i) the letter from PDE Consulting Ltd dated 18th October 2018;
  - (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018.

As amended by the planning application reference no: ESS/61/19//TEN comprising:

- (i) Letter from PDE Consulting Ltd dated 9th August 2019.
- (ii) Planning application form from Sewells Reservoir Construction Limited dated 9th August 2019.
- (iii) Report entitled "Planning Application and Supporting Statement - Variation of Condition 6 attached to planning permission reference ESS/53/17/TEN to allow for: I. revisions to approved details of mineral extraction and landfilling; II. The implementation of a Planting Establishment and Management scheme; III. Retrospective permission for the provision of a water tank" dated August 2019.
- (iv) Drwg No: KD/MTQ/1.002 Status Final entitled "Current Situation and Proposed Extraction" dated August 2019.
- (v) Drwg No: KD/MTQ/1.003 Status Final entitled "Landfill Placement" dated August 2019. (Now superseded by ESS/27/20/TEN see below)
- (vi) Drwg No: KD/MTQ/1.004 Status Final entitled "Restoration Plan" dated August 2019.
- (vii) Drwg No: KD/MTQ/1.006 Status: Final entitled "Post Stabilisation Plan" dated August 2019.
- (viii) E-mail from David Marsh dated 15th November 2019 and accompanying report entitled "Slope Remediation Specification 3.0, Reference 1147/RS3.0" dated 15th July 2019 and the cross-section plan within referenced: 1147/502/Rev A entitled "Remedial Works Sections" dated 25/02/19.
- (ix) Letter from PDE Consulting Ltd dated 25th November 2019.
- (x) Letter from PDE Consulting Ltd dated 21st January 2020 and accompanying Drwg No: KD/MTQ/1.005A Status Final

entitled "Planting, Management and Maintenance Plan"  
dated January 2020.

As amended by the planning application reference no: ESS/27/20/TEN  
comprising:

- (i) Planning application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
- (ii) Supporting Report entitled "*Planning Application and Supporting Statement, Variation of conditions attached to planning permission reference ESS/61/19/TEN to allow for the continuance of permitted developments and subsequent restoration. Also, to allow changes to the approved details to facilitate mineral extraction and landfilling and the inclusion of noise mitigation within the recycling area. To allow an increase in waste imports and consequential HGV movements. To defer the submission of a restoration scheme for the recycling area until 30 December 2037*" from PDE Consulting Ltd dated February 2020.
- (iii) Drwg No: KD/MTQ/1.008 Status Final entitled "Updated Landfill Plan" dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and in accordance with Policies S1, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014).

#### Availability of Plans

7. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Mineral Planning Authority shall also be available in the same location.

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

#### Ecological Interests

8. Prior to any ground disturbance taking place along the existing slope batters within the excavation void written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests present or affected. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations



Reason: To conserve Protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and Section 40 of the Natural Environment and Communities Act 2006 (Priority habitats & species) and having regard to the Essex Minerals Local Plan Adopted July 2014 Policies DM1, DM2 and S10 and The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to minimise impacts on biodiversity interests.

#### Prior Archaeology

9. No groundworks, in any area, shall take place until the applicant has implemented a programme of archaeological field work investigation and recording in accordance with the agreed scheme of archaeological investigation approved in June 2008 under Condition 3 of planning permission ref no: ESS/18/07/TEN. The approved scheme of archaeological investigation is as set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.

Reason: To ensure that adequate archaeological investigation and recording has been undertaken prior to development and groundworks taking place within the site and to comply with Policies S10, S12 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and TR9 Tendring District Local Plan 2007.

#### Working Arrangements

10. The land to which this permission relates shall only be worked in conjunction with the processing plant, drying plant, haul roads, storage area, recycling facilities as indicated on Drwg Figure 2.1 dated January 2007 and as an extension of the existing workings at Martell's Quarry.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and in accordance with Policies S1, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014). and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and EN4 of the Tendring District Local Plan 2007.

#### Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant (other than hydraulic excavator, or plant for the movement of materials)

except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impact on the amenities of the local area and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 22, COM 23, and QL11 of the Tendring District Local Plan 2007.

#### Quarry depth

12. The depth of extraction of sand and gravel and of underlying clays for restoration purposes shall not exceed 15m AOD.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details and in the interests of local and environmental amenity and highway safety, in accordance with Policies S12, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014) , Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN7, COM 23, and QL11 of the Tendring District Local Plan 2007.

#### Stockpiles

13. Stockpiles of materials on site shall not exceed a height from original ground level of:
- 3 metres for topsoil
  - 4 metres for subsoil (except where used as acoustic bund);
  - 6 metres for unprocessed and processed aggregates, and
  - 5 metres for any other related material.

Reason: In the interests of safety, to help minimise the visual impact of the development, to allow the operators and the planning authority to monitor the heights of the stockpiles and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

14. The bunds indicated on Figure 5 of planning application ESS/25/04/TEN shall be retained for the life of the recycling operations.

Reason: In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Maintenance of haul road

15. The section of the internal haul access road between the wheel washing facility and the public highway shall be metalled, drained and kept clear of debris throughout the life of the site.

Reason: In the interests of highway safety and to prevent material being taken onto the public highway and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

16. The access / haul road used in the connection with the operations hereby permitted shall be sprayed with water during dry weather conditions when airborne dust is likely to arise to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017), and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Wheel wash

17. The development hereby permitted shall be implemented in accordance with the details of the wheel washing facilities approved on 6 February 2009 under Condition 16 of planning permission reference ESS/18/07/TEN. The approved details of the wheel washing facilities are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008.

Reason: In the interest of preventing material, dust or detritus from affecting the public highway safety and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Mineral export

18. The total quantity of mineral leaving the site shall not exceed a level of 125,000 tonnes per annum from the date of commencement of the development. Records shall be kept for the life of mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: In the interest of the amenity of the locality and surrounding residential occupiers, highway safety, also in order that the Mineral Planning Authority can monitor throughput at the site, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 22, COM 23, QL11, TR1,

TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

#### Importation Restrictions

19. No more than 20,000 tonnes of mineral per annum shall be imported into the processing area as defined on Drawing No M13.227.D.005 entitled "Final". The imported mineral shall only be used in blending with the indigenous mineral arising from within the Martell's Quarry site (as defined in planning permission ESS/18/07/TEN). Records of the importation shall be kept for the life of the mineral extraction and made available to the Mineral Planning Authority upon request.

Reason: To ensure that there are no adverse impacts on the local amenity from development not assessed in the application details and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

#### Sale of Aggregate/Other Product

20. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Sheeting

21. All loaded lorries and other vehicles associated with the development carrying any aggregate, other than washed stone of 25mm in diameter or larger, leaving the site shall be sheeted.

Reason: In the interest of highway safety and to reduce the potential for dust arisings and detritus on the public highway and to comply with Policies DM3, DM4, S10 and DM1 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies TR1, TR1a, TR9, COM 23 and QL11 of the Tendring District Local Plan 2007.

#### Highway Works to Haul Road Entrance

22. The development hereby permitted shall be implemented in accordance with the improvements to the haul road entrance approved on 23 July 2009 under condition 71 of planning permission reference ESS/18/07/TEN. The improvements are set out in the application for approval of details reserved

by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009, and shall be maintained throughout the development. The entrance shall be kept free of potholes and mud and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Highway Improvement Works

23. The development hereby permitted shall be implemented in accordance with the details of the highway improvements approved on 9 July 2009 under condition 11 of planning permission reference ESS/18/07/TEN. The approved details of the highway improvements are set out in the application for approval of details reserved by condition received 15 June 2009, including the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).

Reason: In the interest on amenity of the locality and highway safety, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 and 12 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

24. The development hereby permitted shall be implemented in accordance with standard warning signs approved on 5 March 2010 under condition 72 of planning permission reference ESS/18/07/TEN. The standard warning sign locations are set out in the application for approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.

Reason: In the interest of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### HGV Directional Signs

25. The development hereby permitted shall be implemented in accordance with the HGV directional signs approved on 8 October 2009 under condition 19 of planning permission reference ESS/18/07/TEN. The approved HGV directional signs are set out in the application for approval of details reserved by condition received 15 June 2009, including drawing number D122418-01 Revision P2, as amended by email from Andrew Wright dated 30 July 2009. The approved HGV directional signs shall be maintained for the duration of operations hereby permitted.

Reason: In the interests of highway safety and local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Routeing Requirements

26. All HGV access to and from the site shall be only via the private access road from Bromley Road to the A120 as indicated on plan 'Figure 1.1 except for local deliveries as indicated on plan 'Figure 2.2 dated January 2007.

The maximum number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:

- The maximum number of vehicle movements associated with the development (combined with those HGV movements approved under the permission ESS/26/20/TEN) hereby permitted shall not exceed the following limits:
- daily HGV movements of 160 (80 out and 80 in) (Monday to Friday)
- daily HGV movements of 80 (40 out and 40 in) (Saturdays)

Records of all HGV movements shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Minerals/Waste Planning Authority upon written request.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

27. The use of the private haul road to the A120 shall be restricted to a maximum of 25 Heavy Goods Vehicles (greater than 7.5 tonnes gvw) per hour and shall not be used by other vehicles (including cars and light vans).

The private haul access road shall be kept shut outside the approved working hours indicated in Condition 37.

Reason: In the interest of highway safety and protecting local amenity, and to comply with Policies DM1, DM3, S5, S6, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

28. The surfaced section of access roads linking to crossover of Slough Lane 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 and to comply with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1a and TR9 of the Tendring District Local Plan 2007.

#### Monitoring Records

29. From the date that landfilling commences the operators shall maintain records of their monthly waste inputs and outputs and shall make them available to the Waste Planning Authority upon request. All records shall be kept for the duration of the permitted operations.

Reason: In the interests of clarity, to enable appropriate monitoring of the rates of importation in order to ensure compliance with the approved details having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; and Policies DM1, DM3, S6, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014) and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Infilling Phase

30. Only Commercial and Industrial, solid inert and Mechanical and Biological Treated waste residues shall be imported into the site for landfill where the origin is only from within a 20-mile catchment of the application site's boundaries, and/or within the administrative area of Essex & Southend-on-Sea and/or is residual waste from London beyond 2015.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives and is in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23, QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

31. For Waste Importation – The scheme to address waste importation shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 29 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

(i) The letter from PDE Consulting Ltd dated 18th October 2018;

- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018; and
- (iii) PDE Consulting Ltd Report entitled "Scheme for the Restriction of Waste" dated October 2018.

Reason: To ensure that the importation of waste is undertaken in a manner compatible and consistent with maintaining the proximity principle and to ensure that the site is consistent and compliant with the aims and objectives of the Essex and Southend Waste Local Plan, in accordance Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies , QL11, TR1, TR1a and TR9 and RA1 of the Tendring District Local Plan 2007.

32. No waste other than inert waste, commercial and Industrial waste and waste residue and Mechanical Biological Treatment waste residue shall be received for recycling or landfilling.

Reason: In the interests of clarity under which the original permission was determined and to which waste materials other than the stipulated categories could raise additional environmental concerns, which would need to be considered afresh; and to comply with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy COM 23, of the Tendring District Local Plan 2007.

33. As landfilling progresses through each phase, at 3 yearly intervals from the commencement of development, the operator shall reassess the allowances being made for settlement and submit their findings in writing to the Waste Planning Authority for formal approval. Where shown that surcharging is less than originally predicted, the pre-settlement contours shall be adjusted, and landfilling undertaken to accord with the revised calculations for settlement.

Reason: To ensure that the approved pre-settlement contours are adjusted to reflect anticipated reductions in the proportion of bio-degradable waste being landfilled and that the post settlement contours will enable the site to be absorbed back into the local landscape in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b and COM 23, of the Tendring District Local Plan 2007.

34. No deposition, storage, processing, handling or transfer of waste shall take place on the site outside of the confines of the approved designated areas.

Reason: To ensure controlled waste operations and the containment of waste materials in compliance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

35. No non-inert waste shall be disposed of to landfill within 250 metres of any adjacent residential property.



Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

36. For Odour Emissions – The scheme to address Odour Emissions shall be carried out in accordance with the details of the scheme approved on 3rd December 2018 under Condition 34 of planning permission reference ESS/53/17/TEN comprising those details as set out in:

- (i) the letter from PDE Consulting Ltd dated 18th October 2018;
- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018. No intake of waste shall take place until a scheme giving details of measures to prevent fugitive odour emissions from the landfilling of waste has been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of local residential amenity in accordance with Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23, of the Tendring District Local Plan 2007.

## ENVIRONMENTAL PROTECTION

### Operating Hours

37. The development hereby permitted shall only be carried out during the following times:

07:00 – 18:30 Monday to Friday,  
07:00 – 13:00 Saturdays

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

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23 and QL11 of the Tendring District Local Plan 2007.

### Storage

38. No scrap, mobile or fixed plant, equipment, skips, containers trailers or vehicles shall be placed or parked other than within designated areas.

Reason: To help minimise the visual impact of the development, to limit the impacts on locality and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007

39. No additional external lighting shall be installed on site except in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

At no time shall any of the external lighting units exceed 5 lux maintained average luminance or be adjusted to operate beyond such timings as may be agreed in the scheme required above.

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Limits – Temporary Operations

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

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community. In the interest of local amenity and in accordance with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Limits – Normal Operations

41. Except for temporary operations, the free field Equivalent Continuous Noise Level (LA eq 1hr) at the following noise sensitive locations adjoining the site shall not exceed the dB LAeq 1hr levels as set out below.

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51 dB LAeq 1hr
Coronation Cottages	55 dB LAeq 1hr
Slough Farm	54 dB LAeq 1hr
Park Corner	55 dB LAeq 1hr
White House	55 dB LAeq 1hr
Carringtons	55 dB LAeq 1hr
George Hall	55 dB LAeq 1hr

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

extraneous noise.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Monitoring

42. The development hereby permitted shall be implemented in accordance with the details of the noise monitoring approved on 15 July 2009 under condition 21 of planning permission reference ESS/18/07/TEN. The approved details of the Noise Monitoring are set out in the application for approval of details reserved by condition received 25 June 2009, including report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

43. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission at the following noise sensitive locations Ramage House, Ardleigh Park, Coronation Cottages, Slough Farm and Park Corner. 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.

Records of surveys shall be kept by the operator during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority upon written request. Should any substantive noise complaints be received by the local authority then the operators shall carry out noise level monitoring to demonstrate compliance with the limiting noise levels specified above. Amendment to the frequency and duration of any such monitoring shall be agreed with the Minerals/Waste Planning Authority.

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

#### Noise – Vehicle reversing/silencers

44. All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms or equivalent which shall be employed at all times when in use on site.

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

45. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

46. No imported waste, other than inert excavated soils, shall be deposited on the excavated area of the site until engineering works have been carried out so as to prevent the drainage of surface and groundwater into the excavated area.

Reason: To protect groundwater from pollution and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

47. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drum's capacity with a sealed sump within the bunded area and no direct discharge to any watercourse, land or underground strata. All fill draw and overflow pipes shall be within the bunded area. All measures shall be maintained for the lifetime of operations on site.

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

48. There shall be no removal of existing vegetation between March and August inclusive.

Reason: To ensure protection of birdlife during the nesting season and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Soil Handling and Storage

49. Topsoil, subsoil and soil making material shall only be handled / moved when they are in a dry and friable condition. This requires

- (a) There to be no movement of soil between the months of November and March (inclusive) unless otherwise approved in advance in writing by the Mineral/Waste Planning Authority.
- (b) An assessment determining dry and friable, based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

50. The operator shall notify the Waste Planning Authority at least 5 working days in advance of the commencement of final subsoil placement to allow a site inspection to take place.

Reason: To ensure that the site is ready for topsoil spreading and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

51. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 27 May 2009 under condition 37 of planning permission reference ESS/18/07/TEN. The approved scheme of soil movement are set out in are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

52. The development hereby permitted shall be implemented in accordance with the scheme of machine movements approved on 20 March 2009 under condition 38 of planning permission reference ESS/18/07/TEN. The approved scheme of machine movements are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

53. Before any part of the site is excavated or traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part), all available topsoil and/or subsoil shall be stripped from that part and stored in accordance with the details agreed under Condition 51.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

54. For top soil and sub-soil stripping:

- (a) The top soil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of re-instated sub-soil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent re-use.
- (b) When the sub-soil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden / low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent reuse.
- (c) Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, and to aid the final restoration of the site and to comply with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

55. At no time shall the pre-settlement contours, inclusive of capping, subsoil and topsoil, following landfilling in each phase, exceed the 42 metres AOD crown or any of the contours as shown on Drawing No. Fig 5.2 Rev B dated January 2008. A competent land surveyor shall check the levels on site once infilling is complete (on any phase or part phase) and prior to the placement of the clay cap and these levels shall be submitted to the Waste Planning Authority within 14 working days.

The operator shall give the Waste Planning Authority 5 clear working days' notice to enable an inspection to be made prior to the placement of the clay cap or any phase or part phase.

Reason: To ensure that the final post-settlement landform does not exceed 39 metres AOD and so that it can be returned to a satisfactory and beneficial after-use to support amenity use, improve its appearance in the interests of visual amenity and assist in absorbing the site back into the local landscape in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

56. The development hereby permitted shall be implemented in accordance with the soil bund management scheme approved on 7 May 2009 under condition 41 of planning permission reference ESS/18/07/TEN. The approved soil bund management scheme are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance, to ensure the retention of the existing soils on the site for restoration purposes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

57. Prior to the cessation of the infilling element activities undertaken within the Western extension land under Planning Permission ESS/29/20/TEN or by 30<sup>th</sup> December 2037 whichever is the sooner, a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall have been submitted to the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Landscaping

58. The development hereby permitted shall be implemented in accordance with the landscaping provisions approved on 22 June 2009 under condition 31 of planning permission reference ESS/18/07/TEN. The approved landscaping is set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:

- Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
- Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
- Plan MQ/L12A Landscape proposals dated 8 March 2009,
- Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

59. All landscaping shall be maintained to the satisfaction of the Mineral Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operator in any way on the site. All new tree and shrub planting must be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

## Habitat Management



- 60 The development hereby permitted shall be implemented in accordance with the habitat management plan approved on 7 May 2009 under condition 35 of planning permission reference ESS/18/07/TEN.

The approved habitat management plan are set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited, Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008, Plan MQ/I12A Landscape proposals dated 8 April 2009, Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and details as varied by letter dated 21 April 2009.

Reason: To ensure protected species are sheltered from the development and if necessary, moved to alternative habitats, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Aftercare south of Slough Lane

61. All operational land south of Slough Lane, associated with this development shall be restored to a condition suitable for agriculture within the periods and with the agreed restoration scheme previously approved and identified under Condition 6 and managed through the aftercare scheme as provided for under Condition 62, with all soils being placed to their original settled profiles using the indigenous subsoil and topsoil stored in earth bunds.

