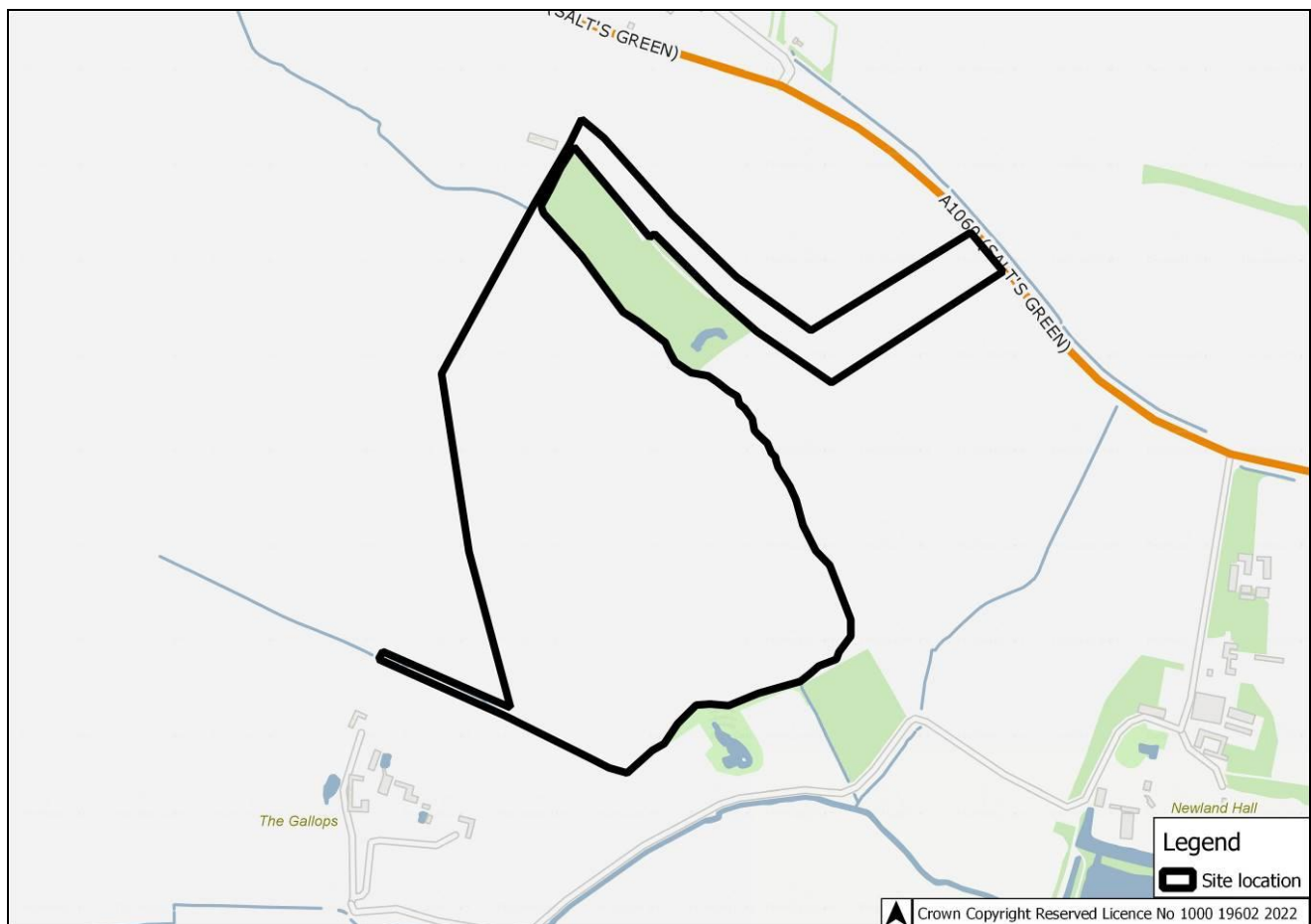


DR/07/22**Report to:** DEVELOPMENT & REGULATION (25 February 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENT - Sand and gravel quarry and associated works/development including formation of new access and mobile plant area; together with the importation of inert material to facilitate site restoration**Ref:** ESS/77/20/CHL**Applicant:** H R Philpot & Son**Location:** Land south of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford, CM1 4NJ**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at <https://planning.essex.gov.uk>

1. SITE

The area to which this application relates is to the south of the A1060, to the west of Boyton Cross and north-west of Roxwell near Chelmsford. The area is the eastern part of a field set 200m back from the A1060, measuring some 13ha. The field is currently in arable rotation with the character of the surrounding area largely being agricultural.

The nearest residential properties to the proposed area of working are Mountneys, The Gallops, The Byre and The Stables (south of the site); Newland Hall and Woodend Farm (east of the site); and Littleacres, Chalk End House, Barleydale and Little Down located on the south side of Fambridge End Road (north of the site and the A1060). Mountneys; Newland Hall and Barn; and Chalk End House are all Grade II Listed.

In terms of land-use designations, the site is located within the Metropolitan Green Belt. There are no international or national ecological designations of note within the immediate vicinity, albeit the wooded area to the north; field boundary hedgerows and trees and watercourse are features of local landscape character. For reference, there are also a number of Local Wildlife Sites and Special Roadside Verges within 1km.

There are numerous Public Rights of Way (footpaths) in the vicinity of the site including Footpath 2 (PROW 230_2) which dissects the field which in part is proposed to be worked.

Extract from the Essex Highways PRow Interactive Map

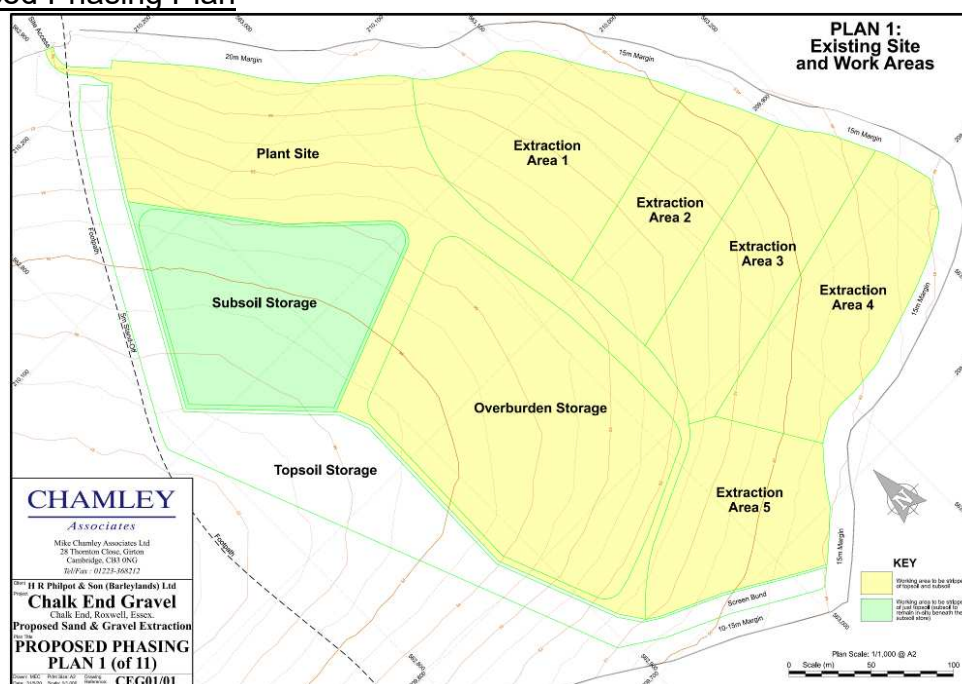


2. PROPOSAL

This application is for a new sand and gravel quarry. It is estimated that the quarry would yield approximately 125,000m³ of sand and gravel once the soils and overburden have been stripped back. The application site has a very high overburden to sand and gravel ratio (3:1) with circa 35,000m³ of topsoil, 70,000m³ of subsoil and 290,000m³ of overburden cumulatively proposed to be stored across all phases of the development, whilst the extraction is taking place, and eventually reused as part of the restoration.

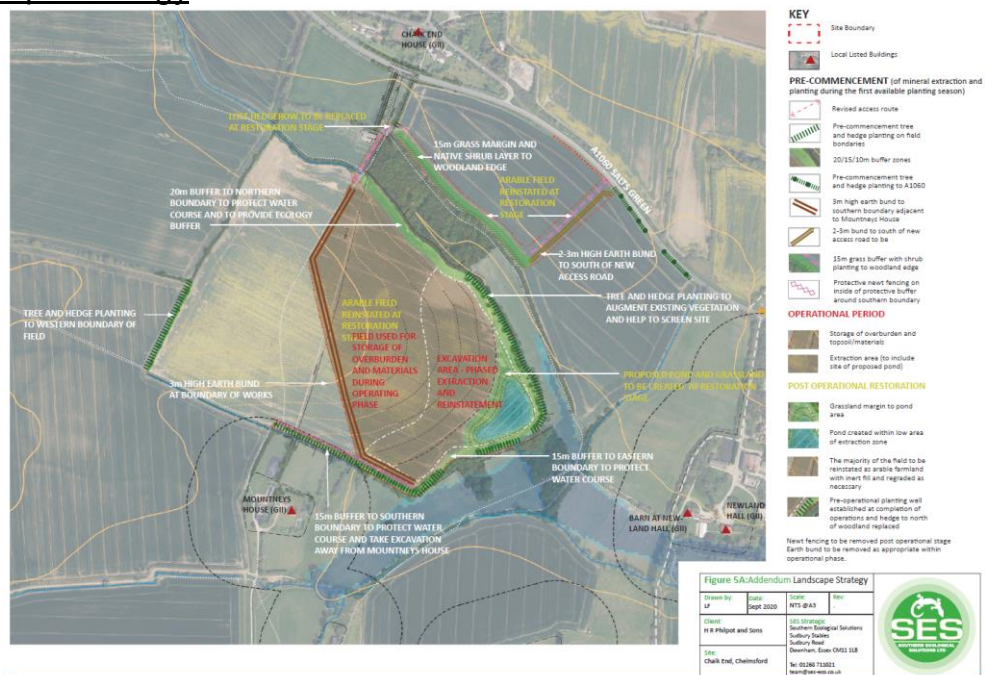
The site is proposed to be worked in a phased manner, starting in the north-west and progressing in a clockwise manner (as shown on the below plan). It has been suggested that extraction would take six years to complete with a further two years to fully restore the site.