Reason: To aid the final restoration of the site in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, QL11 and COM 23 of the Tendring District Local Plan 2007.

62. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard suitable for agriculture shall be submitted to and approved in writing by the Waste Planning Authority prior to commencement of restoration works on site. The submitted scheme shall:

A) Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five-year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

B) Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Waste Planning Authority approve 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 programme shall be carried out in accordance with the approved Scheme.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### **E. For ESS/29/20/TEN**

##### **Commencement and Duration**

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include any ground preparation works or any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access across Slough Lane).

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

3. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, shall be removed and the site restored in accordance with the conditions of this permission not later than 17 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with Condition 2.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Mineral Planning Practice Guidance that seeks to minimise the adverse

effect of workings within the environment and the National Planning Policy Framework that restoration and aftercare of such sites is achieved at the earliest opportunity and to a high standard having regard to Policy S12 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Approved Details

4. The development hereby permitted shall be carried out in accordance with the following details
- a) Planning Application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
  - b) Supporting Report entitled "Planning Application and Supporting Statement, Western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, subsequent restoration using inert materials along with the creation of new access" from PDE Consulting Ltd dated February 2020.
  - c) BCL Consultant Hydrogeologists Limited report entitled: "Sewells Reservoir Construction Limited, Martells Quarry Slough Lane, Ardleigh, Colchester, CO7 7RU, Western Extension to mineral extraction area; and subsequent restoration using inert materials, Hydrological & Hydrogeological Impact Assessment" dated January 2020
  - d) Drwg No: KD.MTQ.2.001 entitled "Site Location Plan" dated February 2020.
  - e) KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020.
  - f) Letter from PDE Consulting dated 7<sup>th</sup> December 2020 and accompanying:
  - g) Drwg No: Figure 1 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout" Rev B dated 05/12/20.

As amended by the letter from PDE Consulting Limited dated 28<sup>th</sup> January 2021 and accompanying:

- h) Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021.

As amended by the email from D. Marsh to Terry Burns dated 20<sup>th</sup> May 2021 @ 17:31 and accompanying:

- i) Letter from PDE Consultants dated 11<sup>th</sup> May 2021.
- j) Drwg No: KD.MTQ.2.004 entitled "Phase 1 - Working and Restoration" Rev B dated April 2021.
- k) Drwg No: KD.MTQ.2.005 entitled "Phase 2 - Working and Restoration" Rev B dated April 2021.
- l) Drwg No: KD.MTQ.2.006 entitled "Phase 3 - Working and

- Restoration” Rev B dated April 2021.
- m) Drwg No: KD.MTQ.2.007 entitled “Phase 4 - Working and Restoration” Rev B dated April 2021.
  - n) Drwg No: KD.MTQ.2.009 entitled “Concept Restoration” Rev D dated April 2021.

As amended by the email from D. Marsh to Terry Burns dated 2<sup>nd</sup> August 2021 @ 10:29 and accompanying Drwg No: KD.MTQ.2.019 entitled “Area Restored Prior to Commencement of Extraction in Phase 2” dated July 2021.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Availability of plans

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

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

#### Protection of Existing Trees and Perimeter Vegetation

- 6. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

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

7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme based on Drwg No: KD.MTQ.2.015 entitled "Development Cross Sections" Rev A dated April 2021 showing the provision and protection measures of the standoff/buffer of the extraction areas and the attenuation ponds; drainage ditches and perimeter veteran trees/vegetation has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:
- a) Measures to demarcate the standoff from any affected tree/hedgerow/woodland.
  - b) Maintenance of the demarcation measures during the life of the site activities.
  - c) Programme of works to achieve a) and b) above.

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

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

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

#### Slough Lane crossing point

8. No site preparation works (as defined in Condition 2 of this permission) shall take place until the crossing point over Slough Lane has been constructed and been commissioned. The scheme shall make provision for accommodating the details as set out in:
- a) Letter from PDE Consulting dated 07/12/20.
  - b) Design of the site access being based on Drawing No: Figure 1 Rev B dated 05/12/20 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout".
  - c) Provision of gates at the entrance such that any gates provided shall be inward opening only.
  - d) Temporary Traffic Management Plan, which shall be adhered to during the construction phase of the works, The Plan should include details regarding any temporary traffic management/signage; access for pedestrians, if required, wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

- e) Management and Maintenance of the crossing point during the life of the permission.
- f) Provision for photographic and design record of the existing access arrangements to inform future works at reinstatement stage.
- g) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
- h) Provision of advance signage on both approaches to the proposed Slough Lane crossing points. The signage shall be installed before the road junction / crossing point is first used by vehicular traffic.
- i) Modifications/ provision of advance signage on both approaches to the existing Bromley Road/Slough Lane crossing points.
- j) The proposed crossing points on Slough Lane shall be provided with a clear to ground visibility splay in accordance with drawing: Figure 1 Access Plan Revision B, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / crossing point is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To make adequate provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development in accordance with policy DM1, DM2, DM9 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

9. No unbound material shall be used in the surface treatment of the vehicular access within 12 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

10. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

11. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Tree Protection - Slough Lane crossing point

12. No site preparation works (as defined in Condition 2 of this permission) nor any ground disturbance in preparation for the construction of the Slough Lane crossing point as referenced in Condition 8 of this permission shall proceed until a scheme for the protection of the roadside trees within the sightlines of the proposed crossing point has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as approved. The scheme shall make provision for:
- a) Cross sections for the access / crossing of Slough Lane in relation to the protection of trees T84, 85 and 86 as indicated within the Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021 on Drwg No: SHA 1334 TPP SW entitled "Tree Protection Plan" dated 20/01/21.
  - b) Cross sections indicating the relationship of the 3-metre-high bund along Slough Lane to the hedge H86.

The development shall be implemented in accordance with the approved scheme and managed through the life of the permission.

Reason: To provide clarity for those details approved and to ensure that trees and hedgerows are suitably protected and not impacted by the development activities having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Martells Industrial Estate/Slough Lane Junction Improvements

13. Within 18 months of the date of this permission the stretch of carriageway, together with the existing northern and southern crossing point bell mouths located at the entrance to the Martell's Industrial Estate, shall have been improved in accordance with the Section 278 Highways Agreement and the improvements works commissioned.

Reason: To provide suitable provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development and in the interests of pedestrians and vehicular traffic safety

having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; Policies DM1 of the Essex County Council Highway Development Management Policies February 2011 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Ecological Interest

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

- 14.. No site preparation works shall take place (as defined in Condition 2 of this permission) until a scheme for addressing the biodiversity aspects of the land has received the written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the development period in accordance with the approved scheme.

Reason: To conserve protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

#### Time Limit on development before further ecological surveys are required

15. No new Phases of mineral working including vegetation clearance and soil stripping as depicted on the Working Phase drawings Nos: KD.MTQ.2.004 – 007 Rev B's dated April 2021 shall take place until:
- a) an assessment by a qualified ecologist has been undertaken to determine whether or not further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures. The supplementary



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

- b) Such further ecological survey work as may be required in (a) above with any actions completed and this has been confirmed in writing to the Mineral Planning Authority.

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

#### Bird Nesting

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

Reason: In the interests of wildlife and to ensure breeding birds are not disturbed by removal of habitat having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Biodiversity Enhancement Strategy

- 17. Within 3 months of the date of this permission a Biodiversity Enhancement Strategy for Protected and Priority species and habitats shall be submitted in writing to the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall make provision for:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the details as may subsequently be approved in writing by the Mineral Planning Authority. The Strategy shall be retained in that manner thereafter.

Reason: In the interests of wildlife and to ensure provision is made to

safeguard the ecological interest on the site and to allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Archaeology

18. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until a Written Scheme of Investigation to address archaeological mitigation has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as subsequently. The scheme shall make provision for a mitigation strategy which identifies areas proposed for archaeological excavation, geoarchaeological investigation and archaeological and geoarchaeological monitoring.

Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

19. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until written confirmation has been submitted to the Mineral Planning Authority confirming the completion of the programme of archaeological excavation and geoarchaeological test pitting identified in the Written Scheme of Investigation provided for in Condition 18 above.

Reason: To ensure the archaeological and geoarchaeological potential of the site is fully investigated and mitigation measures as required within the Written Scheme of Investigation can be implemented having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Provision of reports

20. Post excavation assessments will be submitted to the Mineral Planning Authority:
  - a) Within 4 months of the completion of the fieldwork for each phase of working.
  - b) An overarching post excavation assessment within 6 months of the

completion of the programme of investigation. This will result in 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 ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

#### Topographical surveys

21. Topographical surveys shall be submitted;

(i) A survey of site levels within each phase of working as depicted on the series of drawing Nos: KD.MTQ.2.004 - 007 referenced in Condition (xx) above shall be carried out at intervals of not less than every 12 months, starting from the date on which excavation of overburden/mineral takes place from within each Phase. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

(ii) At the completion of final formation contours as depicted on Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021. to confirm topographical levels are in accordance with the restoration plans. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

Reason: In the interests of clarity, to enable appropriate monitoring of the site; and to ensure the proper working/restoration of the site in accordance with the approved details having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Vehicle Routeing

22. A record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The record shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.

Reason: In the interests of clarity, to enable appropriate monitoring of the site generated vehicle movements in order to ensure compliance with the approved details having regard to Policy DM2 and S10 of the Essex

Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Highway Cleanliness

23. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

#### HGV Movements

24. No mineral or other material as may be permitted by this permission shall be exported or imported other than via the existing site processing plant/weighbridge facility located on the north side of Slough Lane and then along the internal haul road located east of Slough Lane to the crossing point linking through to the application land as depicted on Drawing No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020.

Reason: In the interests of clarity and the provisions of the planning application upon which determination of the application an important aspect of the acceptability of the application; to limit the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

#### Sheeting Vehicles

25. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the existing site processing plant/weighbridge facility located on the north side of Slough Lane.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry

operations do not give rise to unacceptable environmental impacts on the environment.

#### Vehicle Maintenance

26. No servicing, maintenance or testing of vehicles or plant shall take place other than within the quarry void or the extant processing plant area operated under Planning Permission ESS/27/20/TEN.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Reason: To minimise any nuisance and to protect the amenities of neighbouring landusers and the rural environment/local area having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Landscape, Ecology and Management Plan (LEMP): Biodiversity

27. No site preparation work, as defined in Condition 2 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

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

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner relating to the biodiversity aspects of the scheme having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007 and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow

unacceptable adverse impacts on the environment.

#### Sale of Aggregate/Other Product

28. There shall be no retailing or direct sales of mineral to the public from the application land.

Reason: To clarify those details approved, to maintain control over the development and to ensure that the land is not opened up to third parties the impact arising from which has not been proposed in the development nor formed part of the assessment of the application and could require a re-assessment of the decision having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Restriction on further Phase entry until Restoration Achieved within wider Quarry complex

29. No topsoil/soil stripping or mineral extraction shall take place beyond the Phase 1 land within either the Phase 2 or 3 sequences as identified on the Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020 until the land identified in green and identified on Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021 has been brought up to final formation level (topsoil level) and confirmation provided in writing from the Mineral Planning Authority that these levels have been achieved.

Reason: To confirm those details against which the acceptability of the development was determined, and to restrict the development to the design approved and the achievement of restoration from within the rest of the quarry complex footprint having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

## ENVIRONMENTAL PROTECTION

#### Hours of Operation

30. No operations authorised or required by this permission shall be carried out on the site except between the following times:

0700 – 1900 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

There shall be no operations on Sundays or Bank/National Holidays.

This condition shall not apply in cases of emergency when life, limb or property is in danger or for water pumping activities. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policies DM1, DM3 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Rubbish

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

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Burning

32. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policies DM1; DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Lighting

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

- a) Lighting point location.
- b) Lighting design details including:
  - (i) height,

- (ii) tilt,
  - (iii) lighting controls,
  - (iv) lighting design,
  - (iv) illuminance levels,
  - (v) uniformities,
  - (vi) spill light contour lines on to an Ordnance Survey mapping base.
- c) Assessment of sky glow and light spillage outside of site boundary.
  - d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Noise – Monitoring

34. No site preparation works shall take place, as defined in Condition 2 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 36 of this permission and as identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations" during the life of the development.
  - b) Unless determined by the Mineral Planning Authority noise monitoring to be at three monthly intervals.
  - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
  - d) Monitoring to be carried out for at least 2 separate measurements of at least 15 minutes at different times during the working day at each monitoring location which shall include Saturday periods whilst typical site operations are occurring.
  - e) That if noise compliance is not clear cut, as determined by the County Noise Consultant) then additional measurements such that at least 1 hr of data is obtained at the relevant locations is provided for.
  - f) The logging of all weather conditions including wind speed and direction.
  - g) The logging of both on-site and off-site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
  - h) The results of the noise monitoring to be made available to the



Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 36 of this permission.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Noise – Temporary Operations

35. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 36 of this permission shall not exceed 70dB LAeq,1hr. Measurement 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 12-month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Noise - Normal Levels

36. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Rumage House	49 dB LAeq 1hr

Ardleigh Park	51
Coronation Cottages	55
Slough Farm	54
Park Corner	55
White House	55
Carringtons	55
George Hall	55
Hull Farm	51

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Loudspeakers

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Reversing alarms

38. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site and in control of the applicant.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Dust

39. No site preparation works shall take place, as defined in Condition 2 until a Dust Management Plan for the land has received the written approval of the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Confirmation based on a review of more recent Local Air Quality Management publications or air quality data to confirm that PM10 concentrations are below 17µg/m<sup>3</sup>
  - b) The plan to incorporate such dust mitigation, management and monitoring procedures as provided for within the extant dust monitoring/management/control schemes accommodated under ESS/61/19/TEN.
  - c) Details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e. under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints.
  - d) Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (such as during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

#### Surface Water Drainage and Pollution Protection

40. No site preparation works shall take place (as defined in Condition 2 of this permission) until a detailed surface water drainage scheme for the site's restoration stage, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - (ii) Provide sufficient storage to ensure no off-site flooding as a result of

the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- (iii) Final modelling and calculations for all areas of the drainage system.
- (iv) Detailed engineering drawings of each component of the drainage scheme.
- (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising to both neighbouring sensitive receptors and the rural environment as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Surface Water Drainage Scheme Management

41. No site preparation works shall take place (as defined in Condition 2 of this permission) until a Maintenance Plan during the development site life and Aftercare period has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
  - b) Funding arrangements during life of the development permitted by this permission.
  - c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
  - d) Maintenance frequency.
  - e) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

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

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

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

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

44. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The

Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

45. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

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

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Fixed Plant and Buildings

47. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 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 plant/structures whether fixed/static or mobile nor stocking of minerals or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Mineral Planning Authority

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

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

48. Prior to the stripping of any soils from the site, excess vegetation shall be

removed from the areas to be stripped.

The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

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

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

51. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass

seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

52. Any soil storage mounds that may be required and insitu for more than 6 months shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the e Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Restoration

53. Within one year of the date of this permission, a revised restoration scheme based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) Design details for the ground features including water bodies, including profiles and cross sections.
- b) Incorporation of the recommendations set out in para 3.22 of the Susan Deakin Ecological Assessment report dated February 2020.
- c) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- d) Removal of all site structures including access entrance.
- e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use/To retain control over the development to not prejudice the restoration and afteruse of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste



### Landscaping

54. No site preparation works shall take place as defined in condition 2 of this permission, until a scheme of landscaping, based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 has received the written approval of the Mineral Planning Authority.

The scheme shall be implemented in accordance with the details as approved and shall be maintained for the life of the permission. The submitted scheme shall make provision for:

- a) Detailing of the advance planting provisions.
- b) Details of the longer-term boundary management.
- c) For a) and b) above the details shall address the:
  - i) Planting species including native trees; berry bearing shrubs, size, density, numbers and location planting arrangements;
  - ii) husbandry management of the existing perimeter hedgerows/trees and buffer planting,
  - iii) a programme of implementation to include the provision for planting during the first available season of the planting process.
  - iv) a programme of maintenance including final recommendations for tree management.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

### Agricultural Aftercare

56. Within two years of the date of the commencement of site preparation

works as provided for by Condition 2, an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

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

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, Natural England, landowners and interested parties to review performance.

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

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

#### Amenity Aftercare

57. Within two years of the date of the commencement of site preparation works as provided for by Condition 2 of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation habitat shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for:

- i. a management plan and strategy;

- ii. a programme to allow for monitoring the establishment of the habitat types which shall provide for:
  - a) such works as necessary to enable the establishment of i) above; and
  - (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
  - (c) for the habitat areas the:
    - cultivation practices;
    - post-restoration secondary soil treatments;
    - soil analysis;
    - fertiliser applications, based on soil analysis;
    - drainage;
    - planting and maintenance;
    - weed control;
  - (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

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

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

Reason: To ensure that the land is rehabilitated to a suitable condition to support an amenity use during the 5-year aftercare period having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Cessation

- 58. In the event of mineral extraction/infilling activities being discontinued for six months in the period specified in Condition 3 of this permission then the land as disturbed within the application footprint shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that mineral extraction has not taken place in the six-month period and shall include the requirements of Conditions 49 - 52 (inclusive) of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as

may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations  
Development Plan Framework

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

The proposed development would not be located adjacent to a European site. A Habitats Regulation Assessment (Screening stage) has been undertaken and the following European Sites which could be affected by the proposals were identified:

- Essex Estuaries Special Area of Conservation (SAC)
- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site

However, the HRA concluded that the project would not be likely to have a significant effect on any European Site, either alone or in combination with any other plans or projects and an Appropriate Assessment was therefore not required.

Having prepared this HRA Screening of the implications of the project for the above sites in view of those sites' conservation objectives, the Authority can agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**LOCAL MEMBER NOTIFICATION**

TENDRING - RURAL WEST– ARDLEIGH AND LITTLE BROMLEY

## **MINERALS LOCAL PLAN**

Within the Essex Minerals Local Plan Adopted July 2014, the proposed western extension parcel of land, as referenced in the Pre-Application submission, is identified in Appendix One. "Site Profiles for Preferred and Reserve Sites" as Site B1 Slough Farm. The extract from the plan is below.

### **B1 Slough Farm**

Site	B1
Address	Slough Farm
District	Colchester
Estimated Yield	0.46mt of silica sand 0.39mt of sand and gravel
Area:	11.66 ha
Estimated life	10 years
Method of exportation	Road
Method of Restoration	Assessed for low level restoration*
After-use	Agriculture

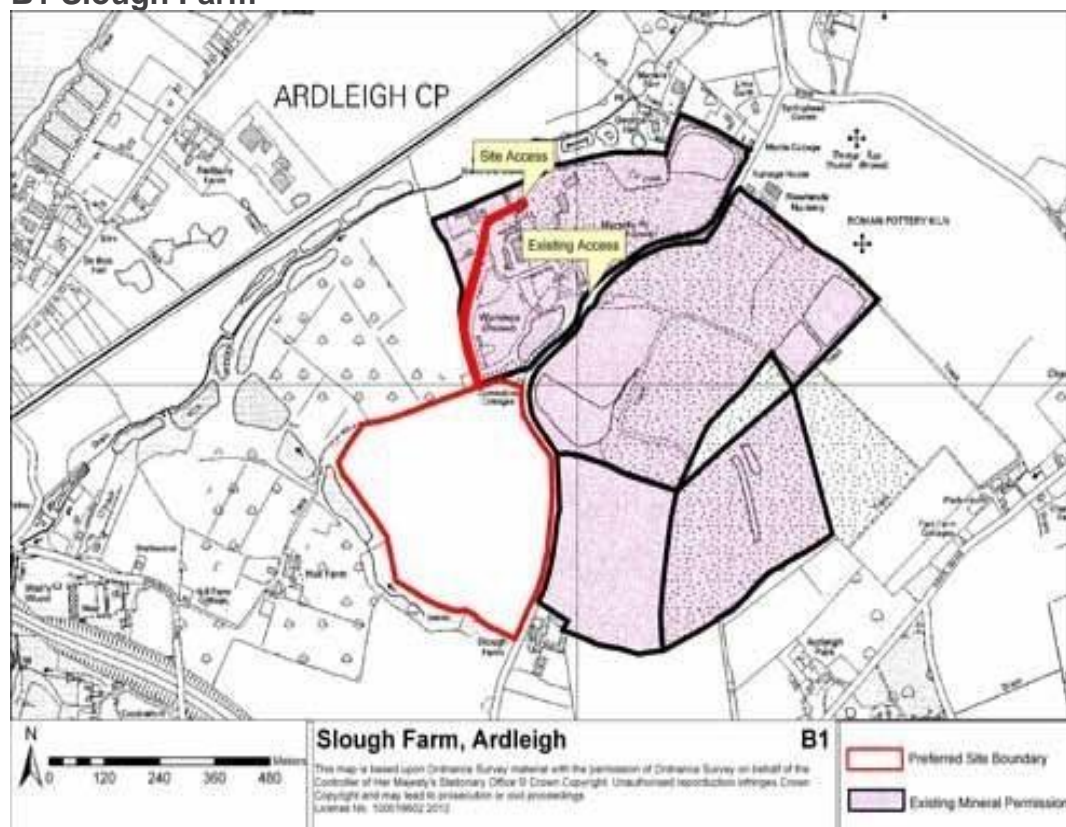
### **Specific issues to be addressed**

This site would be an extension to the existing Martells Quarry and would make use of the existing access onto Slough Lane.

1. Extraction would not be able to commence until extraction and the necessary restoration has been completed on the latest extension area ref ESS/18/07/TEN.
2. Access to the road network to be by way of continued use of the private track access to the A120, via the lorry park.
3. Performance of the A120 junction is to be monitored and any need to improve it to accommodate traffic from the proposed development to be identified as early as possible in the planning process.
4. Ability to access processing plant without increasing mineral traffic movements on Slough Lane needs to be demonstrated.
5. Trees which provide screening on the north, south and west boundaries to be protected from the effects of extraction.

6. There is evidence of, and potential for, protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/EIA.
7. The site is nearby to a River and agricultural groundwater abstraction points. A hydrological survey and assessment would need to inform any application/ EIA.
8. Excavation is to commence at the northern end of the site in order to reduce impact on properties. There should also be an appropriate buffer and bunding/ screening for these properties.
9. Early consultation with English Heritage would be required to discuss the setting of the Scheduled Monument. There is evidence of archaeological deposits, which suggest multi period occupation. A historic environment assessment would be required with any application/ EIA.
10. \*Although the site promoter has promoted infilling using imported waste it is considered that this will need to be subject to policies in the Waste Plan and for this reason low level restoration is preferred.
11. Careful consideration must be given to the final low-level restoration contours to ensure the final landform blends with the surrounding topography and that restoration would be predominantly back to agricultural use given the site contains Grade 2 agricultural soils.

## B1 Slough Farm



## WASTE LOCAL PLAN

Within the Essex and Southend Waste Local Plan (adopted July 2017) the proposed western extension land parcel is identified in Appendix B “Allocated Sites; Development Principles” as Site L(n)1R Slough Farm. The extract from the plan is set out below:

Table 19 Slough Farm, Ardleigh

District	Tendring
Area	15.65 ha
Indicative Facility Scale	40,000tpa - Inert Waste Recycling 1,000,000m3 - Inert Landfill Capacity
Link to Waste and Mineral Activities	Relevant Planning history as it is allocated for mineral extraction in the MLP (B1)
Site Allocation For	Inert Waste Recycling Inert landfill Capacity
Access	Road using Slough Lane
Estimated Availability	5-10 years
Life	19 years

This site would be an extension to the existing waste/mineral site at Martells Quarry. The following specific issues and opportunities are to be addressed:

- Access to the road network to be by way of continued use of the private track access to the A120, via the lorry park.
- Performance of the A120 junction is to be monitored and any need to improve it to accommodate traffic from the proposed development to be identified as early as possible in the planning process.





**Our Ref:** 17/001b/DM/21/032

**Your Ref:**

Essex County Council  
Minerals and Waste Planning  
Sustainable Environment & Enterprise  
County Hall  
Chelmsford  
Essex  
CM1 1QH



For the attention of Mr T Burns

6 Forbes Business Centre  
Kempson Way  
Bury St Edmunds  
Suffolk  
IP32 7AR

15 June 2021

**t:** 01284 764 085

**w:** [pdeconsulting.co.uk](http://pdeconsulting.co.uk)

Dear Terry,

**Martells Western Extension and Others – Inter relationship between current extraction/landfilling and restoration**

I refer to our recent conversation during which we discussed the inter-relationship between the current extraction/landfilling and restoration in the current consented area and the potential effects that may arise due to the proposed western extension.

Reference has been made to point 1 of the Site Profile for the allocated extension area within the adopted Essex Minerals Local Plan which states extraction would not be able to commence until extraction and the necessary restoration has been completed on the latest extension area ref ESS/18/07/TEN (which has now been superseded by ESS/61/19/TEN).

As mentioned within the Planning Application and Supporting Statement, one of the main factors that has caused a delay in the working and restoration of the area is due to Essex County Council imposing Condition 9 onto planning permission reference ESS/23/15/TEN. Condition 9 stated that the working and restoration could not commence until the land adjacent had been worked and restored. This land is not under the Applicants control and therefore they could not undertake the necessary work to allow the area to be restored. Due to this condition, upon taking over the current working area, the Applicant instructed PDE Consulting Ltd to vary the permission in October 2017, with the consent not being issued until 26 September 2018 which then allowed the Applicant to work and restore the current working area in a timely manner as is required under local and national planning policy.

In addition to the restrictive conditions attached to the planning consent, the former operator did not apply for an environmental permit to allow the restoration works to take place through the landfilling of non-hazardous and inert wastes.

Since taking over the site, the Applicant has had to resolve a number of issues to allow the current area to be worked and restored. In addition to the need to vary the planning consent, an application was required to be produced and submitted for an environmental permit to allow the site to be landfilled to be able to fulfill the restoration obligations. An environmental permit application was submitted in February 2018 and was granted by the Environmental Agency on 24 October 2018 (ref EPR/BP3334YQ).

Since the issuing of the environmental permit, the Applicant has been progressing with the engineering works to allow the restoration works to commence. The area is consented to accept inert and non-hazardous wastes, given the nature of the two separate waste streams to be landfilled, complex engineering is required to be undertaken prior to the area accepting waste for restoration purposes to create three separate cells for the two waste types.

In 2019 a Construction Quality Assurance (CQA) Plan was produced and subsequently approved by the Environment Agency. The CQA Plan sets out the engineering required for each of the cells proposed within the area and how this is to be undertaken. An artificial geological barrier (AGB) is required to be engineered along the floor of the void and sidewalls, prior to landfilling. The requirements of this AGB differ due to the two waste types to be imported. The non-hazardous cell is required to be engineered with London Clay and be placed to a depth of 1m and compacted to achieve a permeability of  $1 \times 10^{-9}$  m/s. The inert waste cells will also have an AGB of London Clay but is required to achieve a permeability of  $1 \times 10^{-7}$  m/s. During the engineering works independent third party CQA supervision is undertaken to ensure the works are undertaken in accordance with the approved CQA Plan..

Due to the way consented working scheme for the site, there was an insufficient void space created to allow for engineering works to take place straight away within any of the landfill cells. The Applicant first had to extract a quantity of mineral to allow the engineering works to take place.

The Applicant has made good progress within Cell 1 (non haz cell), the mineral has been extracted which has allowed for the engineering works to be completed to allow the area to shortly accept non-hazardous wastes. The Applicant has also commenced the engineering works within the inert waste cells and so will be able to start accepting inert wastes also, which will see the restoration works commencing across the area.

In addition to the previous factors which have caused a delay to the restoration of the current area, under the terms of the existing permissions for the quarry, planning permission reference ESS/61/19/TEN restricts the amount of vehicle movements to 108 HGV movements per day (54 in and 54 out). The permission also limits the sales of extracted minerals to 125,000tpa. The net effect of this permission, read in conjunction with later consents, is to allow for the sale of 125,000t of primary aggregates per annum, the importation of 250,000t of waste per annum, the onward sale of 175,000t of recycled aggregates per annum and a residue of 45,000m<sup>3</sup> per annum then becomes available for site restoration.

This equates to 30,000m<sup>3</sup> of inert waste and 15,000m<sup>3</sup> of non hazardous waste to infill a void space of 600,000m<sup>3</sup>. The current area contains approximately 200,000t of sand and gravel remaining which will be exhausted in 2 to 3 years time.

As a consequence of the lack of restoration undertaken by the previous operator and the restrictions placed on the consent with regards to the amount of waste which can be imported, the current area cannot be restored within the current timeframe. As such consent is being sought to extend the current restoration end date and to allow for a further 40,000m<sup>3</sup> per annum of non or less recyclable wastes to be imported to the quarry, providing approximately 85,000m<sup>3</sup> of waste to be used in the filling of the current void space to allow the area to be restored sooner than is currently feasible under the current planning conditions.

If consent is granted, once mineral extraction has ceased within the site, it is proposed that the remaining void space will be tipped at a rate of around 85,000m<sup>3</sup> per annum. The site is permitted to take two different waste streams to fulfil the restoration and, therefore, it is expected that inert waste shall account for approximately 70,000m<sup>3</sup> of void per annum with non-hazardous waste amounting to around 15,000m<sup>3</sup> per annum. The filling of the inert waste cells will take approximately four years and the non-hazardous cell will take around 21 years. The proposed western extension area contains 752,900m<sup>3</sup> of void space which will be filled using inert materials. There is a need to balance the rate of extraction of mineral against restoring the land in a timely manner and also fulfilling the restoration objectives of the current extraction area.

Whilst the applications propose to allow the current and proposed extension areas to be worked at the same time, there will be no overlap with regards to mineral extraction and the tipping of inert wastes within both areas. As proposed, once extraction has ceased within the current area, it will commence within the proposed extension. The western extension will be filled at a rate of around 70,000m<sup>3</sup> per annum, the commencement of which will be deferred until 2023 to allow time for a void to be created and also for the inert void in the current working area to be consumed. It is likely infilling shall have been completed in the western extension by 2038 and time will be needed thereafter to complete the restoration. The only area that will be left to be restored within the current area will be the non-hazardous cell, which will take longer due to the nature of the materials and the availability to source these wastes to allow the restoration to be completed.

By working the areas in this way, the restoration of the inert cells will be completed prior to the commencement of the restoration within the proposed western extension area. The non-hazardous waste cell will take longer to complete due to the nature of the wastes to be infilled and the need to balance the working of the proposed extension and current area.

As mentioned within the Supporting Statements there was only 2-3 years remaining of mineral within the current area at the time the application was made and this is obviously now less. The proposed extension area is the only site allocated within the Essex Minerals Local Plan as a preferred site for silica sand extraction. Bucbricks Bunker sand is used by, and contributes to the success of, the elite golf clubs in the UK and to UK golf competition. Of paramount importance to product performance is the consistency of grading and particle shape. SRC Aggregates Ltd produce to a USGA standard and is recognised for this by the only laboratory in the country accredited to test for the industry.

The Applicant's sand products support the RFU Groundsmen Connected programme which is centred around the dissemination of groundskeeping knowledge and providing access to quality, affordable aggregates for the maintenance of our country's grass roots facilities. Specialist turf sands require consistency of grading, cleanliness, and subrounded to rounded particle shape to withstand heavy use.

The Applicant also produces natural filtration grade sands and gravels that require a sub-angular to rounded particle shape in order to capture suspended solids and contaminants in water. A high silica content is essential in a product that must be extremely durable and hard-wearing, allowing it to be precisely graded to facilitate efficient filtering. Sands and gravels currently produced at Martells Quarry are approved countrywide by regional water companies and facilities management businesses in the filtration of rainwater for storage before treatment. The smaller gravel fractions are employed into water filters in domestic applications all the way through to cruise-ship potable water systems.

The NPPF requires the maintenance of at least a ten year landbank to safeguard investment and continued production at existing silica sand extraction sites. If the proposed extension was required to wait until the current area is completely restored this would result in the loss of the only allocated site for silica sand within the County, which would be contrary to national and local policy.

The proposals are in keeping within the how the site and wider area have historically been worked. The site has operated across three parcels of land for a considerable number of years, with mineral processing and waste recycling taking place within the historic areas of the site and extraction and landfilling taking place across two other permitted areas. As such, the proposed developments will not change this aspect which has occurred without complaint for many years.

The Essex Minerals Local Plan and Essex and Southend-On Sea Waste Local Plan has allocated the site as a suitable extension to the existing quarry. The site profiles contained within both policy documents allow the proposed extension to use the existing infrastructure within the wider quarry complex, and do not highlight any concerns with the extension causing unacceptable adverse impacts upon the landscape or residential amenity, provided it is worked on phased basis as proposed.

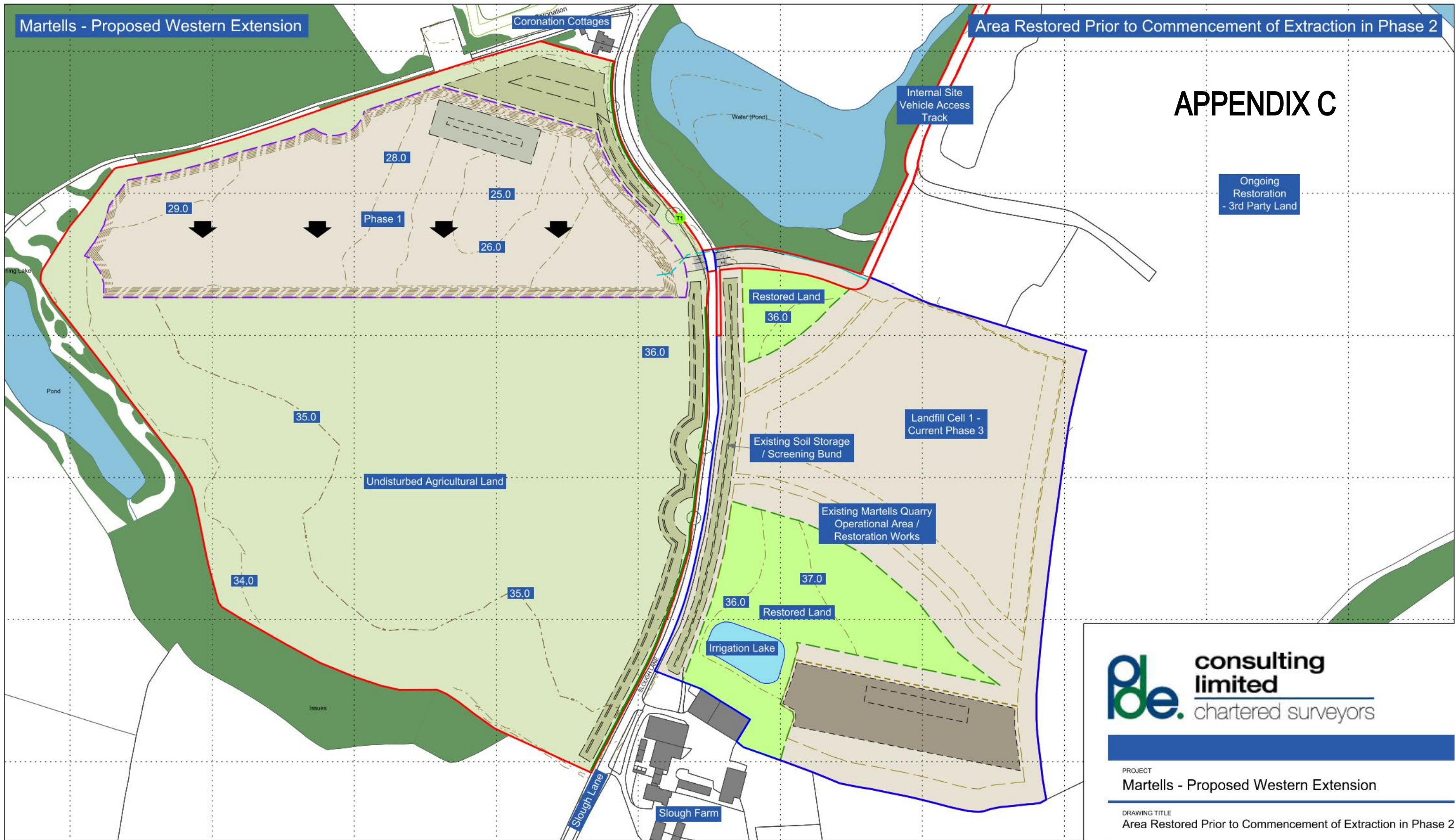
The proposed applications seek to reflect the way the wider area has historically been worked to ensure the current extraction area is restored in a timely manner, whilst also allowing the continued extraction of silica sand which is a vital aspect in supporting the mineral needs of the County.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'DM', followed by a long horizontal flourish.