Proposed Phasing Plan



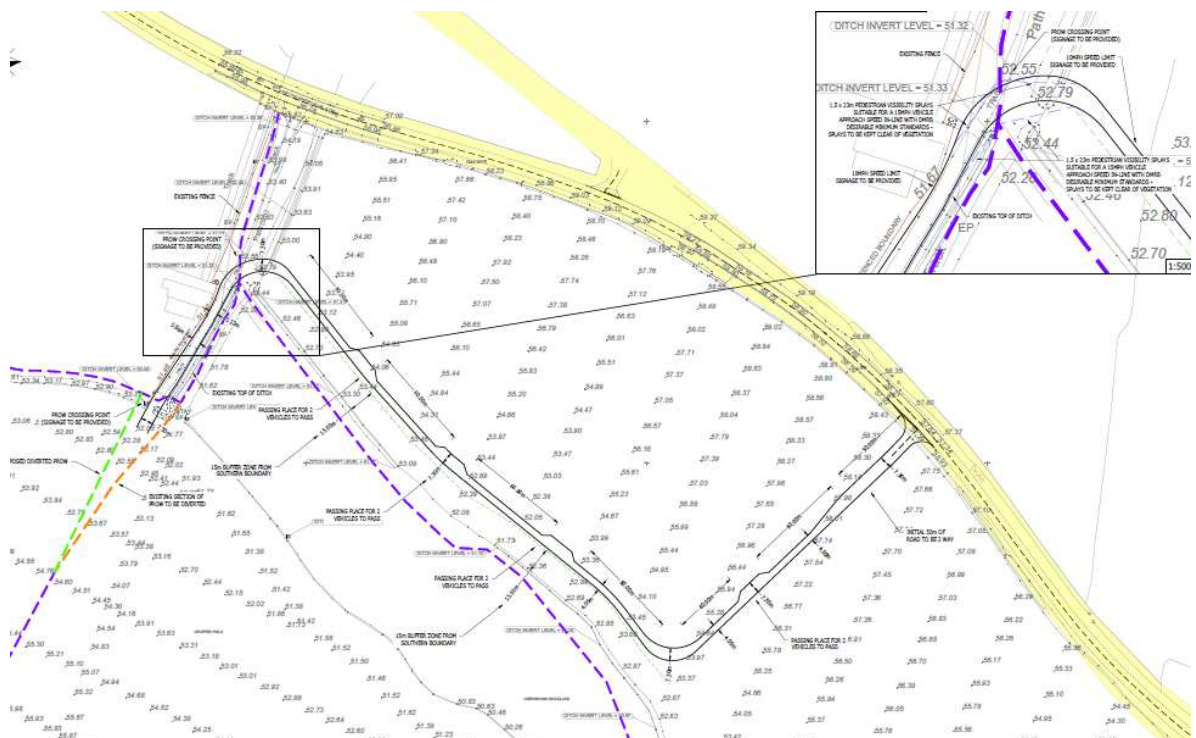
With regard to restoration, this application proposes an almost identical amount of import (122,000m³) to the quantity of sand and gravel that would be extracted. The fill material would be clean, inert soil of which no processing is proposed i.e. this would be imported straight for deposit. No household or commercial waste would be imported and/or used as part of the restoration.

As part of the restoration proposals, the intention is to return the land levels to near existing and agricultural use. The restoration proposals do nevertheless propose the creation of a pond in the eastern corner of the site to improve attenuation and a maintained buffer margin to facilitate long term landscape and biodiversity enhancement, as indicated on the below submitted landscape strategy.



To facilitate the proposal a new access off the A1060 is proposed to be created. This would be located approximately halfway between the access to Newland Hall and Chalk End / Fambridge End Road. The access would dissect the field to the south of the A1060, turning west and travelling adjacent to the field boundary and area of woodland, before turning south to provide access into the field proposed to be worked.

Extract from drawing 'Proposed Internal Road – Option A'



On-site a processing area is proposed to assist with the extraction phase of the development. Together with a range of temporary mitigation measures such as landscape/attenuation bunds which would be formed from extracted soils and overburden to limit the potential for significant adverse amenity impacts.

Proposed hours of operation are 07:00-18:00 Monday to Friday; and 07:00-14:00 Saturdays; with no Sunday or Public Holiday working.

The application is accompanied by an Environmental Statement, submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The Statement covered the following topics: landscape, ecology and transport. Officers are content that the Statement submitted accords with the Regulations. A review and assessment of the conclusions formed with the Statement can be found within the appraisal section of this report. Together with an assessment of topics or areas not specifically covered within the Environmental Statement but relevant to the proposal.

3. POLICIES

The following policies of the Essex Minerals Local Plan (MLP) adopted July 2014, Essex and Southend-on-Sea Waste Local Plan (WLP) adopted July 2017 and Chelmsford Local Plan (CLP) adopted May 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Strategic priorities for minerals development
Policy S3 - Climate change
Policy S4 - Reducing the use of mineral resources
Policy S6 - Provision for sand and gravel extraction
Policy S8 - Safeguarding mineral resources and mineral reserves
Policy S10 - Protecting and enhancing the environment and local amenity
Policy S11 - Access and Transportation
Policy S12 - Mineral Site Restoration and After-Use
Policy P1 - Preferred Sites for Sand and Gravel Extraction
Policy DM1 - Development Management Criteria
Policy DM2 - Planning Conditions and Legal Agreements
Policy DM3 - Primary Processing Plant

Essex and Southend-on-Sea Waste Local Plan

Policy 1 - Need for Waste Management Facilities
Policy 9 - Waste Disposal Facilities
Policy 10 - Development Management Criteria
Policy 11 - Mitigating and Adapting to Climate Change
Policy 12 - Transport and Access
Policy 13 - Landraising

Chelmsford Local Plan

Policy S1 - Spatial Principles
Policy S2 - Addressing Climate Change and Flood Risk

Policy S3 - Conserving and Enhancing the Historic Environment
Policy S4 - Conserving and Enhancing the Natural Environment
Policy S11 - The Role of the Countryside
Policy DM6 - New Buildings in the Green Belt
Policy DM10 - Change of Use and Engineering Operations
Policy DM13 - Designated Heritage Assets
Policy DM14 - Non-Designated Heritage Assets
Policy DM15 - Archaeology
Policy DM16 - Ecology and Biodiversity
Policy DM17 - Trees, Woodland and Landscape Features
Policy DM18 - Flooding/SUDS
Policy DM24 - Design and Place Shaping Principles in Major Developments
Policy DM29 - Protecting Living and Working Environments

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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).

Essex Minerals Local Plan 5 Year Review

A formal review of the MLP commenced in late 2019 with consultation on the draft proposed amendments occurring in April 2021. As part of this review, it was originally proposed that no additional sites needed to be allocated during this review period. However, following a further assessment and analysis of the responses received, including a review of national guidance, the approach to determining the provision of land won sand and gravel in the County (Policy S6) is proposed to be further amended. Engagement on additional proposed changes to Policy S6 is therefore being held between February and March 2022. The consequence of these amendments may be that additional sites are needed during the plan period, particularly if it remains appropriate to use the review to ensure the ability to sustain a 7 year landbank to the end of the Plan period in 2029. Accordingly, a call for sites is also being undertaken during February to March 2022 to inform the next steps of the review process. The call for sites process is in parallel and without prejudice to the conclusions drawn with regards to proposed amendments to Policy S6.

For the avoidance of doubt, and with regard to this application, the review process currently proposes to rely on existing preferred sites remaining in the Plan, provided they remain capable of being delivered, irrespective of policy amendments made and/or any new or updated methodology used to assess any new sites put forward. Any new site allocations made to accommodate the revised need for mineral are therefore intended to supplement existing preferred site allocations.

Further public consultation on the review will take place in due course.

4. CONSULTATIONS

Summarised as follows:

CHELMSFORD CITY COUNCIL – Whilst the City Council has never supported this allocation it is a matter of fact that it is an allocated site so the City Council does not raise an objection in principle to this application. There are however a number of issues which need to be carefully considered and addressed to ensure the amenity and safety of residents of the are protected during the extraction period:

Highways and impact on neighbouring properties amenity

There is concern from local residents and Roxwell, Good Easter, and Margaret Roding Parish Councils about the impact on the amenities of nearby residential properties and also about the traffic generation and road safety concerning vehicles entering and exiting the site. The City Council supports these concerns and will expect any entrance/exit to be fully compliant with Essex County Council Highway safety standards and appropriate wheel washing put in place by means of a condition in order for the proposal to be considered as acceptable.

It is also expected that appropriate noise/vibration mitigation measures are put in place to reduce the impact on nearby residential proprieties from traffic and machinery using the site. The appropriate noise and dust controls will also need to

be in place with appropriate monitoring conditioned for the site.

Landscape

It would be desirable if the footprint of the woodland along the eastern boundary in the landscape plan is strengthened by tree and scrub planting in addition to the grassland being proposed.

The landscape specification sheet proposes three types of replacement trees - Oak, Field Maple and Hornbeam. To ensure the treescape remains resilient to future climate change and threats from pest or disease, the diversity for tree planting should be increased to include other species of varying form, life span and ecological benefits such as Alder, Poplar, Crab Apple, Willow, Bird Cherry. It is noted no detail has been provided for the restoration of the site (i.e. new pond) and this should be secured by an appropriately worded condition.

A condition should also be imposed to ensure that the revised access track and associated landscaped bund are removed at the restoration stage

Arboricultural Impact

The proposed layout requires the removal of one tree and one group both categorised as 'C'. Four small sections of hedgerows are also proposed for removal to facilitate access and sight splays and this is mainly to the front of the site where this adjoins Farmbridge End Road. None of these trees are protected by a Preservation Order or are within a Conservation Area and in principle their removal is acceptable subject to replacement planting of trees and hedges of appropriate size and species.