**David Marsh** BEng (Hons) FRICS CEnv MIQ  
DIRECTOR  
RICS REGISTERED VALUER





# APPENDIX C

**pde.** consulting  
limited  
chartered surveyors

PROJECT  
**Martells - Proposed Western Extension**

DRAWING TITLE  
**Area Restored Prior to Commencement of Extraction in Phase 2**

DATE  
**July 2021**

SCALE  
**1:2,500 @ A3**

DRAWING No.  
**KD.MTQ.2.019**

DRAWING STATUS  
**FINAL**



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## Legend

	Application Boundary		Area Restored Prior to Commencement of Extraction within Phase 2		New Native Hedgerow / Hedgerow Trees
	Other Land Under the Control of the Applicant		Restored Irrigation Lake		Phase 1 - Limit of Extraction
	Existing Woodland		Overburden & Soils Store - Existing Martells Quarry Operations		Operational Land / Direction of Working
	Water Bodies		Soil Storage / Screening / Noise Attenuation Bunds & Temporary Overburden Storage		Contours / Spot Levels (m aOD)

	Proposed Quarry Crossing Point
	Water Abstraction Pipeline
	Undisturbed Agricultural Land

**ESS/29/20/TEN**

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR:**

**PROPOSED WESTERN EXTENSION TO MARTELLS QUARRY FOR THE EXTRACTION, PROCESSING, SALE AND DISTRIBUTION OF SILICA SAND AND GRAVEL, AND SUBSEQUENT RESTORATION USING INERT MATERIALS ALONG WITH THE CREATION OF A NEW ACCESS.**

**REF NO: ESS/29/20/TEN.**

**LAND AT MARTELLS QUARRY, SLOUGH LANE, ARDLEIGH, ESSEX, CO7 7RU**

An Environmental Statement (ES) has been submitted with the application and examines the potential impact of the proposal on the natural and built environment and considers, where necessary, ameliorative measures to reduce and minimise that potential impact. The EIA process has been undertaken with respect to that part of the site where there are proposed changes. The assessment has been undertaken according to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and through the consultation process the ES has been revised as required and mitigation measures introduced either by amendments to the proposal or as suggested planning conditions. The assessment covers the following: -

Soils and Agriculture  
The Water Environment  
Landscape and Visual Impact  
Ecology  
Cultural Heritage  
Noise  
Dust  
Transport

A summary of the potential effects assessed in the ES are set out below.

**Soils and Agriculture**

The assessment found the application land to exhibit two separate soil profiles with the first exhibiting a medium sandy loam topsoil and upper subsoil with a heavy clay loam lower subsoil below half a meter depth. The second soil type being shallower with a medium sandy loam topsoil and upper subsoil above stone and gravel.

Both soil types have common stones in the topsoil, with the shallow soil being slightly stonier and having a greater presence of larger stones.

Where present the heavy clay loam lower subsoil impedes drainage of excess water down through the soil profile, however, the combination of the depth to this slowly permeable horizon, and the low rainfall experienced by the Site result in no soil wetness limitation.

A soil droughtiness limitation restricts land in the Site to ALC Grade 3b. The light texture of the topsoil and upper subsoil with their common stones, limits the volume of crop available water retained by the soil, which in conjunction



with the low rainfall experienced by the Site, results in the soil droughtiness limitation.

Comments: Appropriate management of the soil material through striping, storage and replacement could optimise the success of the land restoration, minimise the cost and duration of the aftercare required and conserve the soil resource for ecosystem functions in addition to agricultural production.

## **The Water Environment**

The assessment addressed the existing surface water drainage; the overlying hydrological regime; the underlying hydrological conditions and historic flooding records.

The assessment found the application land as being within Flood Risk Zone (FRZ) 1.

The proposed activities being classified as “Appropriate Activities” by Table 3 of the Technical Guidance to NPPF.

There is considered to be negligible potential for significant flooding of the Proposal Site from rainfall runoff from adjacent lands and that risk posed by groundwater flooding is considered acceptable and controllable through industry-standard practice (i.e., sump dewatering operation).

Comment: Surface water management for the restored land could be addressed through appropriate conditions.

## **Landscape and Visual**

The assessment undertaken included a landscape and visual impact assessment (LVIA) of potential effects on the local landscape character and quality, together with an assessment of the sites visibility from the surrounding area.

The assessment considered the baseline with a description of the landscape noting the Natural England’s Joint Character Area number 11 Northern Thames Basin, the East of England Landscape Typology of Plateau Estate Farmlands, Essex County Councils Landscape Character Area E3 Tendring Plain and within the Area7 Heathland Plateau-7a Bromley Heaths Landscape Type.

The land is not defined within a nationally designated landscape. There are no recorded Sites of Special Scientific Interest (SSSI) located on the land although there are two SSSI’s located ~0.3km to the south east of the Site relating to interglacial exposed deposits and being named as Ardleigh Pit. The setting of these SSSI’s would not be affected by the proposals.



There is a relatively high concentration of Listed Buildings within 2km of the Site but none within its immediate proximity or setting. There is a relatively dense network of local PROW within the local landscape. None run through the Site, but one section of PROW Ref 158-51 runs adjacent to the south eastern boundary.

The assessment considered various viewpoints from outside vantage points.

The assessment confirmed that site boundary vegetation would be retained and strengthened in additional planting at various points.

Mitigation within the initial works and progressive restoration, would accommodate a linked wildlife buffer / corridor around the whole site periphery comprising a mix of native tree / shrub species, species rich grassland, ditches, and water bodies with shallow margins. The new wildlife/landscape area would equate to ~1.9Ha at final restoration.

Comments: Conditioning the proposal to the proposed working programme together with a long-term Landscape Management Plan could be secured.

## **Ecology**

The assessment identified the baseline conditions and included a desk top study; site visit and habitat survey including Protected species and faunal surveys.

It was noted that the application area did not contain, adjoin, or include any statutorily designated sites of ecological interest, such as Sites of Special Scientific Interest (SSSI), National Nature Reserves, Special Protection Areas (SPAs) or other sites designated under European Directives. Neither does the Site contain, adjoin, or include any non-statutorily notified sites of ecological interest at the County level (Local Wildlife Sites-LWSs), or Local level, of importance.

The assessment considered there to be scope for ecological enhancements to be implemented on the Site periphery to meet the following objectives:

- to create new and enhanced habitat for wildlife and increased site and local biodiversity, providing enhanced ecological connectivity and a diverse mosaic of aquatic and terrestrial habitats of nature conservation value:
- including new and enhanced hedgerow habitat along Slough Lane and an ecotone of habitat around the periphery of the Site.

The assessment recommends that:

- the Slough Lane boundary hedges are to be subject to comprehensive reinstatement including gapping up the sections of hedgerow removal

(required to enable the access) and to replace former sections of hedgerow, now defunct, along the extensive lengths of unvegetated roadside verge and will also be planted with at least 8 no. new hedgerow oaks. The new sections of hedgerow along the eastern Site boundaries (see Concept Restoration drawing) to consist of locally indigenous, native tree and shrub planting, including hawthorn, blackthorn, field maple, dog rose, holly and hazel. This will effectively reinforce the site margins as ecological corridors linking with the surrounding area. A major part of the new hedgerow planting will be undertaken in the first planting season following planning consent, with a further second stage, to infill the gaps caused by the access route crossing Slough Lane, will be undertaken at the earliest opportunity following scheme completion;

- an appropriate species-rich acid grassland mix to be used as the major component of a substantial (approx. 1.9ha) new wildlife buffer around the entire perimeter of the restored agricultural field. A more diverse woodland edge type of species-rich flora / ecotone, to be sown / planted in the peripheral retained ecotone habitat areas between the retained woodland to the west and the restored field, as appropriate and to be agreed with the LPA;
- the wildlife buffer to contain swathes of new native tree and shrub planting (as described in the LVIA and shown on the Concept Restoration drawing) and will also contain several new areas of wetland, designed both to provide water management and wildlife habitat. These will comprise attenuation ponds, with shallow margins, to be located at the low points of the site periphery, fed by land drains, and will be linked by seasonally wet ditches / scrapes, designed to control rainfall derived runoff from the Site, following restoration (to 100-year storm event as discussed in the Flood Risk Assessment, Appendix 6 of the HHIA);
- optimise the biodiversity value of these peripheral parts of the Site, as effective wildlife corridors linking with existing woodland, hedgerows, and wetland habitats in the environs of the Site. Use of these areas by a range of wildlife including nesting birds, brown hare and other small mammals, invertebrates, herptiles and bat foraging, will be encouraged post restoration through appropriate management, to promote a varied and potentially valuable habitat mosaic, comprising a matrix of wetland, grassland, scrub, and native trees, effectively complimenting the adjacent areas of woodland, water course and hedgerow.

Appropriate conditions could be imposed to secure the mitigation and enhancement aspects through long term management plans.

## **Cultural Heritage**

The assessment undertaken included desk-based assessment, geophysical survey, and trial trenching.

The assessment confirmed that there were no designated assets of cultural heritage importance in the search area of the application land. One Scheduled Monument and 5 Grade II listed buildings are within 1km.

The assessment found that whilst the application land lies within area of moderate-high archaeological potential, based upon the evidence in the Essex HER. However, results of the evaluation, coupled with evidence of intensive ploughing would point to much lower potential than anticipated.

The trenching report concluded that the results confirmed the accuracy of the geophysical survey.

Comments: Conditioning the proposal to the proposed working programme and a scheme of archaeological investigation/evaluation could be secured.

## **Noise**

The assessment calculated the predicted noise levels for the proposed development. A noise survey was undertaken to assess the change in noise levels from site activities on the baseline conditions. Account was also taken of the extant quarrying activities within the overall quarry complex.

Several surrounding properties identified were taken as being the representative sensitive locations around the application land.

Calculations were undertaken to consider the proposed activities against the receptors to determine appropriate standoff/bunding and extraction limits.

Mitigation –

- a) Noise monitoring undertaken at locations representative of sensitive premises surrounding the site.
- b) Noise mitigation measures in the form of separation distances and bunding identified for the individual properties in close proximity to the site.

Comments:

Site working layout and provision of appropriate mitigation measures together with a scheme for undertaking monitoring at locations representative of adjacent residential properties could be secured through condition.

## **Dust**

The assessment considered the potential impacts of the development, including cumulative impacts, and proposed several mitigation strategies for the Proposed Development.

Mitigation

- a) A phased restoration of the Site is proposed which will reduce the potential area over which fugitive emissions may be released at any one time.
- b) Screening bunds and existing vegetation which will be retained, will effectively block the pathway for dust emissions towards sensitive

- receptors. The primary method of remedial mitigation will be the application of water to wastes and surfaces.
- c) The use of water sprays on haul roads has been documented as a very effective dust control measure, being able to reduce dust emissions by over 90% depending upon the degree of wetting and the frequency of application.
  - d) In accordance with the requirements of the planning application, no waste operations shall be carried out outside the following times, other than with the prior written permission of the Mineral Planning Authority (MPA):
    - 07.00 to 18:30 hours Monday to Friday; and
    - 07.00 to 13.00 hours Saturdays.And, at no other times on Sundays, Bank Holidays or Public Holidays”.
  - e) It is proposed that these hours of operation remain the same in respect of the Proposed Development.
  - f) Dust Monitoring
    - Visual inspections will be undertaken by the Site Manager or his nominee during each working day at the following locations:
      - Site boundaries;
      - Slough Farm;
      - Site access roads and haul roads; and
      - Public highway.
  - g) Dust Action Plan

The assessment recommended that dust mitigation practices would be implemented.

Comments:

Appropriate conditions could be imposed to secure dust management.

## **Transport**

The assessment considered the existing situation of the quarry complex, its existing and proposed new access arrangements and existing traffic flows with Automatic Traffic Counters being employed.

The assessment undertook speed survey data confirming the visibility provision at the proposed new haul road crossing of Slough Lane to accord with current design standards for safe access.

The assessment considered the impacts arising from the potential uplift in the traffic generation could be accommodated on the local highway.

Comments: Appropriate conditions could be imposed to address site entrance improvements; landscaping; traffic generation and a routing plan.

**DR/17/21**

**Report to:** DEVELOPMENT & REGULATION (24 SEPTEMBER 2021)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Pyrolysis Plant to generate electricity from imported solid recovered fuel, associated building and offices

**Ref:** ESS/61/21/CHL

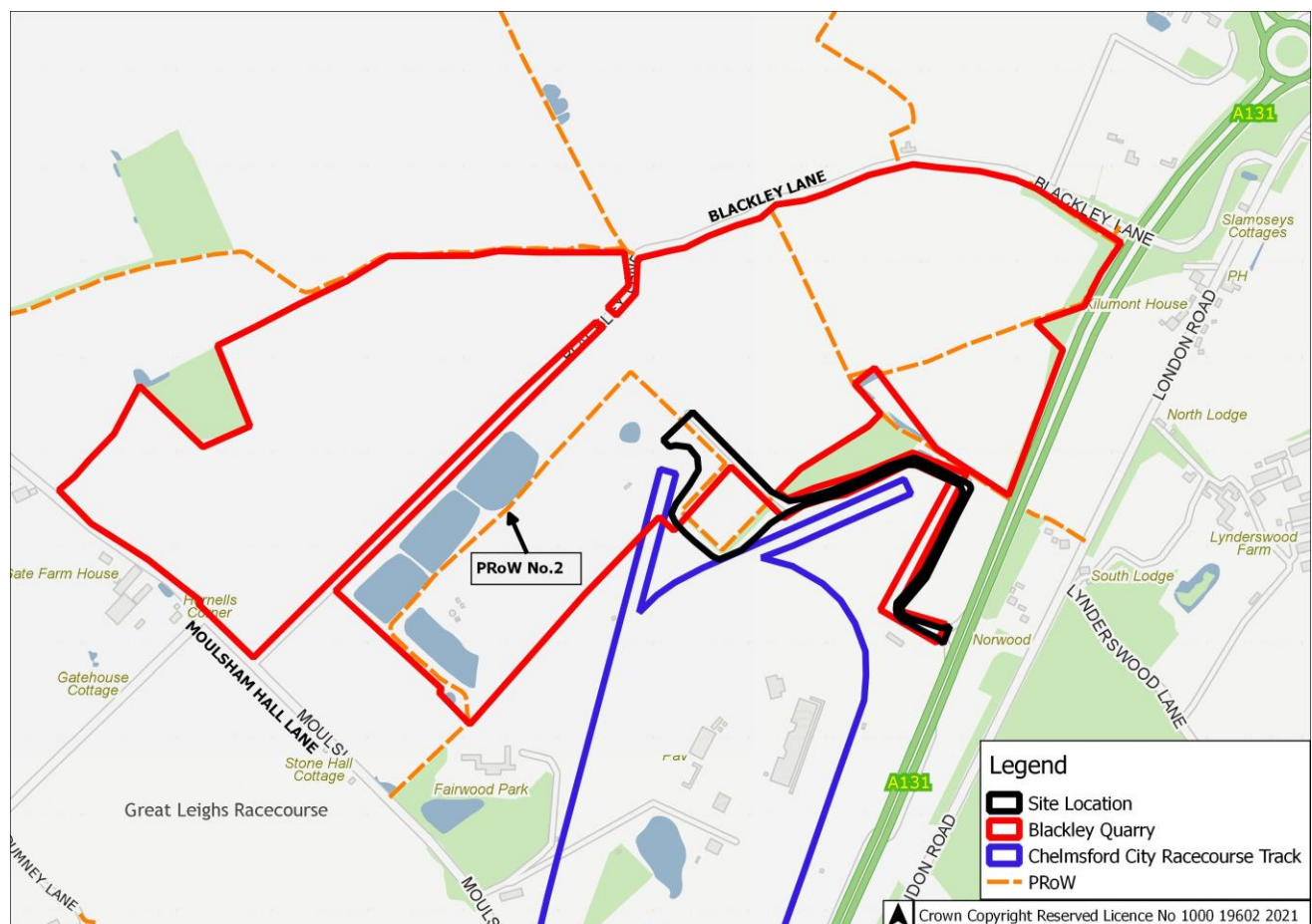
**Applicant:** Moulsham Hall Farms Ltd and E-Power International

**Location:** Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP

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

**Enquiries to:** Claire Tomalin Tel: 03330 136821

The full application can be viewed at <https://planning.essex.gov.uk>



## 1. SITE

The site has not been subject to any previous development; it lies between Chelmsford Racecourse and Blackley Quarry.

The site is located approximately 2km north of Great Leighs in Chelmsford City Council area. However the border with Braintree District Council lies approx. 650m to the north of the site and Uttlesford District Council approximately 450m to the north west. The proposed access to the site is that currently permitted for use by both Blackley Quarry and Chelmsford City Racecourse onto the A131.

The site lies to the north of the Chelmsford racecourse track adjacent to the 7<sup>th</sup> furlong and the 1 mile chute. Previously extracted areas of Blackley Quarry lie to the north of the site and will in the future be the location of the new processing plant area for the quarry.

On the north east boundary of the site is the concrete access road to Blackley Quarry. At the point where the concrete road meets the eastern corner of the site, a track runs off the road, and follows the remaining boundaries of the site before curving around to meet the main road again.

The site is approximately 0.6ha, a relatively small square of land off the edge of a previously larger field. Historically the land was in agricultural use, but has been fallow for a number of years, due to its restricted size and has continued being unused since commencement of the mineral extraction to the north of the site.

The site is surrounded by trees and vegetation on 3 sides except that facing north east. Woodland on the south west boundary is part of an area TPO. Through lack use the site is now scattered with self-sown shrubs and trees.



Extract from applicant supporting statement



The nearest residential properties are located south east of the site, beyond the A131 on London Road at approximately 350m from the main site area, but within approximately 100m of the access onto the A131. There are also residential properties on Blackley Lane at approximately 475m away and on Moulsham Hall Road, the closest Helvellyn at 425m. Further residential development is allocated in the Chelmsford Local Plan west of Moulsham Hall Lane and in Great Leighs east of the A131 (Strategic Growth Sites Policies 7a, 7b, 7c and 7d).

Public footpath Great & Little Leighs no. 2 passes from Moulsham Hall Lane to the A131 passing through Blackley Quarry and circuits the proposed site on the 3 sides.

The application site does form a small part of Site A38 allocated for sand and gravel extraction in the Minerals Local Plan 2014 and also lies within the Mineral Safeguarding Area. The application site also forms part of Site L9(i)10R allocated for inert landfill in the Waste Local Plan 2017.

The site lies adjacent to the Chelmsford City Racecourse Special Policy Area identified in the CCC Local Plan.

The application site is not subject to any other designations in the CCC Local Plan.

## 2. PROPOSAL

The application is for a small scale pyrolysis plant - an energy from waste facility, utilising solid recovered fuel (SRF) to generate power. Pyrolysis is the combustion of material without oxygen to create syngas, the syngas can then be used to power an electricity generator.

The proposal includes the creation of a compound within which would be located a building, to accommodate some of the plant and also provide staff offices, staff and visitor facilities, laboratory, meeting room and the control room for the plant. It is anticipated there would be 18 staff, but staff would work in shifts, such that there wouldn't be 18 staff on site at any one time.

The building would be 57m long by 26m wide, steel clad with an additional outside covered area on the southeast elevation for plant that is required to be under cover including gas conditioning plant, char store, cooling circuits, filtration circuits and air compressor.



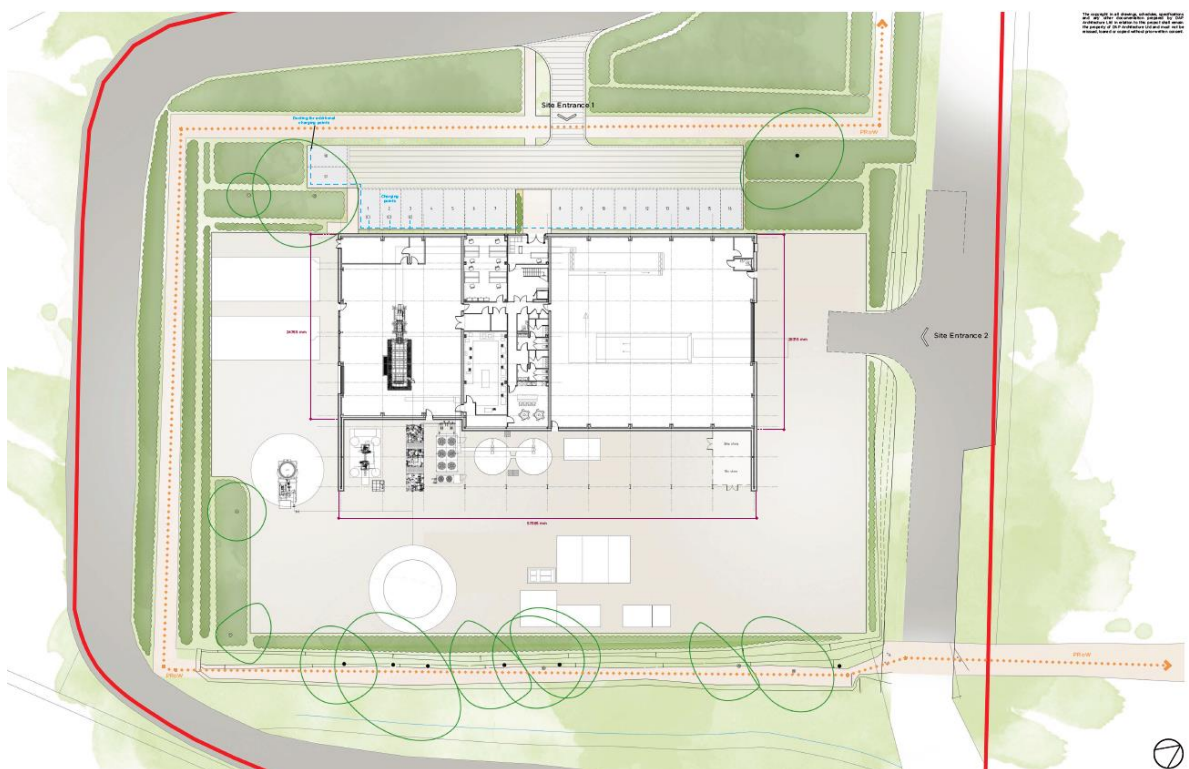
The building would have a single pitched roof. The roof would have a single ply roof membrane with metal standard seam cladding, with aluminium black frame

windows and doors and a trim grey brick on the ground.

The site would be accessed off the highway via the existing access used by the quarry and racecourse onto the A131 and then use the existing internal road to the location for the compound. There would be 2 accesses into the compound. One access on the north east boundary via the existing quarry/racecourse concrete road, to be used by HGVs to deliver SRF, materials and for service vehicles. The second access would be on the north west side for staff and visitors, this would be via the existing hard surfaced track that serves the racecourse. To access the site on the north west side, it would require the removal of a section of existing hedge and the access would cross a public right of way. 18 parking spaces would be provided for staff and visitors, including disabled parking and vehicle charging points.

There would be 6.4m high lighting columns positioned around the perimeter of the site with additional lights to light the parking area and vehicle circulation areas to the rear of the building within the compound.

Existing boundary vegetation would be retained and protected, except on the northwest boundary where an elm hedge would be lost. Additional planting in the form of hedgerows and trees is proposed on the north west and north east boundaries, along with management of existing woodland within the site.



The pyrolysis plant would be located within the building. The pyrolysis plant feed stock would be Solid Recovered Fuel (SRF). In this regard, the applicant has suggested *“the feedstock used is likely to be in excess of 60% from biogenic material and this fraction can be considered as producing ‘renewable’ energy. The remainder will be formed of plastics and other fossil fuel-based materials. This fraction will produce renewable energy, but due to the efficiency of the process will be a lower carbon outcome than if the same materials were landfilled or*



*incinerated.*” The SRF would arrive by HGV and be unloaded within the building and then a conveyor used to load the SRF into the pyrolysis plant.

The pyrolysis plant is relatively small scale with a proposed capacity to treat 8,000 tpa, approximately 1 tonne per hour and output 1 megawatt of electricity. The importation of SRF is anticipated to generate 1 to 2 HGV loads a day (i.e. 2 to 4 movements a day), these would arrive within working hours. There would be no HGV deliveries on Saturday afternoons, Sundays & Public holidays.

The pyrolysis plant would generate syn gas which would be used to generate electricity with one generator proposed, which would be enclosed in an ISO container and located to the south east of the building. Syn gas would be stored in a tank also located outside south east of the building. The tank would only be able to store enough gas for about 15 to 20 minutes of operation of the generator; the storage is only used to ensure the generator can be shut down in a controlled manner. The pyrolysis process generates a residual known as char. This would be required to be exported from the site, generating 1 HGV load a week (i.e. 2 HGV movements a week). The application states that *“Carbon char is the residual solid that remains after processing organic material using easyPower’s unique technology. This material represents carbon capture in its truest sense and if sequestered, it is the key to our process achieving atmospheric carbon drawdown and therefore a carbon negative outcome.”* The char does have potential to be used, such as a soil amendment, additive to animal feeds to reduce methane and to treat contaminated land. Char is also being used as an additive in construction materials to offset carbon emissions or alternatively it would be required to be disposed of at a suitably licensed facility.

The generator would have an exhaust stack 8m high. In addition there would be a flare facility, the flare would be 9m high. The flame for the flare would be enclosed within the stack such that it would not be visible from outside, nor would there be visible smoke or condensate. The flare would only be used for limited periods during commissioning and then only in emergencies should there be a need to flare excess gas, in the event the gas engine failed.

The proposed main purpose of the plant is as a commercial demonstrator. The plant initially is unlikely to operate continuously, but would at times operate throughout the night. There would be a connection to the national grid to allow the power to be utilised off site. The cable to the national grid would run below the access road. It is suggested in the long-term that the facility could be connected to the racecourse to provide it with power some of which is currently generated through diesel generators. There is also an extant permission for a grandstand which could be potentially be heated from the facility. The applicant has stated there is also potential for the electricity to be used to power the adjacent quarry which also uses diesel generators. There is also potential for the heat to be used as part of a heating system for the housing development allocated in the Chelmsford Local Plan 2020 - Strategic Growth Site Policy 7a (SGSP7a) – Great Leighs – Land at Moulsham Hall or for the residential home allocated on Strategic Growth Site Policy SGSP7b – Great Leighs – Land East of London Road as and when this is developed.

There is also potential for the syn gas to generate power to be stored in batteries, a

gas to liquid conversion plant or even hydrogen generation, while possible locations are identified on the drawings for such, no details are provided and these do not form part of the proposals.

The application has been subject to an EIA Screening Opinion which concluded no EIA was required. The application was supported by a noise assessment, arboricultural assessment, ecology assessment, transport statement, landscape and visual impact assessment, lighting assessment and air quality assessment.

The applicant has confirmed it is their intention to apply for an Environmental Permit and that the facility would not operate as a “research and development facility” for which there are different regulations where an Environmental Permit is not be required. Due to the small scale nature of the facility the Environmental Permit would be administered and controlled by Chelmsford City Council Environmental Health Officer, rather than the Environment Agency.

### 3. POLICIES

The following policies of the Chelmsford Local Plan Adopted 2020, Waste Local Plan 2017 and Minerals Local Plan 2014 provide the development plan framework for this application. The following policies are of relevance to this application:

#### MINERALS LOCAL PLAN 2014 (MLP)

S8                      Safeguarding mineral resources and mineral reserves

#### WASTE LOCAL PLAN 2017 (WLP)

Policy 1              Need for Waste Management Facilities  
Policy 3              Strategic Site Allocations  
Policy 4              Areas of Search  
Policy 5              Enclosed Waste Facilities on unallocated sites or outside Areas of Search  
  
Policy 10             Development Management Criteria  
Policy 11             Mitigating and Adapting to Climate Change  
Policy 12             Transport and Access

#### CHELMSFORD LOCAL PLAN 2020 (CLP)

S2                      Addressing Climate Change and Flood Risk  
S4                      Conserving the Natural Environment  
S7                      The Spatial Strategy  
S8                      Developing Economic Growth  
S11                     The Role of the Countryside  
SPA2                  Chelmsford City Racecourse Special Policy Area  
SGSP7a              Great Leighs – Land at Moulsham Hall  
SGSP7b              Great Leighs – Land East of London Road  
SGSP7c              Great Leighs – Land North and South of BanTERS Lane  
SGSP7d              Great Leighs – Land East of Main Road.  
DM8                   New building and structures in the rural area  
DM16                  Ecology and biodiversity  
DM17                  Trees, Woodlands and Landscape features  
DM18                  Flooding and SUDS  
DM19                  Renewable and low carbon energy

DM23	High quality and inclusive design
DM25	Sustainable buildings
DM27	Parking Standards
DM29	Protecting living and working environments
DM30	Contamination and pollution

### NEIGHBOURHOOD PLAN

There is no adopted Neighbourhood Plan for Great & Little Leighs

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

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

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

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

## **4. CONSULTATIONS**

Summarised as follows:

CHELMSFORD CITY COUNCIL (CCC)(Planning): No objection. Raises no

comment in principle to the proposal and raises no objection subject to the development being carried out in accordance with the recommendations contained within the updated versions of the supporting studies/reports submitted with the application relating to landscape and visual impact, noise, lighting, air quality and arboriculture. The City Council is content for Essex County Council specialist staff to form views in relation to transport and ecology.

CHELMSFORD CITY COUNCIL (Environmental Health Officer): No objection  
Lighting – lighting levels will not exceed the relevant criteria in guidance that would give rise to obtrusive light at nearby properties.  
Noise – It seems noise impact from development would be satisfactory.  
Air Quality – no exceedance of relevant air quality values.

BRAINTREE DISTRICT COUNCIL (BDC)(Neighbouring authority): Object for the following reasons:

#### Policy Considerations

The site is allocated for mineral extraction in the MLP and for inert landfill following extraction in the WLP. The MWPA will need to assess the potential for mineral sterilisation.

The site is adjacent to the Special Policy Area for Chelmsford Race Course (SPA2) of the CLP, but is not allocated for development or subject to any specific designations on the CLP proposals map, therefore the site is considered to be located in the countryside. CLP policy SP11 states that there is a need to carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with the Spatial Strategy. Policy SP7 of the Local Plan sets out the spatial strategy and states that the Local Plans Spatial Principles are to focus new housing and employment growth to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers; and development around Key Service Settlements outside the Green Belt.

The applicant argues that the site is sandwiched between the Racecourse and the quarry, but fails to acknowledge that the countryside planning policies apply and in addition the quarry is only temporary.

The supporting statement relies heavily on WLP policy 5. The applicant states that they are in discussion with 2 local suppliers for the waste, but it cannot be said that the plant would definitely be dealing with waste generated within the County.

The planning statement appears to acknowledge that the proposals does not comply with other provisions of Policy 5, and instead relies on the criteria that any other proposals will be assessed on their merits. The applicant argues that the proposal will have no detrimental impact in terms of emissions, noise or traffic, but if this logic is applied the Spatial Strategy can be disregarded and this type of industrial development could take place throughout the Countryside.

It is stated the electricity would be used to power events at the racecourse, rather than using diesel generators, but it is not clear to what extent the facility would

reduce the need for diesel generators and events at the racecourse are stated on the website to be approx. 53 a year, such that a permanent facility in the countryside is not justified.

Reference is also made to use of the power by the quarry and housing development allocated nearby, but there is no firm commitment to this. The surplus electricity is to be fed into the electricity supply Grid, if only to be connected to the Grid it could be located on any spatially preferential site.

#### Landscape Impact

The proposals not only include a building but other structures to be located outside the building the heights of which are not defined, such that the full visual impact cannot be fully assessed. The plans also indicate a potential Gas to Liquid Conversion Demonstration Plant and Hydrogen Generation Demonstration Plant with 'Dimensions to be confirmed'. It is not clear whether planning permission is being sought for these structures.

A Landscape and visual assessment has been submitted and focuses on viewpoints in the immediate vicinity and views from the adjacent PRow are identified as greatest. The LVA refers to other "detracting features" surrounding the site (the racecourse and quarry), such that the proposals would not result in significant harm. The quarry is however temporary. While afforded screening on 3 sides by existing vegetation this is not within the application boundary.

WPA comment: The existing surrounding vegetation is within the application boundary.

#### Environmental Impacts

It is acknowledged that the initial proposals for the plant are relatively modest and described as "research and development" and may not run continuously. However, noise and air quality have assessed on the basis of 24 hour operation. Concern is raised the apparent modest level of apparent activity could develop into something more intensive once the principle of development is established. It is not clear to what extent operations could expand at the site and what the potential implications.

If permission were granted it is assumed there would be clear restrictions on throughput and emissions, particularly given this is new technology.

Both noise and air quality make reference to 24 hour working. The noise report highlights the bay doors as being a source of noise likely to travel in north easterly direction (towards Slamsley Farm in the Braintree District) and therefore a potential source of night-time noise from unloading of vehicles. The noise assessment also identifies potential additional noise screening for a property in Blackley Lane (within CCC). The potential for audible tonal noise from any air handling plant or fixed machinery at any noise sensitive receptors in BDC area must also be avoided and this is more likely if there is night-time operation as the background noise levels reduce.

The Air Quality report assumes that the plant will operate at maximum emission rates and concludes no significant adverse effect although some adverse effect due to increased nitrogen dioxide levels to the south east of the site close to the

Braintree District boundary. The application presents an overview of the process rather than full technical details for the process units and any abatement plant. The Council's Environmental Health Officer would wish to see details of provisions in place to prevent accidental release/plant failure as well as what the consequences of these might be and any potential for the release of particulate matter to air at any stages of the processing.

It is assumed that an Environmental Permit would be required for the operation of the plant. It is noted Environment Agency and Chelmsford city Environmental Health have been consulted. It would be helpful when assessing the proposal to understand whether there would be any conditions attached to a permit that would necessitate modifications to the proposed design.

#### Other Matters

No assessment or comment is offered in respect of Ecology or the Historic Environment.

Braintree District Council take specialist advice from Place Services on these matters and it is understood that Place Services have been consulted directly on the application and will provide their response directly to the County Development Management Team.

At the time of preparing this letter a significant number of responses from statutory consultees have not been received and it is assumed that the application will not be determined until these responses are received.

ENVIRONMENT AGENCY: No objection:

The pyrolysis or gasification of waste where the products are subsequently incinerated, as waste, are deemed to be incineration plant under Article 42 of the Industrial Emissions Directive (IED). The proposal does not appear to include syngas clean up techniques which could help make the syngas a "non-waste" and as such Chapter IV of the IED (i.e. Waste Incineration Directive) applies to the proposal.

Incineration plant with a throughput of 3 tonnes/hour are regulated by the Local Authority under Schedule 13 of the Environmental Permitting Regulations (EPR) 2016, and are required to meet the emission limits specified by Annex VI IED. We note that the air quality impact assessment does not include all the contaminants, or limits prescribed by Annex VI IED.

The application makes reference to operation as a Research and Development facility. The exclusion for research, development and testing (R&D) of waste incineration or co-incineration plant under Schedule 1 Part 1 Paragraph 3(g) EPR 2016 are for processes that are operating to improve incineration process. Demonstration of a process with consistent feedstock supply may not qualify as R & D. Either way it is for CCC to confirm the permitting requirements for the proposal. Should the process be accepted as an R&D process, the air quality assessment during the planning phase will be the only impact assessment until commercial operation commences.

Comment by WPA: The applicant has confirmed the plant would not be operated

as a research and development facility and is intended as a commercial demonstrator and an Environmental Permit would be obtained from the EHO at CCC.

The EA Local Authority Unit (LAU) may be able to support CCC's EHO Team interpret how EPR applies to these proposals, and provide guidance on the permitting of small waste incineration plant (SWP).

The EA note the air quality assessment considers one on site gas engine with a stack of 13.1m. The site layout plan identifies two gas engines and one standby flare. The AQA (figure 1) considers the stack located in the position of the standby flare as shown on the drawing 'Site Layout – with plant annotations'; the as engines are located on the eastern boundary. Chapter IV ED requires incineration plant to have a suitably sized stack. The EA treat the effective height of release as zero metres if the emission point is less than 3m above the building which the stack is located on, or influenced by the location of the building in relation to the location of the stack.

The EA would strongly recommend close consultation with CCC to ascertain if this is likely to be the only impact assessment for this waste incineration proposal, and to ensure appropriate audit of the air quality risk assessment during determination of the application.

Comment WPA: The applicant has confirmed there would be only one gas engine and that an Environmental Permit would be obtained from the EHO of CCC prior to operation.

PLACE SERVICES (Ecology): No objection subject to conditions to secure the proposed mitigation and submission of a biodiversity enhancement strategy.

PLACE SERVICES (Arboriculture): No objection subject to conditions to ensure adherence to submitted arboriculture method statement and tree protection plan.

PLACE SERVICES (Urban Design): No objection

PLACE SERVICES (Landscape): No objection. The landscape character and visual impacts would be localised and minor. Due to existing and proposed vegetation it is not considered the proposals would have detrimental impact of visual receptors using PRow that passes around the site. Conditions should be imposed to secure landscape details and a landscape and ecological management plan. In particular a condition requiring protection of veteran trees during erection of the acoustic fence should be submitted.

PLACE SERVICES (Historic Environment): No objection

HIGHWAY AUTHORITY: No objection subject to protection of PRow during construction and operation.

LEAD LOCAL FLOOD AUTHORITY: No objection, subject to development being in accordance with submitted details.

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions with respect to maximum night-time noise levels.

COUNTY'S AIR QUALITY CONSULTANT: No objection.

Transport emissions – no assessment was provided, but due to limited number of vehicle movements and small scale of the plant, emissions from transport both during construction and operation are likely not to be significant.

Dust and odour – information has been provided with respect to management and mitigation to minimise dust and odour these should be set out in an operational management plan, which should be required by condition.

Air Quality – The height of the stack for the generator at 8m is 4m less than the height of the building which does not represent best practice. However it is not immediately adjacent to the building and temperature is relatively high (to enhance dispersion) and the assessment does not predict significant effects. The air quality assessment has adequately identified worst case sensitive human health receptors and concludes no significant effects from any pollutant considered.