The tree protection plan at appendix 4 shows where barrier fencing is to be installed to protect retained trees, hedges and woodland based on the root protection area distances but paragraph 6.73 of the Environmental Statement states the scheme has been designed to maintain a 15-20m buffer from habitats including the woodland and hedgerows. It is unclear however whether this is during work or post work. It is requested that the protective barrier to the woodland is installed during construction and be at least 15m with this measurement either from the boundary or outer canopy edge of trees, whichever is greater, to prevent disturbance woodland ecosystem.

Biodiversity

At paragraph 6.20 of the Environmental Assessment it states access was not gained for ponds within 250m for surveys in respect to Great Crested Newts. It should be noted that a breeding population is present within the property Mountneys to the south of the site and this is functionally linked to the application site. Appropriate avoidance and mitigation measures will be required and a licence from Natural England due to the possibility of death/injury of newts, and disturbance or destruction of newt habitat.

Active Badger setts have been recorded and a suitable buffer area of at least 30 metres should be required to avoid disturbance to the badgers and their setts.

The proposed restoration has gone through a clear process to deliver the most practical means of restoration and creation of habitats. The new wetland to the south will further support Great Crested Newts and provide additional biodiversity net gains to ecology. It would however be desirable for the scheme to show its calculations for biodiversity net gain using the Defra 2.0 beta metric to show clear losses and gains for area and linear habitats. It is unclear whether any net gains will be provided pre-construction/ operation as otherwise during the life of mineral site it will be running at a net loss due to the loss of hedgerows and arable land etc, which is unacceptable. Net gains could be delivered through the perimeter of the site (15-20m buffer area) but this will still require calculating.

Historic Environment

The heritage statement submitted with the application identifies a negligible level of harm to the setting of Mountneys.

The rural context forms part of the wider setting to all four listed buildings. Whilst there is limited visibility between the sites, the rural setting nonetheless contributes to the significance of the heritage assets. The change in landscape character would be considerable from the current agricultural setting. The harm would be therefore be low to the setting of Mountneys and minor to the other three listed buildings.

This harmful impact would be for the quarry period of ten years. Following landscape restoration, the site would be restored and the adverse impacts would be avoided.

The harm to the setting would amount to a low level of less than substantial harm until landscape restoration, to be weighed up against any public benefit delivered by the proposals in accordance with NPPF para 196.

It is assumed that the County Archaeologist at ECC Place Services has been consulted on this in terms of the archaeological study and it would be expected that trial trenching would be required on site ahead of the commencement of the development.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

ENVIRONMENT AGENCY – The applicant will require licences from the Agency in order to undertake the proposals. The applicant has undertaken groundwater level monitoring and this has confirmed that a portion of the void would be underneath the natural groundwater level and that groundwater control would therefore need to be employed as part of the quarrying activity. Any extraction beneath the water table necessitates the submission of a full Hydrogeological Impact Appraisal (HIA) to support the licence applications to be made to the Agency, should planning permission be granted.

LEAD LOCAL FLOOD AUTHORITY – No objection.

NATURAL ENGLAND – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Do not wish to offer any comments.

GEO ESSEX – No objection. Although it is requested that if possible access is secured to the site, during its working life, to allow geologists from Geo Essex to record the geology.

HIGHWAY AUTHORITY – No objection subject to conditions requiring submission of a finalised design for the access junction, demonstration of the ability to provide required visibility splays and a maintenance regime for land within these splays, a vehicle speed limit on the access road and details of proposed signage and fencing associated with the crossing points of the public right of way network.

ESSEX AREA RAMBLERS – Alternative means of access would have likely meant that existing public rights of way routes could have been left unaffected. In the event that alternatives are not feasible/practical questions are raised as to whether footpaths should be diverted rather than signage introduced. It is considered unacceptable to allow the access road to cross/dissect the footpath if an alternative can be easily achieved.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

PUBLIC HEALTH ENGLAND

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) and encourage their consideration during development design, environmental and health impact assessment, and development consent.

With reference to the Dust and Air Quality Assessment (October 2020), a number of points have been noted below where further clarity may be needed within the assessment, to ensure that all sources of particulate matter/ dust are addressed and the cumulative impact of different sources across the site is considered.

- It is unclear if the Dust and Air Quality Assessment (October 2020) includes consideration of the importing and infilling of waste (noted to be inert soil). This should be clarified in the document.
- Dust propagation from soil stripping, storage and reinstatement are described as being generally short-term and transient operations. However, the phasing diagrams (plans 1-10) show overburden, subsoil and topsoil stockpiles as being present throughout the proposed timescales. It is

recommended that proposed mitigation measures for the overburden storage/stockpiles be implemented for the duration of the proposed works.

- Greater clarity and consistency are required regarding overburden/stockpile terminology and the differentiation between soil, overburden stripping, storage, re-instatement activities and wind scouring of exposed surfaces and stockpiles to ensure accurate characterisation and assessment of risks. For example, with specific reference to Mountneys, in Table 5.5, only extraction area 5 is considered for wind scouring of exposed surfaces and stockpiles, yet the phasing diagrams (in Appendix C) also identify subsoil, overburden stockpiles in the southwest of the site. In contrast, the report states (in Section 1.5) that 'extracted material will be processed and stockpiled on site using mobile washing and dry screening plant, which will be located in the north of the site' and (in section 3.5.5) that 'Stockpiles of extracted materials will be kept within the plant site and away from receptors.'
- The impacts from disamenity dust have been scoped into the assessment. However, the minimum distances used for this appears to be the same as used in the impact assessment against long-term air quality standards (i.e. at the building façade). Given Mountneys shares a boundary with the site, there is a potential for coarse particles to be deposited within 100m, it is recommended that the risk assessment be updated; and any additional mitigation measures identified for when activities take place near to the site boundary.
- Given the proximity to receptors, no information is provided regarding mitigation measures to limit potential disamenity impacts from the creation of the screening bunds. The applicant states that a Construction Environmental Management Plan (CEMP) will be in place and this should be agreed with the Local Authority Environmental Health Department.
- There are a number of footpaths in close proximity to the site, however there is a lack of consistency in the description of the location of these. The local planning authority should ensure that appropriate mitigation measures are put in place to protect those using the public footpaths.

Noise

It is recommended that Local Authority Environmental Health Department are consulted with regards to the potential impacts from noise from the proposed development.

THE COUNCIL'S NOISE AND AIR QUALITY CONSULTANTS –

Noise

No objection subject to conditions covering maximum noise levels, details of plant proposed to be used including sound power levels and noise compliance monitoring.

Air Quality

The quarrying activities likely to result in the greatest magnitude of dust impacts have been identified and the assessment conclusion, based on the evidence as

presented, is in line with the relevant technical guidance documents.

The proposal to prepare a Dust Management Plan which sets out all the dust management and mitigation measures is welcomed. With the appropriate mitigation in place, it is acknowledged that there is unlikely to be significant air quality and dust impacts, and the proposals are considered to be acceptable from an air quality perspective. However, given the proposed close proximity of some residential dwellings to quarry operations, particularly to the south of the site, the following recommendations are also provided in relation to the mitigation proposals:

- A condition to be placed on the planning permission that requires the applicant to submit the DMP to Essex County Council for approval. No works shall commence on Site until the DMP is approved.
- Inclusion of specific procedures or protocol within the DMP for the application of specific dust suppression measures (including the decision making process) or altering site activities based on likelihood of dust emissions causing adverse impacts off-site.
- Specific consideration within the DMP for increased due diligence and dust management in relation to activities in the southern and south western section of the Site to minimise risk of adverse impacts at the nearest residential properties.

THE COUNCIL'S LANDSCAPE, ECOLOGY, TREE, HISTORIC BUILDINGS AND ARCHAEOLOGY CONSULTANTS –

Landscape

Concerns raised around the timescale of operations and that landscape impacts have the potential to become established into the long term. Noting this is an allocated site within the MLP, conditions are duly recommended in respect of additional hedgerow with tree planting along the road frontage both east and west of the access point; additional screening of the 'green lane' access off the A1060 to the field as existing; revisions to the planting mix/quantity of the hedgerow proposed about the access road, adjacent to the woodland edge; and increase in buffer to/from the woodland from 15m to 20m (or re-orientation of the passing bays to increase distance from main haul road).

Ecology

We are satisfied that there is sufficient ecological information available for determination. The mitigation measures identified in Chapter 6 of the Environmental Statement (Strutt & Parker, June 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species and habitats. The mitigation measures should be included in a Construction Environmental Management Plan (Biodiversity) which should be secured by a condition. This should also include a non-licenced Great Crested Newt Method Statement.

As the site currently supports two pairs of breeding Skylarks and two pairs of breeding Yellow Wagtail, both Priority Species, we also recommend that a Farmland Bird Mitigation Strategy is secured as a condition. This should secure off

site mitigation measures throughout the construction period and post restoration.

The details of the reasonable biodiversity enhancements proposed on site, to secure measurable net gains for biodiversity, should be included in a Biodiversity Enhancement Strategy. The Biodiversity Enhancement Strategy should secure measurable net gain for biodiversity (BNG) to be delivered within the approved restoration plan. Consequently, a calculator, such as the DEFRA biodiversity metric 2.0 should be used to demonstrate this for delivery over the lifetime of this application. We recommend that the habitat created is secured for long term management not just a 5-year aftercare period. The details of the long-term management of the restored site should also be included in a Landscape and Ecological Management Plan, which will ensure that the reasonable enhancements are appropriately managed during the aftercare period to ensure that they secure net gain for biodiversity in the long-term.

Trees

An Arboricultural Impact Assessment and Preliminary Method Statement, along with a Tree Protection plan in line with BS5837:2012 'Trees in relation to Design, Demolition & Construction, has been provided. The revised access is likely to cause more of an impact to the woodland, as the access will now run 15m north of the woodland edge. Dust has the potential to detrimentally impact on woodland and accordingly it would be preferable for the access to be tarmacked with appropriate dust suppression measures undertaken (e.g. dampening).

It is recommended that a site specific Arboricultural Method Statement (AMS) and finalised Tree Protection Plan (TPP) be secured by condition in the event that planning permission is granted.