The site would require an Environmental Permit from CCCs EHO. As part of this process, it is assumed that the regulator (Chelmsford City Council) would ensure that the control of processes (including stack height) and emissions comply with BAT to ensure the site is permissible and any emissions comply with relevant emission limit values

COUNTY'S LIGHTING CONSULTANT: No objection, subject to back light shields for those lights located on the southern boundary next to woodland.

UK POWER NETWORKS: Provided locations of their assets, but provided no comment on potential connection to the facility.

GREAT & LITTLE LEIGHS PARISH COUNCIL: No comments received

BLACK NOTLEY PARISH COUNCIL (neighbouring PC): Object. This is a type of incinerator producing energy from waste. While alternative forms of energy should be investigated this would result in noxious gases upwind of a heavily populated area, Black & Great Notley. The imported material would result in additional HGV and their associated emissions. Not considered a suitable location for this proposal.

LOCAL MEMBER – CHELMSFORD – Broomfield & Writtle: Any comments received will be reported

## 5. REPRESENTATIONS

3 properties were directly notified of the application. 1 letter of representation has been received from Chelmsford City Racecourse in support of the proposals, the points raised are summarised below. Although not directly consulted letters were also received from Braintree District Council and Black Notley PC which have been reported in the consultation section above.

<u>Observation</u>	<u>Comment</u>
Chelmsford Racecourse initially	Noted



instigated this project as we are keen to improve environmental sustainability alongside the enhancement of economic performance.

Innovate technology is key to meeting climate change targets See appraisal

Keen to support Greentech business in Essex See appraisal

The facility benefits us in terms of moving to low carbon energy. See appraisal

Details of energy supply are yet to be finalised, but we anticipate the use of both power and heat batteries to help bridge the gap between the power plant's consistent power output and our energy use, which is characterised by peaks and troughs. See appraisal

Connections to the facility are anticipated as part of the next phase of the Racecourse development. See appraisal

The facility will provide a commercial demonstrator, easyPower will be promoting it for visits from both UK and internationally. Small parties can be hosted at the facility, but larger groups could be hosted at the Racecourse. It provides a very exciting opportunity. Noted

## 6. APPRAISAL

The key issues for consideration are:

- A. Need and Policy Considerations
- B. Air Quality
- C. Noise and Dust
- D. Landscape and Visual Impact
- E. Design and Lighting
- F. Ecology and Trees
- G. Traffic, Highways and PRow
- H. SuDs and Drainage
- I. Historic Environment
- J. Climate Change

### A NEED AND POLICY CONSIDERATIONS

This site is not an allocated as a Strategic Site Allocation under Policy 3 of the WLP, nor is it located in an Area of Search under Policy 4 of the WLP. Consideration of its location therefore falls to WLP policy 5 - Enclosed Waste Facilities on unallocated sites or outside Areas of Search.

Policy 5 sets out a number of criteria that would be considered with respect to a site for an enclosed waste facility as follows:

*Proposals for new enclosed waste management facilities will be permitted where:*

- 1. the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;*
- 2. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and*
- 3. it is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan.*

*In addition, proposals should be located at or in:*

*a. employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8); or*

*b. existing permitted waste management sites or co-located with other waste management development; or*

*c. the same site or co-located in close proximity to where the waste arises; or*

*d. the curtilages of Waste Recycling Centres (in the case of biological waste); or,*

*e. areas of Previously Developed Land; or*

*f. redundant agricultural or forestry buildings and their curtilages (in the case of green waste and/or biological waste).*

*Proposals for energy recovery facilities with combined heat and power are expected to demonstrate that the heat produced will be supplied to a district heat network or direct to commercial or industrial users.*

*Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.*

The site does not meet any of the location criteria identified in Policy 5. With respect to Policy 5 part (c) while located adjacent to a quarry which will be restored through infilling of inert waste there would be no advantage to the co-location of the facility since no inert waste would arise from the proposals.

Policy 5 does seek to ensure that energy recovery facilities are located such that the heat and power is utilised and with respect to heat this does require the users of the heat to be located near the energy recovery facility. The applicant's justification for the location of this small energy from waste facility is on the basis that it is located close to potential users of the heat and power it would generate. Chelmsford racecourse currently uses diesel generators when the racecourse lighting is required. The racecourse also has an extant planning permission for a Grandstand (technical implementation has been undertaken) which if constructed would require power and heating. The adjacent quarry also uses diesel generators to power the processing plant, weigh bridge etc. Land at Great Leighs has been

allocated for further development within the Chelmsford Local Plan including that west of the racecourse at Moulsham Hall Farm which has been allocated for housing (Strategic Growth Site 7a – Land at Moulsham Hall), if and when developed these sites are brought forward they could also be potential users of the heat, as part of a district heating system. While all of these are potential users of the power and/or heat, they are not secured as part of the proposals and cabling/pipework required to connect these developments to the pyrolysis facility may require planning permission.

Braintree District Council have raised concern that it is not clear that the waste to be treated would be “...waste arising from within the administrative areas of Essex and Southend-on-Sea...”. There are waste facilities within Essex & Southend that generate SRF, such that there is potential for local supply. Due to the small scale nature of the facility with only up to 2 HGV loads of waste a day being delivered, any adverse impact from importation of waste from outside the county would be limited. It is not considered refusal of the application could be justified on these grounds.

With respect to the WLP it is necessary to consider the application in relation to the last part of Policy S5 i.e. “*Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.*”

WLP Policy 1 “Need for Waste Management Facilities” identifies certain waste streams where there is a shortfall of capacity, this includes “Up to 200,000 tpa of further management of non-hazardous residual waste material.”

The most recent assessment of required waste capacity for non-hazardous waste within Essex was in 2018, which identified there was potentially over capacity if non-operational facilities became operational. However since that time the MBT at Tovi Eco Park has ceased operation (approx. 415,000tpa capacity), such that there is now less operational capacity in Essex than in 2018. That said the capacity of the proposed facility is very small at 8,000tpa such that it is not considered it would result in any significant overcapacity that would warrant refusal on these grounds.

Policy 3 of the WLP and Policy S8 of the MLP seek to protect allocated sites from development that would preclude the waste/mineral development they were allocated for. The site does lie within Site allocation A38 for sand and gravel extraction with the MLP and site allocation L(i)10R for inert landfill within the WLP. The site while forming part of these allocations forms a small, constrained area of land such that mineral extraction was considered impractical/unviable and was not included in the application area for mineral and landfilling when the application was submitted for the Blackley Quarry extension. This non-inclusion of the area within the mineral/waste application and reasons put forward were accepted by the MWPA. As such while the site is within the Mineral Safeguarding Area, there would be no unacceptable sterilisation of the mineral.

The site in principle is not one that would normally be considered appropriate for waste management, although it is acknowledged there is potential for the heat and power to be utilised locally in the future. Consideration of CLP spatial policies is appropriate.

Policy S7 (Spatial Strategy) of the CLP equally does not designate the site for development, and as such should be treated as development in the “countryside” as highlighted by BDC in their objection response. The applicant argues that the site is sandwiched between the racecourse and the quarry. The racecourse is subject to CLP policy SP2 (Chelmsford City Racecourse Special Policy Area), this policy seeks to support ancillary functions, subject to no adverse environmental impacts. However, at the current time while there is opportunity for the heat from the pyrolysis plant in the permitted grandstand there is no commitment to this. BDC have commented that the quarry is only temporary, while this is true, the quarry is permitted until 2045. The proposed site lies just southwest of the quarry processing area for sites A38 & A39, such that bunding to screen the processing area would be in place until completion of the quarry, screening the pyrolysis facility from views from the north. By completion of the quarry, when the land will be restored to agriculture at levels similar those pre-existing before extraction, the proposed additional planting around the proposed pyrolysis facility would have matured, screening views from the north.

Policy S11 (The Role of the Countryside) of the CLP seeks in Rural Areas to ensure development would not adversely impact the rural areas identified character and beauty. The landscape and visual impact is considered in section D of this report.

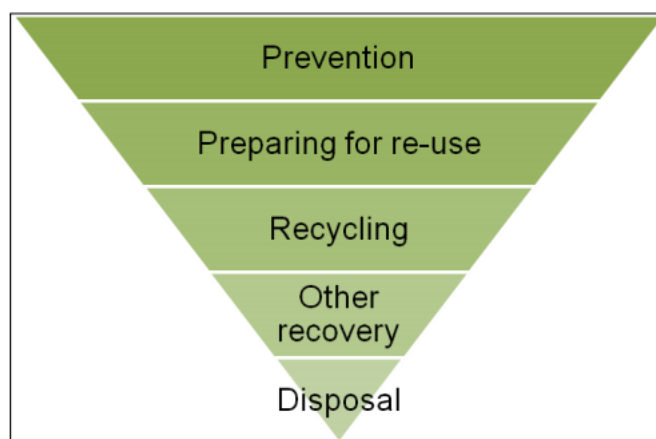
DM19 (Renewable and Low Carbon Energy) of the CLP seeks to support renewable and low carbon energy developments, subject to them not giving rise to adverse impact on, residential living environments, historic environment, natural environment, visual impact, character of the area and highways. Consideration of these various environmental factors is set out in the other sections of the report.

The pyrolysis facility would provide energy from waste. The NPPW seeks to drive waste management up the waste hierarchy, energy from waste, is included within “Other recovery”, and is seen as more sustainable than disposal.

The extent as to which the proposals are generating renewable/low carbon energy depends on the makeup of the SRF. The applicant has stated that the makeup of the SRF would

be such that it would be 60% biogenic, such that it would be largely renewable energy. The composition of the SRF could not be controlled through planning conditions, such that the biogenic percentage within the waste, could be lower than 60%. However, the nature of the materials within the SRF would be controlled by the Environmental Permit, but only to ensure the syngas when used in the generator met emission requirements. It is acknowledged by the applicant that the makeup of the SRF would contain non-renewable materials e.g. plastics, so the

The Waste Hierarchy



energy generated would not be fully renewable energy in the same vein as wind, solar or hydro. With respect as to whether the facility would generate low carbon energy the applicant states that the electricity generated would be *‘significantly lower carbon than the current Best Available Technology, with the clear potential for achieving meaningful levels of CO<sub>2</sub> drawdown in the medium term.’*

While the facility would not be generating fully renewable/low carbon energy it is considered it meets with the aims of policy DM19.

In addition, as the facility is mainly proposed as a commercial demonstrator seeking to show the possibilities of this type of localised power generation from waste, it is considered to fit within the aims of Policy S8 of the CLP. Policy S8 (Delivering Economic Growth) of the CLP states emphasis added *“The Council will make provision for flexible and market-responsive allocations of employment land which will allow further diversification of Chelmsford’s economy, in particular nurturing the growing advanced manufacturing, life sciences and healthcare, financial services, creative industries, and research and development sectors.”*

In considering the acceptability of the site it is appropriate to consider whether the facility would give rise to adverse environmental impacts in this location and whether there are other material considerations which would outweigh the non-compliance with locational policy.

## B AIR QUALITY

Policy 10 of the WLP and CLP policy DM29 seek to protect both the environment and nearby residents from the adverse impact from odours and emissions, while CLP policy DM30 seeks to ensure development doesn’t have an unacceptable impact upon health and wellbeing of people.

The pyrolysis plant itself does not give rise to gases emissions, however, the combustion of the syn gas in the electricity generator does give rise to emissions. The application was accompanied by an air quality assessment which has been revised in response to comments from the County’s Air Quality Consultant.

The County’s Air Quality Consultant has raised no objection to the proposals. It is noted that no assessment of emissions from transport or construction has been included in the assessment, but due to limited number of vehicle movements and the small size of the site, emissions from vehicles are not likely to be significant to warrant assessment.

It is also noted that the height of the stack for generator is 8m, which is 4m below the height of the building, which is not best practice. However, the stack is not immediately adjacent to the building and the temperature is relatively high (to enhance dispersion) and the results of the air quality assessment do not predict significant effects. It is commented that the emission assessment of the combustion of syn gas has been undertaken as a worst-case approach (i.e. continuous operation). And that the air quality assessment has adequately identified worst case sensitive human health receptors and concludes no significant effects from any pollutant considered.

CCC EHO has raised no objection and commented as follows: *The updated air quality impact assessment identifies that no exceedances of relevant air quality limit values will occur as a result of this proposal and that the predicted process contributions for NO<sub>2</sub> and carbon monoxide are negligible and that for total organic carbon, the impacts are negligible for all modelled receptors with the exception of one that is defined as having a slight impact. In accordance with EA guidance criteria quoted by the report, the results for all of these pollutants have been screened as not significant. For ecological receptors, the impact by NO<sub>x</sub> and acid deposition are also defined as not significant.*

It should be noted that the facility would require an Environmental Permit (EP) to operate. Due to the small size of the facility the permit would be administered by the local EHO at CCC rather than the Environment Agency (EA). The EA however do have a team that liaise with Local Authorities' EHO on the permitting of such facilities (SWIP – small waste incinerator plants) and the EA have provided appropriate contacts. While air quality is considered in the planning process, to ensure appropriate plant and equipment is included in the proposals e.g. height of stacks, the actual control of emissions is a matter for the permitting regime. The NPPF paragraph 188 states that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).”*

It is considered that the air quality assessment has adequately demonstrated that the proposed facility has incorporated appropriate plant and equipment including the height of stacks, such that there are unlikely to be adverse impact on air quality and that it is unlikely the proposals would change at the environmental permitting stage that would change the land use planning considerations of the proposal. It is therefore considered that the proposals are in accordance with the NPPF, WLP policy 10 and CLP policies DM29 and DM30.

## C NOISE AND DUST

Policy 10 of the WLP and policy DM29 of the CLP seek to minimise the adverse impact from noise and dust on living and working environments.

### Noise

With respect to noise generation, HGV movements would be restricted to normal working hours, but the plant would operate 24/7. Initially its operation may be intermittent while it is used as a commercial demonstrator. However, it is hoped that eventually the heat and power would be used locally where upon the facility would run all the time except during periods of maintenance.

Braintree District Council raises concerns about night-time noise, particularly from plant operating 24/7 and arising from HGV deliveries. The County's noise consultant initially was not satisfied with data used to represent night-time background noise levels and in response the applicant undertook a night-time noise survey. The noise impact assessment has subsequently been revised and additional mitigation proposed in the form of an acoustic fence to surround the southern half of the site, surrounding the outside plant. With this additional

mitigation the County's Noise Consultant raises no objection to the application and is satisfied the maximum noise limits would not be exceeded, subject to conditions being imposed setting out night time maximum noise limits should permission be granted. Such conditions could be imposed including a requirement for noise monitoring to show compliance.

No objection on noise grounds has been raised by CCCs EHO.

### Dust

The access to the site is a bound hard surface and circulation areas within the compound for HGVs would be bound hard surface, minimising dust from HGV deliveries. The access for staff and visitors also includes use of a section of hard surface road not bound, but suitable for the size and level of traffic. RDF would be unloaded within the building minimising dust and litter from deliveries and collections and mitigation measures are proposed to minimise dust and odour from the site. The County's Air Quality consultants has suggested that an Operational Management Plan setting out the proposed mitigation and management for odour and dust should be required by condition.

It is considered, subject to conditions that noise and dust from the facility would not give rise to adverse environmental impact upon nearby receptors, and as such the proposals are in compliance with WLP policy 10 and CLP policy DM29.

## D LANDSCAPE AND VISUAL IMPACT

The site is not located within any national or local landscape designations. DM8 of the CLP seeks to ensure new development in rural areas "...will not adversely impact on the identified intrinsic character and beauty of the countryside.." equally WLP policy 10 seeks to ensure that development does not have an unacceptable impact on "...the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness..".

The application was supported by a Landscape and Visual Impact Assessment, which noted

*"The Site does not adhere closely to the Local Character Area but suggested Management Guidelines should still apply. The Site itself contains few of the LCA characteristics and its surroundings (with the exception of the large arable fields and associated hedgerows) are also not particularly well related. The existence of the Blackley Quarry and Chelmsford Racecourse are very strong detracting features and form a distinct character at odds with their local landscape setting."*

With respect to the site current visual amenity, the LVIA noted *"The Site itself provides some fair visual amenity with sections of the PRow network creating pleasant views and visual amenity. Beyond the Site the visual amenity is poor, where the quality of the existing views are such that they are dominated by a number of incongruous elements."*

With respect to the sites current landscape quality the LVIA noted

*“The landscape quality of the proposal site can currently be considered as relatively ordinary –poor quality with limited levels of ecological benefit and biodiversity as well as an abundance of detracting and hard elements. The boundaries of the Site itself provide some high quality landscape in the form of hedgerow trees and some good vegetative cover but the detracting elements beyond dominate in the main.”*

The proposals include a 2.4m black acoustic fence around the southern half of the site. The stacks associated with the facility would not be higher than the building. The gas engine stack would be 8.08m high and the flare 9m high. The existing and proposed planting would soften the visual impact of this fencing and the fencing itself would screen the majority of the activity outside the facility.

The LVIA acknowledges that the proposed development would result in a perceived intrusion into the landscape of the built form and would result in a negative change in the visual amenity in the short-to medium term, but once the proposed planting has matured, the overall low adverse effect would result in a minor beneficial effect in the long-term.

In terms of visual amenity the receptor most impacted would be that of users of the PRow, during construction and until the vegetation matures i.e. within the first 25 years. There are limited distant views from the north due to the intervening quarry works which will be present until 2045. Views from the racecourse would be softened by the existing vegetation. Once the proposed planting has matured the effects would be overall be a positive effect.

Conditions could be imposed to ensure delivery of the proposed planting and management of the existing vegetation to deliver the landscape and visual benefits in the long term, including the requirement for a landscape and ecology management plan.

It is considered that the landscape value of the immediate area surrounding the proposed site is already devalued by the existing racecourse and in the medium term also the quarry, such that subject to imposition of conditions to ensure delivery of the proposed planting and maintenance of existing vegetation the proposals would not result in adverse landscape and visual amenity grounds that would warrant refusal on these grounds.

## E DESIGN AND LIGHTING

Policy 10 of the WLP seeks to ensure waste development does not have an unacceptable impact through poor design. Policy DM23 of the CLP seeks high quality and inclusive design, including compatible with character of appearance of area (sitting, scale, massing, materials) and well proportioned.

The facility includes the building and surrounding compound. The southern half of the compound would be enclosed by a 2.4m high black acoustic. On the fourth side would be the building. The building would be an industrial style building with a simple pallet of dark grey/black colours. The highest elevation of the building and external plant is located on the southern side where more existing vegetation would



be retained. The building and acoustic fence would be softened by existing and proposed vegetation. The siting of the building and entrances has been chosen to minimise loss of existing vegetation.

The County's design advisors have raised no objection to the proposal.

The lighting proposed has been considered by the County's lighting consultant. It has to be recognised that there are lighting columns associated with the adjacent racecourse, however, these are not on all the time only during events. Light spill has been considered and to minimise impact upon biodiversity within woodland to the south of the site, back shields have been suggested for lights along the southern boundary, this could be secured by condition.

It is considered the design of the building, fencing and lighting is such that it maximises the benefits of the site and with proposed additional planting minimises its impact and is compatible with its surroundings between the racecourse and the quarry and therefore in accordance with WLP policy 10 and DM23.

## F ECOLOGY AND TREES

Policy DM10 of the WLP and DM16 of the CLP seek to protect ecologically designated sites and avoid negative impacts on biodiversity. Policy DM17 of the CLP seeks to protect preserved trees. Policy S4 of the CLP seeks new development to contribute to the advancement of biodiversity.

A preliminary ecological assessment was included with application and indicated there were no protected species on the site and the proposals would not impact any designated sites in the surrounding area. However, it was noted that if trees were to be removed within the boundary then assessment of whether any bat roosts were present should be undertaken and appropriate mitigation undertaken, and proposals for such are included in the ecological assessment and could be secured by condition. It was noted within the ecology report management of existing planting within the boundaries would enhance the biodiversity and aesthetic value of the boundary planting and this could also be secured by condition.

The application was accompanied by an Arboricultural statement. Protection during construction and management of the existing boundary vegetation, including that forming part of the TPO woodland on the southside of the site is proposed as part of the proposals the details of which could be secured through conditions. It is noted that there is potential for the acoustic fence to impact upon veteran trees and therefore a condition is recommended by the County's Landscape officer to ensure that when installing the fence these trees are protected, such a condition could be imposed.

Subject to conditions it is not considered there would be adverse impact upon biodiversity and there would be benefits to biodiversity arising from the proposed additional planting and management of existing planting. The proposals are therefore considered to be in accordance with WLP policy DM10 and CLP policy

## G TRAFFIC, HIGHWAYS AND PROW

Access to the site would be via the existing access from the A131, which is already used for HGV movements to Blackley Quarry and traffic associated with the racecourse. The development would result in limited HGV traffic i.e. 1 or 2 loads a day (2 to 4 movements per day) to import SRF and these would be restricted to normal workings hours. An additional weekly HGV would be required to export the char i.e. 2 movements per week. A maximum of 36 vehicle movements per day are anticipated for staff, with additional movement for visitors. 18 parking spaces are proposed for staff and visitors, 2 disabled spaces are provided and with such would meet the requirements of the Essex Parking Standards and CLP policy DM27. Three electric charging points would be provided in accordance with CLP policy DM25.

The proposals would result in the PRow on the north west boundary being crossed by staff and visitor traffic. This would detract slightly from enjoyment by users of the PRow, but the route is already disturbed by the activities of the racecourse and quarry.

No objection has been raised by the Highway Authority, subject to appropriate measures to protect pedestrians both during construction and upon operation of the facility and vehicular access being restricted to that as proposed.

It is considered that the proposals are in accordance WLP policies 10 (Development management criteria) and policy 12 (Transport and Access).

#### H SuDs AND DRAINAGE

WLP policy 10 and CLP policies S2 and DM18, seek to ensure development does not increase surface water runoff and flood risk, largely achieved through developments including Sustainable Drainage Schemes (SUDS). The proposals include a SUDS with surface water storage capacity below ground and it has been demonstrated this scheme would be adequate to cater for the necessary rainfall events taking into account climate change. The LLFA has raised no objection subject to the implementation of the proposed SUDS.

#### I HISTORIC ENVIRONMENT

The site is not in the vicinity of any Listed Buildings. While the area has not been developed archaeological investigations associated with the racecourse and quarry have identified no significant archaeological deposits. No objection has been raised by the County's Historic Environment Advisor and there is no requirement for further investigation.

#### J CLIMATE CHANGE

The NPPF, WLP policy 11 (Mitigating and Adapting to Climate Change) and CLP policy S2 (Addressing climate Change and Flood Risk) seek to support opportunities for energy and heating from decentralised supply systems. There is an extant planning permission for a grandstand at the racecourse and land allocated for development at Great Leighs within CLP, all within close proximity to the proposed pyrolysis facility and thus there is potential for the heat from the

pyrolysis facility to be used as part of heating system for these developments. However, it has to be acknowledged that there is no commitment as part of these proposals for the utilisation of heat, although the housing development is not at the planning application stage.

The power generated would initially be exported to the National Grid, via proposed cabling below the access road and there is potential in the future for the power to be used by the racecourse and the quarry who currently both use diesel generators. As the power usage at the racecourse is variable, the potential for use of batteries would need to be explored, but the installation of batteries does not form part of the current proposals. Accordingly, the application has been considered acceptable simply in terms of export of the electricity to the National Grid.

The pyrolysis proposals have been put forward mainly as a commercial demonstrator, to provide a working example of a small scale pyrolysis facility utilising waste in the form of SRF to generate heat and power, that could be shown to developers to promote the development of decentralised power and heating systems. The facility has been designed with visitor parking, meeting rooms and an internal viewing gallery to allow visitor to view the pyrolysis hall. It is considered that the facility would be in accordance with the NPPF, WLP policy 11 and CLP policy S2, in supporting and promoting decentralised heating and power supply systems.

## **7. CONCLUSION**

The proposed location is not one allocated for development in the CLP or for waste development in the WLP, however, the site is relatively small and sandwiched between Chelmsford racecourse and Blackley Quarry. The site is currently not largely visible from sensitive receptors except those of users of the public right of way. While Blackley quarry is temporary, screening associated with the quarry would offer some screening of the pyrolysis facility until 2045, by which time the proposed additional planting around the pyrolysis should be well established. While the site is within the “countryside”, the surrounding landscape is not of considered to be of particularly high value and it is not considered that the proposals would have an adverse impact on the “*character and beauty of the countryside*” as set out in CLP policy DM8.

The facility in terms of its waste capacity is very small 8,000tpa and consideration of the various environmental factors such as odour, noise, light, ecology, highway, drainage, have not identified any adverse impacts that would warrant refusal. With respect to air quality, CCC’s EHO and the County’s Air quality consultant have raised no objection albeit it is acknowledged that separately the facility would need to obtain an Environmental Permit, before commencing operation.

While the location is not compliant with spatial policies of the CLP and WLP, the proposed location does provide the opportunity for the facility to provide heat to nearby approved/allocated development including the permitted grandstand at the racecourse.

The facility would provide an opportunity to support and encourage innovation in

small scale energy from waste facilities as well as decentralised heat and power systems in accordance with the NPPF, WLP policy 11 and CLP policy S2. In the absence of identified adverse environmental impacts and in respect of all other material considerations the benefits of the proposal are therefore considered to outweigh non-compliance with the locational criteria of the both the CLP and the WLP, such that the development is considered acceptable in line with the NPPW and other relevant policies of the development plan.

## 8. RECOMMENDED

That planning permission be granted subject to the following conditions:

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- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended). To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.*

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- 2 The developer shall notify the Waste Planning Authority 7 days prior to the first treatment of SRF in the pyrolysis plant.

*Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.*

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- 3 The development hereby permitted shall be carried out in accordance with the details of the application dated 17 May 2021, together with drawings as set out below:

Drawing No	Description	Last Revision Date
300.03	Proposed Site Layout Plan	06.07.2021
306.01	Proposed Site Roof Plan (Site Location Plan)	14.05.2021
107.00	Existing Site Block Plan	03.02.2021
301.04	Proposed Ground Floor Plan	09.02.2021
302.03	Proposed First Floor Plan	03.02.2021
303.04	Proposed Elevations	09.02.2021
304.01	Proposed Section	03.02.2021
305.02	Proposed Site Roof Plan	03.02.2021
2114-E06-001 Rev 00	Exterior Small Power & Lighting Layout	25.01.2021
	Great Leighs Site Layout - labels for Planning	02.06.2021
SK01.00	Material Specification (ELE's)	20.07.2021
406.06	Site Plan – Fencing details	17.12.2020

SK3006 Rev 2	General Arrangement of Double Membrane Gas Holder	
Rev 1	Flare – Skid & Concrete Base – GA Drawing	30.07.2021
	Siemens Energy – Container – Part No. 2005016990 – Sheets 1 & 2	09.06.2021
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

Drawing entitled “Great Leighs Site Layout - labels for Planning” (dated 02.06.2021) approves the locations of the following:

- Standby flare
- Filtration circuits
- Gas Conditioning plant
- Cooling Circuits
- Bulk char storage vessel 1 and 2
- Air compressor
- Gas buffer tank
- Gas booster skid
- Gas Engine 1
- Gas Engine control
- HV Switch gear and distribution board
- Import/export transformer
- DNO switch room

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, to ensure the development does not give rise to environmental impacts that have not been previously assessed and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.*

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4 HGVs entering or leaving the site, shall be restricted to the following periods:

0700 hours to 1830 hours Monday to Friday;  
0700 hours to 1300 hours Saturday;

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and shall not take place on Sundays or 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 WLP policy 10 and CLP policies DM29 and DM30.*

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- 5 No more than 8,000 tonnes per annum of waste shall be imported to the site. From beneficial use of the pyrolysis plant records of the quarterly tonnages of waste shall be maintained and shall be made available to the Waste Planning Authority within 14 days of a written request.

*Reason: For the avoidance of doubt as to the scale of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.*

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- 6 Details of the materials to be used for the external appearance of the building shall be in accordance with the details set out on drawing no. SK01.00 entitled "Material Specification (ELE's)" dated 20 July 2021.

*Reason: In the interest of the amenity of the local area and to comply with WLP policy 10 and CLP policies S11, DM8, DM23 and DM29.*

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- 7 All vehicular access and egress to and from the site shall be from the A131, as indicated on drawing ref. 306.01 dated 14 May 2021. No other access shall be used by vehicles entering or exiting the site.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 8 Heavy goods vehicles shall only access the site via the entrance on the north east side of the site labelled "Site Entrance 2" on drawing no. 300.03 entitled Prop Site Layout Plan" dated 6 July 2021.

*Reason: In the interests of safety for public rights of way users, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 9 During the construction of the development hereby permitted no commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 10 The total number of HGVs movements associated with delivery of Solid Recovered Fuel shall not exceed 4 movements per day. The total number of HGV movements associated with the export of char shall not exceed 4 movements per week.

NB For the avoidance of doubt a heavy goods vehicle (HGV) shall have a gross

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vehicle weight of 7.5 tonnes or more.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 and CLP policy DM29.*

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- 11 No development shall take place until signs have been erected on both sides of the site access road to the staff and visitor parking at the point where Footpath Great and Little Leighs Number 2 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 access road and to comply with WLP policy 10 and 12 and CLP policy DM29.*

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- 12 No beneficial operation of the pyrolysis plant hereby permitted shall take place until the parking areas indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been laid out and clearly marked for the parking of vehicles that may use the site including those for disabled users. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the electric charging points indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been installed and are operational and shall be maintained and operational at all times.

*Reason: To ensure staff and visitor parking is contained within the site in the interests of visual amenity and safety for drivers visiting the site, the adjacent Blackley Quarry, Chelmsford City Racecourse and users of the public right of way and to comply with WLP policy 10 and CLP policies S11 and DM29.*

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- 13 The drainage scheme for the site shall be implemented in accordance with the following drawings:

Drawing No	Title	Last Revision date
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

*Reason: To minimise the risk of flooding and to comply with WLP policy 10 and CLP policy DM18*

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- 14 The Rating Noise Level ( $L_{Ar,15\text{ min}}$ ) from the facility, when assessed in accordance with BS 4142:2014+A1:2019, at noise sensitive properties listed below (and shown on Figure 2 of the Noise Impact Assessment by Loven Acoustics Ref: LA/1744/02cR/ML dated 13 August 2021) shall not exceed the levels set out below between 2300 hours and 0700 hours. 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.

Noise Sensitive Receptor	Maximum rating noise level limit ( $L_{Ar,15\text{ min}}$ )
NSR1 – Blackley Cottages, Blackley Lane	31 dB(A)
NSR2 – The Lodge, Moulsham Hall Farm., Moulsham Hall Lane	32 dB(A)
NSR3 - Hump Cottage & Stone Hall Cottage	31 dB(A)
NSR4 – Norwood, London Road	39 dB(A)
NSR5 – Old Beeches, Moulsham Hall Lane	28 dB(A)

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 15 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at suitable locations to demonstrate the Rating Noise Levels at noise sensitive properties identified in condition 14, for the first 12 months of operation. After 12 months noise monitoring shall be undertaken within 1 month of a written request by the Waste Planning Authority. The results of the monitoring shall include  $L_{Aeq}$  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 night (2300 to 0700 hours) and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. Prior to the first noise monitoring a suitable noise monitoring approach shall be submitted to and approved by the Waste Planning Authority and the noise monitoring shall be implemented in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 16 External lighting shall be implemented and maintained in accordance with Appendix A – Luminaire Schedule and Appendix B – Site Luminaire Layout of the “Exterior Lighting Report” by the “consultus international group” Report Ref 2114-LUM-EL Rev 02, dated 29 July 2021. Lights located on the southern boundary shall be fitted with back light shields.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.*

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- 17 The lighting identified in condition 16 shall not be illuminated outside the following hours of 0700 and 1830 hours Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for safety lighting activated by persons or vehicles and except for security lighting activated by unauthorised persons and vehicles.

*Reason: To minimise the nuisance and disturbances to neighbours, fauna and the*



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*surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.*

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- 18 Solid Recovered Fuel (SRF) brought onto the site shall be deposited and handled only within the building shown on drawing No. 301.04 and only when the doors on elevation B (north east side) are closed..

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy DM10 and CLP policy DM29.*

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- 19 No development shall take place until a scheme of hard, soft and boundary treatment landscaping works has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

*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 WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 20 Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Waste Planning Authority.

*Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 21 The protection of existing trees shall be carried out in accordance with the details set out in arboricultural method statement and tree protection plan, prepared by Sharon Hosegood Associates entitled "Arboricultural Impact Assessment Report" Reef: SHA 131 dated January 2021. Tree protection must be adhered to whilst construction is taking place, including during the installation of the acoustic fencing. Tree protective fencing must be installed prior to any development works taking place.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 22 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 6 months of commencement of development as notified under condition 1. The content of the

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LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), this shall include selective pruning and thinning of trees as well as removal of guards;
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

*Reason: To ensure the longevity of the landscaping scheme and enhancement of the existing flora and fauna and protect the visual amenity and character of the area, in accordance with Chapters 12 and 15 of the National Planning Policy Framework, WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 23 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Eco-Planning UK, January 2021) and the Great Crested Newt and Reptile Survey Report (Eco-Planning UK, June 2021). 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 construction. 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 Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 24 Within 6 months of commencement of development as notified under condition 1 a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Waste Planning Authority. The content of the Biodiversity Enhancement Strategy 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) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

*Reason : To enhance Protected and Priority Species/habitats and allow the Waste Planning Authority to discharge its duties under the s40 of the NERC Act 2006*

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*(Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 25 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 WLP policy 10 and CLP policies DM29 and DM30.*

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- 26 No waste other than solid recovered fuel (SRF) shall enter the site.

Reason: *Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP policy DM29 and DM30.*

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- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant and equipment shall be installed, extended or erected on the site without the benefit of express planning permission.

Reason: *To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area, to minimise the impact upon landscape and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17, DM29, DM30.*

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- 28 Prior to the erection of boundary fencing details of the materials to be used shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: *In the interest of the amenity of the local area, to minimise visual and landscape impact and to comply with WLP policy 10 and CLP policies s4, S11, DM8 and DM29.*

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Prior to beneficial use of the development an operational management plan shall be submitted to and approved in writing by the Waste Planning Authority. The operational management plan shall detail measures to prevent odour and dust nuisance. The operational management plan shall be implemented in accordance with the approved details.

Reason: *In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

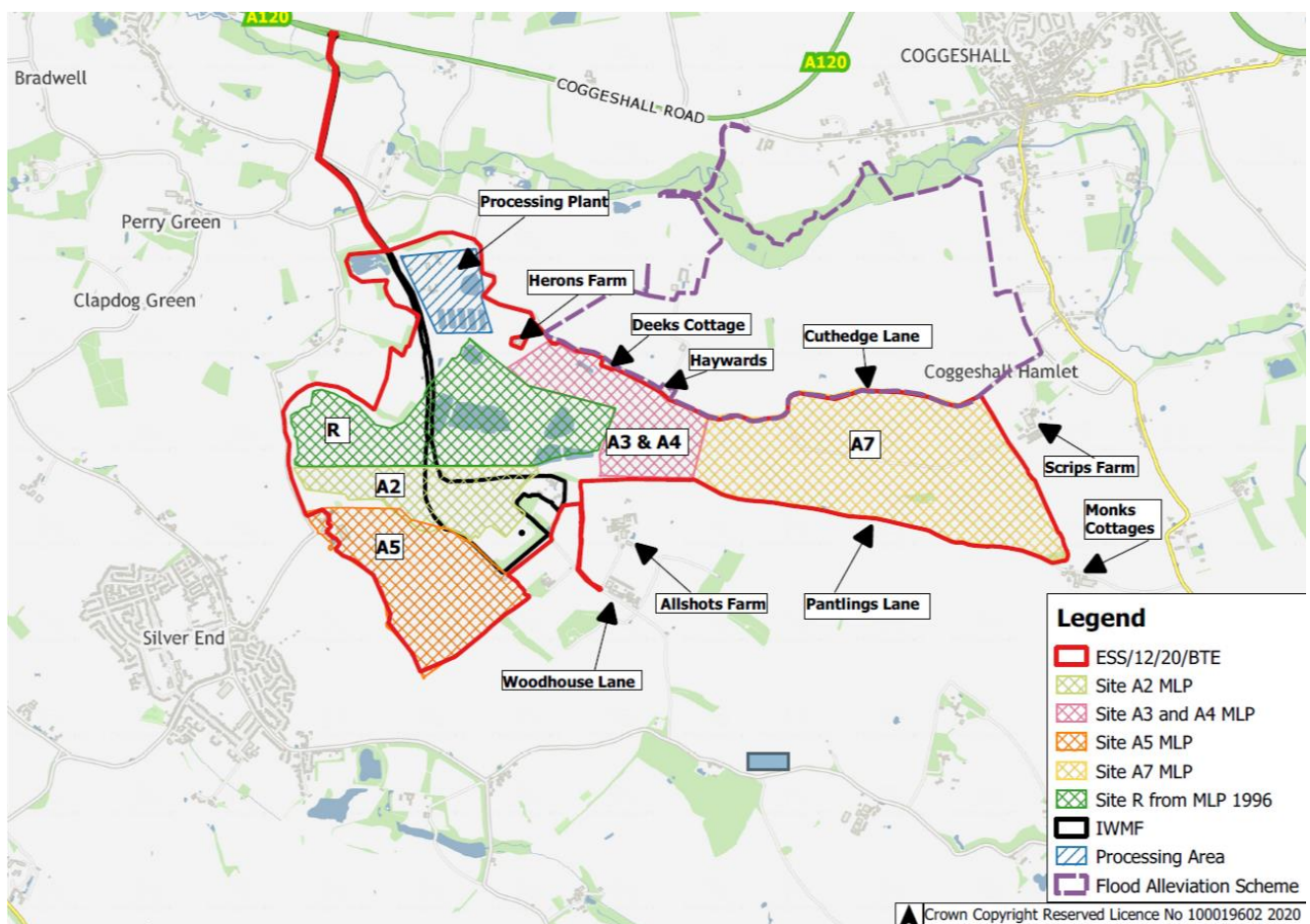
In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent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

### **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Broomfield and Writtle

**DR/18/21****Report to:** DEVELOPMENT & REGULATION (24 SEPTEMBER 2021)

**Proposal:** MINERALS AND WASTE DEVELOPMENT - Extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors compound via Woodhouse Lane, with restoration to agriculture and biodiversity (species rich grassland and wetland).