Historic Buildings

The application site is located in proximity to a number of designated and non-designated heritage assets. Therefore, with regard to these proposals, the principal considerations are the potential indirect impacts to the heritage assets set out below, due to change within their settings:

- Chalk End House, Grade II Listed (List Entry ID: 1235665);
- Newland Hall, Grade II Listed (List Entry ID: 1235663);
- Barn at Newland Hall, Grade II Listed (List Entry ID: 1237443);
- Mountneys House, Grade II Listed (List Entry ID: 1235719);
- Barns at Mountneys (Curtilage listed); and
- Mountneys Cottage (Non-designated heritage asset).

The submitted Heritage Impact Assessment which concludes that the proposed development would result in 'less than substantial' harm to the significance of the Grade II Listed Mountneys House, due to change within its setting, is agreed with. It is considered however that this harm would be more towards the medium level of 'less than substantial'. In accordance with paragraph 196 of the National Planning Policy Framework, this harm should be weighed in the balance against the viability of the scheme and the potential public benefits.

Archaeology

The proposed development lies within an area known to be archaeologically sensitive. The Historic Environment Record shows that the site lies within an area from which cropmarks have been identified from aerial photographs (EHER 48039). The submitted desk-based assessment also identifies the potential for archaeological deposits being present on the site. Immediately to the south of the site lies a moated site at Newlands Hall (EHER 664) which contains a grade II listed house and barn. Many of the moats in this area of Essex have their origins in the 12th and 13th centuries.

Although the applicant has indicated that there is a threat to only 50% of the site by extraction, the storage of material or processing plants have the potential to both disturb and destroy archaeological deposits that are only shallowly buried. Much of this archaeology will be just beneath the topsoil. Therefore, the total area would require evaluation to ensure that there are no significant archaeological deposits threatened on the site. Conditions are therefore recommended to secure a programme of archaeology investigation in accordance with an agreed written scheme of investigation.

ROXWELL PARISH COUNCIL – Object. Whilst it is recognised that this site is part of the MLP, if you look into the comments made when the MLP was produced, it will be noted that many individuals and organisations opposed this site.

The proposals do not reflect the communities aspirations and engagement has done nothing to enhance the communities voice in the planning decision. Concern is raised in this regard as to how information is presented in the Statement of Community Involvement submitted by the applicant.

Although current records show that this stretch of the A1060 has not had any serious accidents within the last five years, this could well be a future accident black spot once slow moving vehicles entering and exiting the site are added to them mix. In addition to the potential for accidents, the additional HGVs will also have a detrimental impact on the residents living within close proximity of the carriageway.

It is not confirmed who will be carrying out the extraction. The applicants are farmers, so it is questioned if they have experience or knowledge to carry out this type of work. How would the site and operations be monitored?

Roxwell residents have had to put up with gravel extraction and subsequent landfilling for well over 70 years, surely Roxwell deserves a break.

Insufficient time has been given to fully consider the documentation submitted and fully respond.

ABBESS BEAUCHAMP & BERNERS RODING PARISH COUNCIL – Object on the basis of lorry movements. The rural road through the Parish and other villages are narrow and unsuitable for this sort of traffic.

GOOD EASTER PARISH COUNCIL – Acknowledges the requirements of the MLP to provide sand and gravel and also the WLP to provide sites to dispose of inert waste. However, a number of concerns are raised in respect of the proposals which are requested to be addressed. Including that the access proposed to support the proposals must be designed appropriately and also sufficient for the long term, if the southern parcel does come forward.

In terms of the access, as proposed, it is considered that this will present the potential for a serious accident. The MLP required this site/allocation to be supported by a dedicated right turn lane but this is not included. Although this application is only for part of the site, it is considered that this should be secured now. In addition although the MLP seeks to suggest Footpath 2 should be diverted, the proposals do not propose this – just warning signage.

In the event that planning permission is granted, the access road should also be constructed from reinforced concrete to relevant highway standards, furthermore adequate wheel washing facilities must be installed together with road sweeping plant.

No measures to prevent Salts Green/Chalk End from being used as a glorified roundabout have been proposed. It is considered traffic signage and other measures should be secured to ensure all lorries entering or leaving the site do not use Chalk End or other local roads through Good Easter. Extreme concern exists about the vulnerability of three historic bridges at the end of Shorts Farm Lan, on Fountain Road and on Farmbridge End Road.

Measures to limit noise and dust should be secured, with appropriate monitoring regimes. The suggestion that the dust emission risk from the removal of topsoil and overburn as 'medium' is considered unacceptable and measured should be secured to ensure this risk is 'low'.

The intention to import inert waste is noted. However, clarification is requested on how this would be controlled and household or commercial waste would not be allowed to be deposited.

Vehicle movements suggested should be secured by planning condition as maximums and it is not considered that any later phases of extraction should be allowed until this phase is complete, so traffic movements are not greater than that outlined as part of this proposal.

No details of any Section 106 payments that may be considered toward the local community that will be impacted by this development/disruption has been provided. It is considered that some contribution towards the Parish Council's impacts should be made, to be used solely for local amenity improvement.

MARGARET RODING PARISH COUNCIL – Object. The proposed site would be accessed from the A1060, this is not a strategic route or trunk road. The carriageways are single and narrow. At the proposed site access, the highway has a 60mph speed limit. HGVs would be slow entering and leaving, which will undoubtedly result in safety issues.

If planning permission is granted, a condition should be secured which requires a new speed limit of 40mph to be introduced from Peppers Green Lan to the parish boundary with Leaden Roding and 30mph within the centre of the village.

AYTHORPE RODING PARISH COUNCIL (comments received albeit not directly consulted) – The Transport document is naive and incorrect in concluding that lorries will use the A1060 which, in itself, is not a suitable route to reach the major road network. It is inevitable, without a strict route plan, that lorries will use the B184 north to Dunmow or south to Harlow which will cause a massive impact on the villages in terms of noise and volume of traffic and potential damage to properties next to the road.

LOCAL MEMBER – CHELMSFORD – BROOMFIELD AND WRITTLE – Any comments received will be reported.

5. REPRESENTATIONS

28 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. This application was formally consulted on twice during determination. A second full consultation was undertaken as changes were made to the proposals which impacted on the Environmental Statement submitted. 43 letters of representation have been received, across the two consultations. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Disruption and noise from activities would cause a large inconvenience.	See appraisal.
The proposed hours of operation are unreasonably long.	See appraisal.
The development is going to completely spoil the countryside that we all enjoy.	See appraisal.
A lot of the local community use the footpaths for dog walks, horse riding, cycle routes for a better wellbeing which will all be spoilt.	See appraisal.
I only recently moved to the area and was completely shocked to find out about this allocation in the MLP.	Civil issue.
Habitat loss.	See appraisal.
The development will affect the value of my property.	Property price alone is not a material planning consideration.
Will the surrounding houses be in any compensated for the	Any claim for planning blight under the Town and Country Planning Act 1990 or

disruption/nuisance?	for compensation under the Land Compensation Act 1973 would be separate to the terms of any planning permission granted.
Impact on mental state/wellbeing from stress.	See appraisal.
Concerns over impacts to groundwater levels and private borehole water supplies.	See appraisal.
It is of particular note that the application is submitted, strategically, in the middle of a public health pandemic when public meetings are impossible. Not democratic at all.	Whilst it is accepted that this application was originally submitted during lockdown, the Government did not seek to close down the planning regime during this period. It is acknowledged that the timing meant that in person public meetings were not possible. However, the MWPA has been as accommodating as possible with requests for extensions to the consultation period and also the sharing of information/timely display of consultation responses on the website.
To achieve the averages and associated maximum number of movements per day, more than 10 per hour will be more than occasional.	Noted.
Traffic on the A1060 is already frequent. Adding an additional HGV every 6 minutes is not safe or sustainable. By whose assessment is the number of vehicle movements "not considered to be significant to materially impact the capacity of the A1060"?	See appraisal.
Why is the Traffic Assessment not undertaken by Essex Highways? The survey was also undertaken in October 2018 so can no longer be considered up to date.	The Transport Assessment has been undertaken by the applicant's consultants. As part of the determination, the Highway Authority are formally consulted by the MWPA. The Highway Authority accordingly, at this time, review the Assessment submitted and provide comments/a recommendation to the MWPA.
Only a summary of the traffic survey appears to have been presented.	Traffic Flow Diagrams were provided as part of the Transport Assessment

Where is the more detailed analysis of traffic usage and speeds?	submitted, with commentary as to what these show and suggested impacts from the development discussed in the main text of the Assessment.
Questions posed in terms of information presented and averages used in context of the proposal.	Noted.
The access/exit junction is on a particularly fast piece of the A1060. Whilst the sight lines may be deemed to be sufficient, the general traffic at that point will be moving at close to the posted national speed limit.	See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.
From the site to the junction with the A1060 the vehicles will be moving on a rising gradient. This will cause the engines to have to work harder to accelerate and consequently will result in increased exhaust emissions into the atmosphere around the junction and surrounding residences.	See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.
How has it be calculated that the site will take 8 years to work?	See appraisal.
The feedback from the public meeting held by the applicant clearly shows the local ill-feeling towards this proposal. It is disgraceful that a proposal should go forward with the known outcome of alienating at least 75% of the local community!!	Noted.
Amenity concerns – noise, dust and odour.	See appraisal.
Concerns about light nuisance from both fixed lights and vehicles.	See appraisal.
This is Green Belt land.	See appraisal.
Object to another quarry on the A1060. The road is already busy and there is also other development potentially coming forward – Warren Farm and the residential re-development of Ashtree Farm.	See appraisal.

Flood defences are far more important to be addressed, brooks need clearing and dams created for our homes.

Noted.

The Flood Risk Assessment indicates overland flow running along the natural valley which runs in a West – East direction. The full extent of the overland flow does not appear to have been considered. The proposed bund to the south west of the site would appear to intercept the overland flow and without any mitigation measure this could direct the flow towards the Barns at Mountneys and will increase the risk of surface water flooding.

See appraisal.

There are no benefits to this proposal, only negative impacts for the environment and the local community.

See appraisal.

There are numerous blind spots, blind driveways/access and dips in the road which render the proposed access point unsafe.