**Ref:** ESS/12/20/BTE**Applicant:** Blackwater Aggregates**Location:** Bradwell Quarry**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

## **1. BACKGROUND**

This planning application to extract 6.5 million tonnes of sand and gravel from Reserved Site A7 of the Minerals Local Plan was previously considered by the [Development & Regulation Committee in September 2020](#). The Committee resolved to grant planning permission, subject conditions and a legal agreement to be completed within 12 months.

The purpose of this report is to update members as to the consideration of the application and seek additional time to complete the legal agreement.

## **2. SITE**

Bradwell Quarry lies 6km east of Braintree. Bradwell Quarry is located between the villages of Bradwell Silver End, Kelvedon and Coggeshall.

The application area includes the whole of Bradwell Quarry including the existing access, infrastructure and previous extraction areas as well as proposed new extension area, Reserved Site A7 of the Minerals Local Plan. The application site area is 325ha. The area of proposed new extraction is Reserved Site A7, an area of 94ha (of which 65ha would be quarried) (hereafter referred to as Site A7). The remaining application area is made up of the processing plant area, lagoons, access road and previously worked areas, including site A5 currently being extracted.

Site A7 lies to the south of Cuthedge Lane and to the north by Pantlings lane, a bridleway with hedges on both sides for most of its length. The closest village to Site A7 is Coggeshall to the north north east, with the outskirts of the village approximately 800m from the site. Coggeshall Hamlet lies north east of Site A7 approximately 500m away.

There is an existing private access road (approximately 1km long) from the A120 to the quarry processing area. Site A7 would be accessed via an internal haul road to the processing area.

Site A7 extraction area is currently made up of 4 arable agricultural fields.

The site is situated on a plateau approx. 50m AOD with a very slight fall from west to east of 5m

The geology of the site comprises boulder clay varying between 2.5m and 13m thick (average 7.5m), Kesgrave sands and gravels varying between 2m to 13m thick (average 6m – the mineral to be worked) overlying more than 70m of London clay.

## **3. PROPOSAL**

The application is for the extraction of 6.5 million tonnes of sand and gravel over 8 to 10 years, with progressive restoration completed within 12 years.

The application includes the retention of the existing infrastructure, including the haul road to the A120, and all existing primary and secondary processing plant, including offices and weighbridge, sand and gravel washing plant, ready mix concrete plant, bagging plant, dry silo mortar plant and existing silt and water management systems.

Sand and gravel would be extracted and transported by dump trucks on an internal haul road, passing through restored phases A3 and A4, the haul road would be bunded on both sides. Mineral would be processed through the existing processing facility.

The restoration of Site A7 would be back to mainly agricultural/arable use.

The proposed hours of operation for both the Bradwell Quarry processing area and extraction operations and vehicles leaving and arriving at the site would be Monday to Friday 07:00 to 18:30 hours and Saturday mornings 07:00 to 13:00 hours with no operations on Sundays or Public Holidays, which are the same as those for the existing operation. There are also permitted extended hours of operation for the bagging plant between 06:00 and 07:00 and 18:30 and 22:00 hours Monday to Friday, but this only permits bagging of the material, not its export. There is also a resolution (subject to a legal agreement) to permit extended hours of operation for the Dry Silo Mortar plant (DSM), the same as those for the bagging plant, but similarly no HGV movements during the extended hours. These extended hours for the DSM would be included in the permission for Site A7 if granted.

The proposed HGV traffic movements are a maximum of 590 movements (295 in and 295 out) per day Monday to Friday and 294 movements (147 in and 147 out) per day Saturdays, with an average of 458 per day (Monday to Friday averaged over a calendar year). This would remain the same as the current approved HGV traffic for the existing quarry.

#### **4. POLICIES**

Policies of the, Minerals Local Plan (MLP) 2014, Waste Local Plan (MLP) 2017 and Braintree Core Strategy (BCS) adopted September 2011 and Braintree District Local Plan Review (BDLPR) adopted July 2005 were taken into account in the determination of the application.

In February 2021 Braintree District Council adopted Section 1 of Braintree Local Plan (BLP S1), replacing some of policies of the Braintree District Council Local Development Framework Core Strategy (BCS) Adopted 2011. However, some policies of the Braintree District Local Plan Review (BDLPR) 2005 remain relevant. The following policies are those of the Braintree development plan documents now considered relevant to this application and the conditions proposed to be imposed:

BRAINTREE DISTRICT LOCAL PLAN (BLP S1) 2013-2033 Section 1  
SP 7 Place Shaping Principles

BRAINTREE DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY (BCS) adopted 2011  
CS5 Countryside

## CS8 Natural Environment and Biodiversity

### BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) 2005

RLP 36	Industrial and Environmental Standards
RLP 62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP 63	Air quality
RLP 65	External Lighting
RLP 72	Water Quality
RLP 80	Landscape Features and Habitats
RLP 81	Trees, Woodlands, Grasslands and Hedgerows
RLP 84	Protected species
RLP 87	Protected Lanes
RLP 90	Layout and Design of Development
RLP 100	Alterations, extensions and changes of use to Listed Buildings and their settings
RLP 101	Listed agricultural buildings
RLP 105	Archaeological Evaluation
RLP 106	Archaeological Excavation and Monitoring

### NEIGHBOURHOOD PLANS

#### **Bradwell With Pattiswick Neighbourhood Plan 2019**

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

#### **Kelvedon PC & Coggeshall PC (adjacent) Neighbourhood Plans**

Both parishes have emerging plans

On 20 July 2021 the National Planning Policy Framework (NPPF) was revised and sets out the Government's planning policies for England and how these should be applied.

While some changes were made to the NPPF, it is not considered the changes made were material to the consideration of the current application.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. ECC has started on the review of the Essex Minerals Local Plan, however the plan is at too earlier stage to be given any weight.

## **5. APPRAISAL**

The key issues for consideration are:

- Changes to Braintree District Council Development Plan & NPPF
- Latest position regarding the Legal Agreement



## CHANGES TO BRAINTREE DISTRICT COUNCIL DEVELOPMENT PLAN & NPPF

It is acknowledged that since the resolution in September 2020 the Braintree Local Plan 2013-2033 Section 1 has been adopted and this does impact upon particular policies against which the application should be considered.

In particular Policy CS9 (Historic & Built Environment) of the BCS was taken into consideration in September 2020 and this has now been superseded by BLP S1 policy SP 7 (Place Making Policy). The substance of the policy has not changed in that it seeks to ensure high quality design and protect historic assets.

The NPPF was also revised in July 2021, however the changes made relate mainly to built development and do not impact upon the consideration or recommendation previously made.

As the substance of the policies with respect to the consideration of this application have not changed, it is therefore considered there has been no material change in circumstances that would amend the recommendation, except that it is acknowledged the reasons for conditions need to be updated to reflect the changes in relevant development plan policies.

### LATEST POSITION REGARDING THE LEGAL AGREEMENT

The legal agreement has been drafted in accordance with the heads of terms set out in the September 2020 Committee Report. Due to the number of land interests within the application site, there a number of parties involved in the agreement, which has resulted in delays in the drafting process. The agreement will not be completed this month, i.e. within the 12 months of the original Committee Resolution in Sept 2020.

It is therefore requested that a further 6 months be given to complete the legal agreement. The planning permission cannot be issued until the legal agreement has been completed.

If there should be a significant change in planning policy or a material change in circumstances prior to the agreement being completed, then the matter will be referred back to the Committee for reconsideration prior to the issue of the decision notice.

## **6. RECOMMENDED**

That planning permission be granted subject to

- i. The prior completion, within 6 months, of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the September 2020 Committee Report
- ii) And conditions as set out in Appendix 1.

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## **BACKGROUND PAPERS**

Committee Report of 25 September 2020 – ESS/12/20/BTE

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

The proposed development would not be located adjacent or within a European site.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

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

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### **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

BRAINTREE - Witham Northern

BRAINTREE - Braintree Eastern

### ESS/12/20/BTE – Planning Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.  
  
*Reason: 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 reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
    - Volume 1: Planning Application Supporting Statement;
    - Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
    - Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment
    - Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
    - Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
    - Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
    - Email from Honace dated 2 June 2020, 16:13, Site A7 EclA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020
    - Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020
    - Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
    - Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
    - Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound
    - Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
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## Appendix 1

- Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020
- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements
- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20
A7-7 Rev C	Silt and Water Management	06-02-20
A7-8 Rev C	Proposed Haul Road And Crossing Details	03-06-20
A7-9-1	Site A7 Contractor's Compound Area	02-06-20
A7-09-02 Rev B	Lower Level Haul Road	18-06-20
A7-09-03 Rev B	Higher Level Haul Road	18-06-20
A7-10A Rev C	Phasing and Restoration Sequence	02-06-20
A7-10B Rev C	Phasing and Restoration Sequence	02-06-20
A7-11 Rev A	Restoration Profile	06-12-19
A7-12-1 Rev F	Restoration Masterplan	02-06-20

## Appendix 1

A7-12-2 Rev B	Restoration Masterplan - Cross Sections	04-06-20
A7-13-01 Rev G	Higher Level Restoration – Site Wide Masterplan	12-06-20
A7-13-02 Rev H	Lower Level Restoration – Site Wide Masterplan	18-06-20
A7-14	Land Classification Soils Types	06-11-19
A7-15 Rev B	Groundwater Depths and Base of Mineral	06-11-19
A7-16 Rev C	Groundwater Contours	16-01-20
A7-17 Rev C	Local Groundwater Abstraction	02-12-19
A7-18 Rev A	Site Services Plan	31-10-19
A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals	19-06-20
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals	19-06-20
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals	19-06-20
A7-20-Bio&AC	5 Year Aftercare Scheme Aftercare Areas with IWMF	12-06-20
A7-21-Bio&AC	5 Year Aftercare Scheme Aftercare Areas without IWMF	12-06-20
BW319.24	Site A7 RPA Earth Mound Protection Sectional Elevation	21-11-19
BW319.25	Site A7 RPA Earth Mound Protection Plan View	06-06-20
Figure1281/2/9B	Phasing & Skylark Enhancements - Whole Scheme	
Figure1281/2/9A	Phasing & Skylark Enhancements	

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 81, , RLP 84, , RLP 87, RLP 90 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.*

- 3 The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

Drawing No.	Title	Scale
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200

## Appendix 1

	Proposed Plant Location	1:1,250
E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500
As amended by		
702/001/PS	Landscape and site layout May 2000	1:1,250
B16r/115	Proposed modification to height of existing premix plant	1:1,250

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84 and RLP 90 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.*

- 4 The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Title	Date
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84, RLP 90 and RLP 101 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 5 The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

Drawing No.	Dated
Figure 1 561071 R1	01/12 05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, , RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84, RLP 90 and RLP 101 and BDCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 6 The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition 1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 of this planning permission.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.*

- 7 Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and land shall be restored in accordance with the restoration scheme approved under condition 32 of this permission.

*Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7*

- 8 In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

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

- 9 Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable or unless the Mineral Planning Authority has agreed otherwise in writing:-

## Appendix 1

(a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours to 18:30 hours Monday to Friday; and;  
07:00 hours to 13:00 hours Saturdays.

(b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;

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

07:00 hours to 18:30 Monday to Friday; and;  
07:00 hours to 13:00 hours Saturdays

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

06:00 to 07:00 Monday to Friday  
18:30 to 22:00 Monday to Friday;

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

07:00 hours to 18:30 hours Monday to Friday  
07:00 hours to 13:00 hours Saturdays

Except that the DSM may be operated to produce dry mortar between the following hours, but shall not include HGV movements onto the public highway  
06:00 to 07:00 Monday to Friday  
18:30 to 22:00 Monday to Friday

and at no other times.

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

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

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

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



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

- 12 All vehicular access and egress to and from the site shall be from A120 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

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

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

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

- 14 The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

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

- 15 The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday  
294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

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

- 16 No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

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

- 17 The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

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

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

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

- 19 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 18:30 Monday to Fridays and between 07:00 and 13:00 Saturdays shall not exceed, the  $L_{Aeq}$  1hr levels as set out below:

<u>Location</u>	<u>Criterion</u> <u>dBL<sub>Aeq</sub> 1hr</u>
Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1 <sup>1</sup>	47
Silver End 2 <sup>1</sup>	51

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Hylands <sup>2</sup>	43
Scrip's Farm <sup>2</sup>	43
Monk's Farm Cottages <sup>2</sup>	42

<sup>1</sup> Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental Noise, Report Reference: B3910 20171124 R

<sup>2</sup> Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

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

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

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

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

Location	Night Criterion (06:00 to 07:00)	Evening Criterion (19:00 to 22:00)
Bradwell Hall	42 dB $L_{Aeq}$ ,1hr	47 dB $L_{Aeq}$ ,1hr
Hérons Farm	42 dB $L_{Aeq}$ ,1hr	44 dB $L_{Aeq}$ ,1hr

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

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

- 21 For temporary operations, the free field Equivalent Continuous Noise Level [ $L_{Aeq}$ , 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB  $L_{Aeq}$  1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations that give rise to noise levels greater than those noise limits defined within condition 20 shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations

shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

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

- 22 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

In addition the frequency of monitoring shall be increased in the following circumstances:

- a) during periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.
- b) during periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring
- c) during periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

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

23 Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management 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 19 and 20
- 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 BDLPR policies RLP 36 and RLP 62.*

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

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

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

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

26 No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A7-4 Rev B.

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

27 No additional fixed lighting, other than that detailed in the application, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

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

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

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

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

- 30 The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

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

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

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

- 32 Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;
- removal of guards once established; and
- phasing of implementation.

The planting scheme shall be implemented in accordance with the approved details.

*Reason: 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 in accordance with MLP policy DM1 and BDLPR policies RLP 81.*

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

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

- 34 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP 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) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

- 35 No removal of trees/hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows.

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

36 Prior to commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures, particularly with respect to stag beetles, skylarks and bats;
- b) 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) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

*Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species). and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.*

37 Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond "PY" on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020 shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- d) persons responsible for implementing the enhancement measures;
- e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

38 No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

*Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.*

39 No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, unless otherwise approved in writing by the Mineral Planning Authority.



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

- 40 All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration of Bradwell Quarry.

*Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.*

- 41 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"
- (a) "Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

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

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

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

- 43 Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
  - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
  - c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
  - d) have a minimum 3 metre standoff, undisturbed around each storage mound;
  - e) comprise topsoils on like-texture topsoils and like-texture subsoils;

- f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

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

- 44 No development or preliminary groundworks shall take place until a written scheme of investigation for a programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority.

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

- 45 The programme of archaeological investigation and recording shall be implemented in accordance with the written scheme of investigation approved under condition 44 prior to the commencement of the development hereby permitted or any preliminary groundworks.

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

- 46 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under condition 45. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

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

- 47 No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under condition 46.

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

- 48 Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. 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.

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*Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.*

- 49 Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled "Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020.

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

- 50 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site/the development hereby permitted.

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

- 51 Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 days of a written request.

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

- 52 Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

*Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.*

- 53 Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

*Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.*

- 54 All stones and other materials in excess of 200mm in any dimension shall be picked and removed from the final restored surface of the site.

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

- 55 An aftercare scheme detailing the steps that are necessary to bring the land to required standard for woodland and agricultural use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and placement of soils on site. The submitted scheme shall:
- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
  - b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
  - c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

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

- 56 No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility planning permission reference ESS/34/15/BTE or any subsequent amending planning permission.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies DM1 and DM3.*

- 57 Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

*Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies DM1 and DM3.*

- 58 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

*Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.*

- 59 All sand used in the dry silo mortar plant shall be from indigenous resources at Bradwell Quarry.

*Reason: In the interests of local and visual amenity and in accordance with MLP policies DM1 and DM3.*

- 60 Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

*Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.*

- 61 All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

*Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.*

- 62 Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

*Reason: To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with MLP policy DM1 and BDLPR policy RLP 84*

- 63 Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:
- a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.
  - 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 species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84*

- 64 The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC dated 12-06-20 and A7-21-Bio&AC dated 12-06-20 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

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

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

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

- 65 In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority.

The scheme shall include:

- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers' compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Feering and Kelvedon

Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.*

- 66 No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

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

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.*

- 67 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the Waste planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) 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 Waste Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species and in accordance with MLP policy DM1 and BDLPR policies RLP80, RLP 81 and RLP 84.*

**Report to:** DEVELOPMENT & REGULATION (24 September 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of June	33
Nº. Decisions issued in July	2
Nº. Decisions issued this financial year	12
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in July	0
Nº. applications where Section 106 Agreements pending at the end of July	6



<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of June	8
Nº. Decisions issued in July	6
Nº. Decisions issued this financial year	15
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in July	5

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in July	5
Nº. Committee determined applications issued in July	3
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	102
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of July	61
Nº. of referrals to Secretary of State under delegated powers in July	0

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

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of last quarter	30
Nº. of cases cleared last quarter	13
Nº. of enforcement notices issued in July	0
Nº. of breach of condition notices issued in July	0
Nº. of planning contravention notices issued in July	0
Nº. of Temporary Stop Notices issued in July	0
Nº. of Stop Notices issued in July	0

**Report to:** DEVELOPMENT & REGULATION (24 September 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of July	32
Nº. Decisions issued in August	4
Nº. Decisions issued this financial year	16
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in August	2
Nº. applications where Section 106 Agreements pending at the end of August	4

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of July	8
Nº. Decisions issued in August	2
Nº. Decisions issued this financial year	17
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in August	2

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in August	4
Nº. Committee determined applications issued in August	2
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	125
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of August	52
Nº. of referrals to Secretary of State under delegated powers in August	0

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

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of last quarter	30
Nº. of cases cleared last quarter	13
Nº. of enforcement notices issued in August	0
Nº. of breach of condition notices issued in August	0
Nº. of planning contravention notices issued in August	0
Nº. of Temporary Stop Notices issued in August	0
Nº. of Stop Notices issued in August	0