See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.

Added road traffic pollution.

See appraisal.

The proposed site is referred to as the smaller, northern part of the whole A40 site. When the site was approved as part of the ECC Minerals Plan it was put to us as residents that it would be developed as a whole site and would be completed within 14 years. By giving approval to develop a relatively small part of the site the Council would be setting a precedent for further piecemeal applications to be approved which could end up prolonging the development of the site way past the 14 years agreed.

See appraisal.

The access put forward is the option that is the most convenience and least cost to the applicant, rather than that which would be safer for motorists and cause less nuisance to residents.

See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.

There appears to be differences in the suggested required visibility splays for the access?

See appraisal.

I was appalled to read in the Planning Statement 6.110 that "the main noise source is from traffic passing along the A1060 at the northern end of the site. Therefore, the residents in the properties in Chalk End are already used to noise from traffic movement along the A1060". I can assure you that we are not "used to" the noise.

Noted. See appraisal.

It is very difficult to understand and make sense of the Dust and Air Quality Assessment. The report states that a detailed air quality assessment for Nitrogen Dioxide (NO₂) is not required as the number of traffic movements at 96, is below the 100 HDV movements per day. However, there will also be over 20 movements by staff vehicles a day, are these not considered to be pollutants or will they all be driving electric vehicles? The measurements also do not take into account the fact that as lorries will be accelerating out of the site, fully loaded, the level of NO₂ will be much higher.

See appraisal.

Impacts of dust on receptors (residents) at Chalk End are suggested to be negligible. However the reports submitted also describe coarser dust as "disamenity dust" and can be associated with annoyance.

See appraisal.

Concerns that Chalk End / Fambridge End Road would be used for parking by employees and/or vehicles.

See appraisal.

The processing plant should be moved further away from residential properties.

See appraisal.

Impacts to the Public Right of Way network.

See appraisal.

There is no mention within the Planning Statement of how the workings of the site would be monitored?

Should planning permission be granted, operations would be monitored periodically by the MWPA with site monitoring reports produced following visits made. The site would also be controlled and monitored by the

	Environment Agency as permits/licences would be required from the Agency.
The proposal will affect my Human Rights and the right to the peaceful enjoyment of our homes and gardens.	See Human Rights section at the end of report.
The access should be moved east, further towards Newland Hall.	See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.
At the Examination in Public and in the Essex Replacement Minerals Local Plan Site 40 'Land at Shellow Cross Farm' is considered as a whole and at no stage was the notion of part opening up and winning of material discussed or examined.	Noted. See appraisal.
In bringing forward only a small parcel of land for extraction including access road and plant it is not possible to measure the full implications of the longer-term impact of the development of site A40. There is no guarantee that the proposed access road and plant will be removed in 8 years' time at the end of the extraction and processing period.	See appraisal.
Throughout the Examination in Public of the MLP it was argued by those bringing forward site A40 that the material was necessary to serve the development needs of the west of the county in particular Harlow. Development in Chelmsford was to be served by other mineral extraction sites around the County town and was well provided for by other sites during the period of the plan.	The strategy behind the MLP, and the allocations within, is to provide for the best possible geographic dispersal of sand and gravel across the County, accepting that due to geographic factors the majority of sites will be located in the central and north eastern parts of the County (to support key areas of growth and development and to minimise mineral miles) with a focus on extending existing extraction sites with primary processing plant, and reducing reliance on restoration by landfill.
In the site selection criteria used by Essex County Council in 'scoring' the different sites put forward for inclusion in the Minerals Plan a 'western area' score of +6 was added to site A40 as there were few sites promoted to serve the projected development needs of the	The western weighting (or +6 points) was applied in an early site scoring methodology. This methodology or weighting was not taken forward during the formal site assessment methodology which resulted in the preferred site list within the MLP.

western towns of the County. Site A40 was needed, it was argued, to serve the needs of Harlow expansion. The +6 points added to the A40 score brought the site into the site list for inclusion in the Minerals Plan. If, as proposed, the site is now to serve Chelmsford the site would never have reached the score for inclusion in the development sites in the Minerals Plan.

See below confirmation in the form of an extract from the Inspector's report following the EiP: "At Stage 3 of the Assessment, Preferred Sites are first identified from those passing Stages 1-2 broadly on their proximity to the main towns of the County and to the Haven and Thames Gateways growth areas. This is consistent with the County-wide distribution strategy of the Plan as a whole. One of the main concerns among Representors revolves around the use of an indicative optimal transport distance from source to end use of 20 kilometres. That was introduced at the pre-submission stage in preference to the six-point 'western weighting' formerly applied to the scores of sites in the west of the County at the Preferred Options stage of public engagement. This in itself attracted opposition. However, on fresh examination the 20 kilometre criterion logically applies the spatial strategy and results in a reasonable distribution of sites with respect to growth areas, albeit with a greater concentration in Braintree."

The application should be refused if the destination of the materials is predominately Chelmsford in that it is contrary to the material presented at the Examination in Public which led to site A40 being included in the selected sites for mineral development.

Noted. See above comments

The access point chosen seems primarily to have come from the indicative access presented at the Minerals Local Plan. It is suggested that relocating the access to the east would not accord with the location within the adopted Mineral Plan and it would have additional impact upon the countryside. Where is the analysis for this statement?

See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.

The access as shown in the MLP is indicative and not definitive.

Noted.

A well-designed access point further east on the A1060 could well provide a safer access point with little damage to the countryside as the land is currently open farmland with minimal environmental quality.

See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.

Why is no right turn lane proposed?

See appraisal.

Noise and pollution from vehicles appears not to have been assessed.

See appraisal.

The Noise Assessment Report references an observed effect level, however from reading the report and information provided, no reference to an observed effect level can be seen. There is however a Significant Observed Adverse Effect Level (SOAEL). I assume the report means it would be classed as SOAEL due to the site being at times more than 10-15 dB higher than the measured typical background levels provided. Therefore, mitigation would be required.

See appraisal.

In terms of noise, 55dB (A) L is referenced as acceptable in the report however, this is an upper guideline level under BS8233: 2014 and the desired level for residential is under 50dB (A) L in BS8233: 2014 and under World Health Organisation Environmental Guidelines for the European Region (2018).

See appraisal.

The proposed 3m bunds seem inadequate.

See appraisal.

It is noted from the application form that liquid waste would be created from the proposals. No reference is however made to how this material would be treated and/or disposed of.

Dewatering would be required to facilitate extraction on this site as a portion of the void would be underneath the natural groundwater level. The design of lagoons and pumps would form the basis of a condition in the event that planning permission is granted. A license for dewatering would also be required from the Environment Agency. Management of discharge and silt would accordingly be confirmed by details

	secured.
This application is clearly a precursor to the applicant trying to bring forward the southern part of the site.	Noted.
Farmbridge End Road at Chalk End should be legally excluded in the Routing Plan.	See appraisal.
This site requires infill to bring it back to the existing levels. This area within the A40 proposal is meant to be restored by soil from the southern part of the A40 site. This infill process will require a significant increase in vehicle movements with the risk of illegal infill being introduced during the process.	Noted. See appraisal.
The planning statement refers to Chalk End as a small hamlet consisting of 7 properties. There are actually 17 homes in Chalk End, with well over 40 permanent residents.	Noted.
The existing vegetation/shrubbery to the rear of the properties in Chalk End, north of the A1060 is on highway land. It is not in the applicant's control and therefore no guarantees can be provided with regard to this remaining as is as a form of mitigation.	Noted.
The Transport Assessment refers to accident statistics which we as residents know do not reflect the number of "incidents" which occur due to speeding and overtaking on this dangerous section of road.	Noted.
The proposal will further degrade the A1060, at further cost to the taxpayer.	Noted. See appraisal.
Impact on wildlife including badgers, rabbits, squirrels, roe deer, muntjacs Foxes, hares, owls and buzzards to name but a few.	See appraisal.
On the rates proposed by this application, A40 as whole could have an operational life of 50 years. The	Noted. See appraisal.

extraction proposed by this application is some 84% slower than that envisaged within the MLP.

The access is too close to residential properties.

See appraisal. Although it is noted that this comment was received pursuant to the originally proposed access point.

The restoration proposes the import of waste which was never suggested or agreed as part of the MLP allocation.

Noted. See appraisal.

This should not be considered part of A40, it is clearly a project of a very different nature.

Noted. See appraisal.

The proposed amount of material to be extracted is insignificant in the wider picture, at best adding just 2.6 months' supply to the landbank.

Noted. See appraisal.

The amount of overburden on-site questions the viability of extraction.

Noted although as a private venture, profitability is not necessarily a material planning consideration.

The landbank is already above 7 years and therefore there is no need for this site to come forward and/or the MWPA to be lenient or flexible in terms of the fact this is simply within the site area of A40.

See appraisal.

ECC must recognise that more/better port facilities could bring additional gravel to Essex and that marine gravel could form a useful reserve buffer reducing the need to hold excessive land reserves.

Proposals for marine dredging of aggregates are decided by the Marine Management Organisation albeit monitoring indicator 3 of the MLP does also seek to review the contribution marine dredged sources are having to aggregate provision. Commentary with regard to transshipment sites is provided within policy S9 of the MLP.

Minerals/gravel demand in Essex is well below ECC's last 'official' forecast. This clearly demonstrates the need for a major review of the MLP before further irrevocable decisions are taken.

See appraisal.

The national relaxation of planning rules allowing buildings to be converted to residential will reduce demand for

Noted.

primary building materials.

There is a statutory requirement (from the National Planning Policy Framework) for ECC to review the Essex Minerals Plan 2014 in 2020 i.e. after 5 years. This was supposed to be completed for consultation in May 2020 but wasn't, due to COVID19 and a new date has not been set. This proposal should not be determined until the review is complete.

See 'Policies' section of this report.

Concerns as to water supplies and shallow water distribution pipes that cross the site. Similar concerns exist for communication infrastructure/cables.

See appraisal.

Impact on the water table and subsequently private boreholes.

See appraisal.

The submitted noise assessment is inadequate. It is based on assertions and generalisations derived from inappropriate data. It is considered additional noise mitigation is needed.

See appraisal.

The three barns adjacent to Mountneys were converted into residential properties after the MLP was adopted. It is accordingly not clear whether appropriate consideration has been given to the properties as part of this application. The barns are closer to the development site than Mountneys yet all documents submitted simply reference Mountneys as the closest sensitive receptor.

Noted. For the avoidance of doubt, the MWPA are aware of these properties and these have been fully considered as part of the appraisal of this application.

Although the cumulative impact of other major developments in the vicinity have been mentioned in the Planning Statement, no reference has been made to the division of the site and the consequent multiple impacts that site A40 could have.

See appraisal.

With regard to point 12 of the MLP allocation (the boundary with Mountneys) it is this application fails to address this point. A 15m stand-off,

See appraisal.

double row hedge is insufficient.
Mention is made to a 3m high bund but no detail can be found on this within the application.

Noise impact and concern that noise levels could be above 55 dB(A) which in comparison to existing background levels 32 dB(A) is considered an unacceptable increase.

See appraisal.

If the ground water level is adversely impacted, a number of properties will have no water supply. This is unacceptable and clearly a very worrying situation.

See appraisal.

If planning permission is granted, what happens if the southern part of A40 comes forward after this development has been completed?

Any such application would be considered on its merits, in context of the development plan at the current time.

Health impacts from reduced air quality.

See appraisal.

How will controls, like the maximum number of vehicle movements be monitored and enforced.

See appraisal.

What assurances or guarantees are there in terms of the quality of the restoration?

See appraisal.

The consultation period on this application was insufficient to consider and thoroughly assess all submitted. Undertaken a consultation during a pandemic when the country is in lockdown is also unacceptable.

The application was advertised in accordance with planning legislation and the Council's adopted Statement of Community Involvement.

We are entitled to rely on our Council to defend and support us as local people wishing to maintain the quality of life that Essex CC publicly promotes. I do recognise the need for sand and gravel to be made available but there are 31 quarries in Essex.

Noted.

Insufficient consideration has been made for walkers who use the public right of ways in the vicinity of the site.

See appraisal.

The proposed reduction in the number of years the site would be operational is welcomed, however I still believe that when viewed in relation to the details set out in the ECC Minerals Plan it is too long.

See appraisal.

Whilst the proposal to move the entrance is welcomed as the visibility on that stretch of road is better than the original proposed, the A1060 is still a dangerous, fast road at that point and I believe that if the plan is approved the speed limit should be reduced to 40 mph in order to avoid accidents involving lorries entering and leaving the site.

See appraisal.

It is proposed that a bund is established between the haul road and the woodland. I believe that a bund should be established on both sides of the haul road to mitigate the noise and dust to residents of Chalk End.

See appraisal.

The reduction to 8 years is minimal and provides no further clarity that the 14 year MLP figure is achievable for the whole site.

Noted.

The revised access point is still too close to residential properties.

See appraisal.

Welcome the changes proposed by the applicant in relation to the access point off the A1060 which I believe will significantly reduce the environmental impact on local residents. However, request the MWPA ensure that appropriate bunding is established along the north side of the new access road so as to minimise the visual impact and noise impact on local residents.

See appraisal.

Comments with regard to the need for a right hand turning lane remain valid for the new access point.

See appraisal.

There should be additional planting and a 3m bund (not just 2-3m) to the immediate North and West of the

See appraisal.

revised access road as well as to the East as proposed. All bunds should be at least 3m across the site but those to the South East and South West should be 5m high.

The existing access to this field off the A1060 (and the access originally proposed to serve this development) is in very poor condition, being uneven and covered in rubble and sharp and broken materials that are a danger to walkers and animals. This should be immediately re-landscaped with softer materials restoring a rural footpath.

See appraisal.

Mountneys has been empty since this application was lodged so objections are not balanced.

Noted.

The agent for this application is also the agent acting for the sale of Mountneys. This gives rise to a potential conflict of interest.

Noted.

The site notice does not refer to The Stables when it discusses potential impact on the setting of listed buildings.

See appraisal. The Stables is considered to be curtilage listed through association with Mountneys. The site notice is not that detailed, simply detailing the name of all buildings/structures which are listed in the own right.

Bunding or screening should be proposed along both sides of the access road.

See appraisal.

Appropriate wheel washing facilities must be provided, together with a requirement for a permanent site based road sweeper.

See appraisal.

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development and Need
- B. Green Belt
- C. Landscape and Visual Impact
- D. Ecology
- E. Heritage

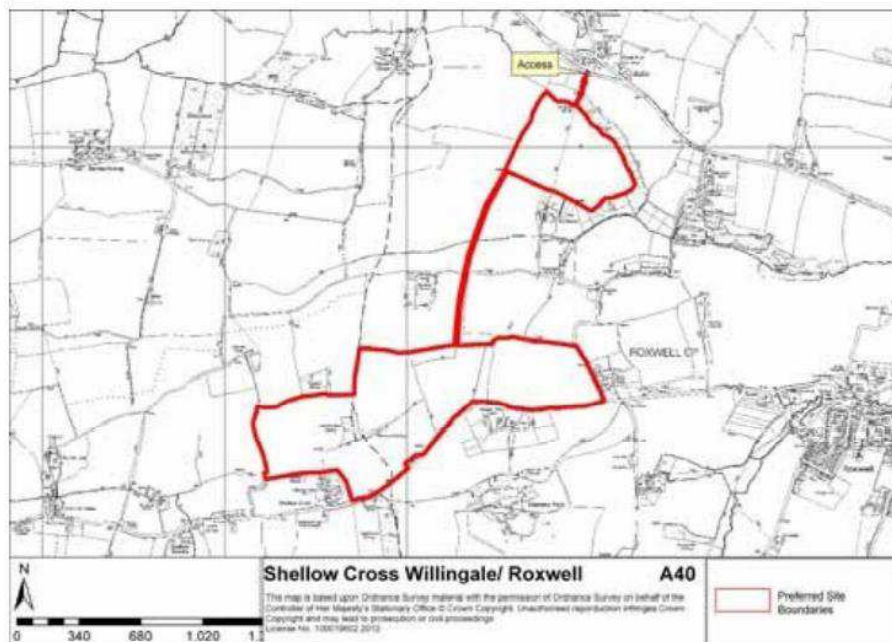
- F. Highways
- G. Hydrology and Hydrogeology
- H. Amenity
- I. Climate Change

A PRINCIPLE OF DEVELOPMENT AND NEED

Policy P1 of the MLP details that in the case of the preferred sites for sand and gravel, the principle of extraction has been accepted and the need for the release of the mineral proven. The Mineral Planning Authority will grant planning permission for sand and gravel workings at the preferred sites, subject to the proposal meeting the detailed development requirements set out for each site, other relevant policies of the Development Plan and any other material considerations.

Land at Shellow Cross Farm (allocation A40) covers the land to which this application relates. Site A40 is the largest (land-wise) allocation in the plan and is estimated to be capable of yielding approximately 3.5 million tonnes of mineral. The allocation principally forms two parcels of land – a northern and southern one, which were envisaged to be linked by haul road or conveyor. The site life was predicted to be 14 years with restoration expected at a low level to agricultural and nature conservation.

A40 Site Location Plan from page 169 of the MLP



The MLP envisaged that the allocation would be worked as one. However, the allocation is not prescriptive in this regard. That said, any partial proposal coming forward would be required to fully meet or conform with the relevant development requirements of the allocation; and in no way prejudice or compromise the future full release/working of the site.

With regard to the above, the MLP detailed 12 specific issues to be addressed as part of any application coming forward:

1. *The processing plant would be located within the northern parcel of land and a new access created onto the A1060.*
2. *No access would be permitted from Elm Road to the south.*
3. *A Transport Assessment would be required with any application/EIA. The highway boundary and land ownership needs to be further investigated and a speed check undertaken. A right-turn lane and road realignment would be required.*
4. *The landscape has a medium to high sensitivity to change and the southern area would have the greatest impact due to its size. Appropriate phasing of site working and restoration would be required to minimise this impact.*
5. *An appropriate buffer of at least 15m would need to be provided around Rowe's Wood Local Wildlife Site and Bushey-hays/ Ashwood Spring Local Wildlife Site. Operations should avoid simultaneous open void space on either side of the designated woodlands.*
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 likely to have a visual impact on several properties on Elms Road to the south, properties with views of the northern area and footpaths that cross the site. Appropriate bunding/ screening would be required to reduce this impact. A minimum 100m stand-off should be maintained to all residential property.*
8. *The quarry lies within a potentially sensitive historic area. Early consultation with English Heritage would be needed as the proposal could affect a number of Listed Buildings and scheduled sites (including moated sites). A historic environment assessment which includes details of appropriate restoration to protect the setting of the Listed Buildings must be agreed as part of any application/ EIA.*
9. *The risk of flooding associated with the small ditches and watercourses around the edge of the site would need to be assessed as part of site specific Flood Risk Assessment and suitable mitigation measures adopted. A hydrological survey and assessment would need to inform any application/ EIA.*
10. *PRoW footpaths Roxwell 2, 14 & 17 and a Bridleway Roxwell 68 cross the site and would need to be temporarily diverted during operations.*
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.*
12. *Revision of site area around Mountneys is required, pushing the boundary further to the north with additional/ significant planting also required along the eastern boundary.*

Due consideration of the above will be given in the appropriate proceeding sections of this appraisal.

Landbank

In terms of the wording of policy P1, the need from the mineral from this site is considered proven and the principle of extraction accepted. This application seeks to extract all mineral from the land, to which this application relates, which the applicant considers is both environmentally and economically viable to do so. In this regard, the working area does not include the western half of the field as it is understood that the amount of overburden in comparison to quantity and quantity of mineral makes this unviable. The estimated yield from the site 125,000m³ or 225,000t which is less than was envisaged as part of the MLP (at 500,000t). However, it is acknowledged that the yield proclaimed in the MLP was only an estimate and with A40, it was the southern larger part of the allocation which contained the more substantial part of the reserve (3mt).

In broader landbank terms, purely for reference in this instance as this forms part of a site allocation, policy S6 of the MLP states that the Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least 7 years extraction or such other period as set out in national policy. Mineral extraction outside preferred or reserve sites will be resisted by the Minerals Planning Authority unless the applicant can demonstrate:

- a) An overriding justification and/or overriding benefit for the proposed extraction;
- b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal; and
- c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.

With regard to the supply and the required seven-year landbank, the MLP was adopted with an apportionment of 4.31mtpa, a figure which took into account the 'National and Sub-National Guidelines for Aggregates Provision in England 2005-2020' (DCLG, June 2009) and the views of the East of England Aggregates Working Party following an assessment of the appropriateness of the previous ten years of rolling sales (ten year sales prior to adoption of the MLP).

For reasons of commercial confidentiality, aggregate sales are reported across Greater Essex, which includes the separate minerals planning areas of Southend-on-Sea and Thurrock. The apportionment from which the landbank is calculated across Greater Essex is 4.45mtpa.

The Greater Essex Local Aggregate Assessment provides an annual breakdown of the supply and demand of aggregates and as such is a useful tool to effectively monitor the policies and allocations within the MLP. The most recently published LAA, for the calendar year of 2020, states that the permitted sand and gravel reserve in Greater Essex stood at 33.59mt. By dividing this figure by the Greater Essex apportionment (4.45mtpa), the landbank was calculated to be 7.55 years as of 31 December 2020.

By subtracting 13 months demand at the apportionment rate (0.37mt per month) – the Greater Essex permitted reserve as of 31 January 2021 can be approximated to 28.77mt with a resultant landbank of 6.46 years, which is below the requirement of maintaining a landbank of sand and gravel of at least seven years as set out in

NPPF Paragraph 213(f). That said, it must be remembered that in view of current circumstances it is unlikely that the landbank would have depreciated at the apportionment rate over the last 13 months. Sales of sand and gravel were reported as being 2.96mt in 2020, which is approximately two thirds of the apportionment rate.

The 10 year rolling sale average (2011-2020) of sand and gravel was 3.26mtpa, and if this rate is used to calculate how much sand and gravel has been extracted over the last 13 months (3.53mt) and the landbank going forward, this stands at 9.22 years, which exceeds the NPPF requirement by over two years.

Additionally, there are a number of applications currently pending determination in Greater Essex which collectively, if approved, add approximately 10.6mt to the landbank. This equates to an additional 2.4 years of supply when using the Greater Essex apportionment and 3.25 years of supply under the 10 year rolling sales average. In both cases, this raises the landbank to above the seven year requirement.

Waste Import

The MLP allocation sought low level restoration of this site. This restoration type covers the complete A40 allocation. As per site specific point 11, careful consideration is to 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. The size of the area to which this application relates and the adjacent land levels in the opinion of officers render a site-wide low-level restoration difficult. It is acknowledged that low level restoration features (water bodies) could be incorporated but a depression across the whole site and/or substantial water body has the potential to be uncharacteristic or incongruous in the wider setting, especially if such a water body has no active or beneficial agricultural use.

This site is not however allocated within the Waste Local Plan for inert landfill. Accordingly, although officers do have reservations about the capabilities of the northern parcel being appropriate for low level restoration, per-se, the level of import must be the minimum necessary to facilitate the intended restoration and benefits to comply with the WLP.

Originally the MLP envisaged that sufficient overburden and soil would exist from the A40 as a whole to effectively restore this part to agricultural use. The fact that this northern parcel has come forward separately is therefore considered the sole reason that import is required/proposed.

In this regard, the WLP does nevertheless in policy 1 identify that there is a need for additional sites to meet a shortfall in a capacity for the management of inert waste. However, policy 9 states that landfill facilities will only be permitted where: 1) the landfill site allocations 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; 3) it is

demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan; and 4) that the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.

Expanding on this policy 13 prescribes that proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development. Proposals will also demonstrate that: a) there is a proven significant benefit that outweighs any harm caused by the proposal; b) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site; and c) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use. Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted. Due consideration of this, in context of the quantity of material proposed to be imported to facilitate restoration and a beneficial use and MLP policy S12 can be found in the proceeding sections of this appraisal.

B GREEN BELT

As detailed in the NPPF the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.

Paragraph 138 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Openness has been defined, through the courts, as the absence of development and it has been established that there are clear distinctions between openness and visual impact. In principle it is wrong to arrive at a specific conclusion as to openness by reference to visual impact alone – this is just one of the considerations that forms part of the overall weighing exercise with openness as such having both spatial and visual considerations.

As explained at paragraphs 147 and 148 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 details that certain forms of development are not inappropriate in the Green Belt, provided that they preserve openness and do not conflict with the purposes of including land within it. Included in this list is mineral extraction and engineering operations.

With regard to this application and the extraction element, the Green Belt assessment is considered relatively straightforward i.e. does the development preserve openness and not conflict with the purposes of the Green Belt.

With regard to the infilling or restoration, given the quantity of material proposed to be imported it is considered that as a development or activity this is more appropriate to be viewed or classed as waste disposal rather than large scale engineering. Waste development is normally considered an inappropriate form of development within the Green Belt, in so much that waste uses are not one of the identified forms of development which are not inappropriate by definition.

The applicant as part of the planning statement submitted in support of this application, has suggested that they do not consider the proposal (as a whole) to represent inappropriate development, relying on the mineral extraction and engineering exceptions in paragraph 150. The applicant does not consider it appropriate to break down the development into pieces or elements, as in isolation the mineral extraction is not viable. This argument is acknowledged however, development viability is not a consideration of inappropriateness and accordingly it is considered it would be wrong not to class or consider any elements of the proposal which are not necessary to facilitate the winning and working of the mineral as elements of inappropriate development.

The harms to the Green Belt in this instance would only be temporary as the site is proposed to be restored to a beneficial (agricultural) use at the earliest possible opportunity, in accordance with MLP Policy S12. In the long term there would accordingly be no conflict with the purposes of the Green Belt – especially noting, once all the plant and machinery has been removed and land full restored that the site would not be classed as previous development land.

That said, as detailed previously, extraction is not inappropriate development if openness is preserved. Elements of the proposals or working such as the haul road, processing plant, bunds and stockpiles would adversely impact on openness. However, these are considered to be essential elements to facilitate mineral extraction so it would seem counter-intuitive in including mineral extraction in paragraph 150 if there was not an expectation of such associated development. Accordingly, in principle, as an allocated site where the need for the mineral has already been proven through the MLP it is considered that very special circumstances to allow the development purely in Green Belt terms do exist.

In comparison to the MLP allocation this proposal does however also seek to import material and as suggested earlier, given the quantity of material proposed to be imported this is considered to represent a waste disposal activity rather than engineering, albeit related to a mineral site restoration. Whilst it is not proposed to process or treat this material i.e. the material would be imported and deposited, the harms associated to the Green Belt from this activity, in isolation and cumulatively with the mineral extraction, need to be considered in context of the justification and

benefits.

C LANDSCAPE AND VISUAL IMPACT

Policy S10 of the MLP details that applications shall demonstrate appropriate consideration has been given to public health, safety, amenity, quality of life of nearby communities and the natural, built and historic environment. Appropriate mitigation measures shall be included in the proposed scheme so that no unacceptable adverse impacts would arise. Opportunities shall also be taken to improve/enhance the environment and amenity.

Policy S12 of the MLP details that proposals for minerals development will only be permitted if it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities. Sites shall be restored using phased, progressive working and restoration techniques, provide biodiversity gain; be restored in the following order of preference: i) at low level with no landfill (including restoration to water bodies); ii) if i) is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration; and iii) if neither of these are feasible and the site is a Preferred Site within the Waste Local Plan then by means of landfill; and be provided with a scheme of aftercare for a period of not less than five years to ensure the land is capable of sustaining an appropriate afteruse.

Policy DM1 of the MLP, with regard to landscape, countryside and visual impact, states development should not have an unacceptable impact upon the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness. Noting the restoration proposals include import and landfill, it is however important that consideration needs to be given to the quantities of material proposed to be imported, to demonstrate compliance with policies 9, 10 and 13 of the WLP. This is a consideration given the impacts associated with the import which for example may outweigh the benefits from restoration to pre-development levels.

At a local character level, this site form part of the 'Writtle Farmland Plateau', an extensive flat to slightly undulating plateau dissected by small river and stream valleys. The area is characterised by isolated farmsteads and hamlets and a predominantly arable landscape with hedgerows and some blocks of woodland resulting in irregular field patterns.

The site as existing in agricultural use, comprising high quality agricultural land (Grade 2/3). And is predominantly hedged to all but a section of the western and southern boundaries. The site slopes generally down to the east (from 58m AOD in the north-west to 48m AOD along the eastern boundary) and is surrounded by open fields, hedgerows and scattered properties, some of which have views into the site.

With regard to the landscape character area (Writtle Farmland Plateau), key planning and land management issues identified as part of the Landscape Character Assessment include disturbance of sense of tranquillity as result of noise and traffic associated with the A414 and A1060. The overall sensitivity to change

is defined as moderate; with strategy objectives detailed as to conserve and enhance including specifically:

- Conserving and enhancing the existing hedgerow network by planting hawthorn and strengthening elm.
- Establishing arable field margins as an important nature conservation habitat.
- Seeking ways to reduce the visual impact of the main road corridors (A414 and A1060), through introducing new and strengthening existing parallel shelterbelts where appropriate.
- Conserving historic lanes and unimproved roadside verges.

Policy S4 of the Chelmsford Local Plan outlines a commitment to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. Policy S11 expands that the balance between the requirement for new development in the countryside and to ensure development does not have an adverse impact on the different roles and character of the countryside is to be carefully considered as part of every application. Policy DM17 then focusses on a more local, site-specific level with it outlined that planning permission should not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area. Harm or loss of these features will not be permitted unless a landscape strategy, which would compensate for the loss or harm, is secured or where there are overriding public benefits arising from the development.

The site is proposed to be progressively worked and filled in five main phases. The main processing plant would remain throughout the five phases, as would the sand and gravel; top soil; subsoil; and overburden stockpiles albeit these would be in a state of flux as material is added and removed as operations progress through the phases.

As part of initial site set-up and as soil is extracted from area 1, a 3m high screen bund is proposed to be formed around the southern boundary of the working area. The bund would effectively act as a barrier to the working area, during operations, with this running to the access point in the north-west corner of the site. To soften the impact of the bund, and improve the long term boundary to the field, within the 15m stand-off to the field edge, a hedgerow intermixed with oak trees is also proposed. With regard to the access, a bund is proposed to be formed on the eastern side of the access road with planting (a hedgerow) proposed along the A1060.

As part of the restoration, all the supporting infrastructure (access road, processing plant area) would be removed from the site with the field returned to arable use. As part of the restoration proposals a pond and area of grassland is to be created, within the east of the site. The pond is proposed principally as drainage betterment; and to provide biodiversity gain but also as feature to help blend the proposed revised land levels with the adjacent land.

In terms of landscape and visual effects, the Assessment submitted in support of the application has sought to consider impacts during initial works and during full operation; on completion of the restoration; and then establishment of the

restoration. As identified as part of this, the principal change to the site would be during the operational phase as the agricultural field would be replaced by a sand and gravel quarry. The introduction of this use has been categorised as a medium to high adverse impact of change. The change is however temporary and in context of proposed mitigation screening and the limited visibility of the site, the overall significant is assessed as substantial to moderate decreasing over time to minor beneficial at restoration and medium beneficial once the restoration has established.

Turning to visual impacts, Mountneys, Mountneys Cottage, The Gallops, The Byre and The Stables would likely experience the greatest magnitude of change with these properties benefiting from unfiltered views or glimpses of the field in question. Views of the development will nevertheless vary depending on the stage of the operations and the level of intervening vegetation. In addition to the aforementioned properties, the proposed quarry workings would also substantially change the visual setting for uses of the public right of way network in this vicinity.

To the north, the four properties which back on to Salts Green (A1060) would also have views or glimpses of the access road or at least vehicles as they utilise this route.

The Council's landscape officer has principally raised concerns from a duration of impact perspective, rather than raising fundamental concerns to the landscaping rationale. Accepting this is an allocated site, concern has been raised that the life of the site has been proposed at eight years when effectively this is only a small part of A40 and this was envisaged to be worked as a whole in 14 years. This concern which has also been echoed in many of the letters of public representation received is acknowledged by officers. In respect of the amount of material proposed to be extracted, officers note that the rate of extraction proposed is slow. That said, the large quantity of overburden and quite small phases of working do complicate the ability to work the site quickly. No objection in principle is raised to the eight-year time frame noting that progressive restoration is proposed and should the southern part of the allocation come forward it is likely that there would likely be able to be some overlap of operations.

With regard to landscaping in general and the visual impacts from the operations, the mitigation proposed and the long term landscape restoration strategy are considered acceptable. The Council's consultant has made some suggestions in terms of the species proposed to be planted and quantities. However, it is considered that such revisions could be secured by way of planning condition. A condition could also secure a re-orientation of the passing bays on the access road which would increase the stand-off to the woodland and also create a straight southern field boundary which is likely to make arable use of this field easier. It is accepted that re-orienting the bays would change the priority to vehicles leaving the site. However, in context of the length of the haul road and the number of vehicle movements it is not considered that this would pose a particular issue. It is also considered that the potential of a bund on the east side of the haul road could also be explored. Subject to the aforementioned concerns being secured, it is not considered that the landscape and visual harms during the operational phase of the development would support a reason for refusal, noting the proposed restoration and proclaimed benefits.

D ECOLOGY

Policy S4 of the Chelmsford Local Plan details, in part, that the needs and potential of biodiversity will be considered together with those of natural, historic and farming landscapes, the promotion of health and wellbeing, sustainable travel, water management including water resources, and climate change adaptation. Policy DM16 states all proposals should:

- i. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance;
- ii. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
- iii. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.

A phase 1 Habitat Survey was undertaken by the applicant in July 2019. Phase 2 Surveys were then subsequently undertaken for badgers, bats, breeding birds, hazel dormouse, great crested newt, invertebrates, reptiles, water vole and otter.

Findings from the above have suggested that the proposed development would predominately result in the loss of arable field habitat. However, this would only be a temporary impact, as long term the proposal is to return the field to such use. Surveys undertaken for protected and notable species have not identified any likely significant impacts or disturbance subject to normal standards of working and best practice in terms of initial mitigation.

To facilitate access into the site, the southern end of the north south hedgerow, would require partial removal. However, this loss is not considered significant, at some 13m, in context of its quality and value in the local setting and is also proposed to be reinstated as part of the restoration. Appropriate buffers are incorporated to the woodland, on both the north and southern sides, with a margin/buffer also incorporated around the working area to the field boundary.

The Council's ecological consultant has raised no objection to the development subject to conditions covering a construction environmental management plan; farmland bird mitigation strategy; biodiversity enhancement strategy; and landscape and ecological management plan. Subject to the aforementioned being secured it is considered that the development would comply from an ecological perspective with policies S10 and S12 of the MLP and S4 and DM16 of the Chelmsford Local Plan.

E HERITAGE

Policy DM1 of the MLP seeks to ensure consideration of the historic environment including heritage and archaeological assets. A position replicated in policy S3 of the Chelmsford Local Plan, with policies DM13, DM14 and DM15 then covering listed buildings, non-designated heritage assets and archaeology, respectively.

The NPPF at paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance.

As detailed previously in this report, there are a number of listed buildings within the vicinity of the area to which this application relates. The Heritage Impact Assessment submitted in support of this application seeks to suggest that in context of the distance to assets, the development would likely only impact on the setting of Mountneys, with the impact suggested as negligible or less than significant.

The Council's historic building consultant agrees with the above, in so much that Mountneys would be the only assets impacted by the proposal. In their view, although there would be a 15m wide undisturbed boundary to the southern and eastern boundaries, the proposal would result in a change from the existing character and agrarian landscape. And this change would cause less than substantial harm to the setting of Mountneys and its significance.

With regard to this it is, it is noted in 2017 planning permission (and Listed Building consent) was granted by Chelmsford City for the conversion and alteration of barns at Mountneys to three residential properties. The land afforded, as part of this, to Plot C (The Stables) included some of the paddocks which straddle the southern boundary of the field to which this application relates.

The original context of Mountneys as a property has accordingly changed from when the MLP was written and adopted. This is not saying that the barn conversions, and the three new residential properties, have degraded the historic value of Mountneys. However, it is considered that as the barns through their now defined individual residential curtilage have added a new layer of context in terms of consideration of impact on the setting of Mountneys.

When planning permission and listed building consent was granted by CCC for the barn conversions, the officer report noted that there would be some domestication of the site, but as the conversion retained the simple form and rural appearance of the buildings and the private gardens were well screened this had been minimised and accordingly there would be no adverse impact on the setting of the building, subject to conditions. In 2018 when permission was granted for the construction of a stable block with tack room and hay store on land which forms part of Plot C, in support of the officer view that the conversions have loosened the association with Mountneys, it is not that this permission was granted without listed building consent and/or any reference to Mountneys.

That said, it is accepted that we are assessing or considering impact on setting, so the extent of curtilage listing is largely irrelevant. The land now associated with Plot C has remained a stables/paddocks, as shown in the below photo, and therefore although now longer part of Mountneys still has the same impact on the setting of that property and this needs to be considered, especially as this boundary is relatively open.

Photo taken from southern part of site, on field boundary, looking south towards Mountneys



As discussed in respect of landscaping, as part of these proposals the applicant proposes to plant a native hedge and two Oak trees along this southern boundary. There would then be a 15m standoff (or buffer) before the 3m high screening bund.

During operations, the proposed screening bund together with the stockpiles of soil, overburden and sand and gravel behind would adversely impact on the setting of Mountneys. This impact given the separation is however considered to be less than substantial as the significance of the building would in no way be impacted. Accordingly, as per paragraph 199 this impact needs to be weighed against the public benefits of the scheme, which have already been demonstrated to exist through the allocation of the site within the MLP.

Archaeology

Based on known archaeological data the site is considered to have limited potential for archaeological interest, although the Historic Environment Record shows that the site lies within an area from which cropmarks have been identified from aerial photographs. Previous ground disturbance on-site is limited, with land use principally being agricultural and accordingly the Council's archaeology consultant has, whilst raising no objection in principle, requested conditions are attached to any planning permission securing a programme of archaeological and geoarchaeological investigation; the undertaking of the work agreed as part of this programme and subsequent evaluation of findings; a mitigation strategy (if appropriate); and submission of a post excavation assessment, to ensure accordance with relevant policy.

F HIGHWAYS

In response to some of the letters of public representation received, the proposed access arrangements for this site were revised during the course of determination. Originally access to the site was proposed as shown within the MLP. However, following concerns received particularly from residents at Chalk End it was requested that the applicant sought to consider if an alternative means of access was deliverable. This was requested as although the first proposed access was that as shown in the MLP, this was simply the access arrangement submitted to

show the site was workable/deliverable. The allocation was not prescriptive in terms of this being the access point from the A1060. The specific issues to be addressed through any planning application simply required access to be from the A1060.

The revised option proposed sought to move the access some 400m east. The access proposed comprises a 7.3m wide access road for the initial 60m length, with this aligned perpendicular with the A1060 and straight. The road then tapers to 4m width, with inter-visibility passing places every 60m to facilitate two-way access.

The junction would be able to deliver the required visibility splays of 2.4 x 177m (north) and 2.4 x 215m (south) with forward visibility in excess of these requirements achievable to/from a vehicle waiting to turn right into the access. The access arrangements have been through Stage 1 Road Safety Audit and the matters raised are capable of being dealt with in connection with the detailed design.

Policy S11 of the MLP, supported by policy DM1, states development proposals should not have unacceptable impacts on the efficiency and effective operation of the road network including safety and capacity, local amenity and the environment. Where transportation 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. A position which is largely replicated in the WLP as part of policy 10.

The application proposes that HGV vehicles would be restricted to a maximum of 96 two-way movements (48 in and 48 out) Monday to Friday and 48 two-way movements (24 in and 24 out) Saturdays. It is anticipated that the site could have up to 10 members of staff. Working on the basis that each member of staff would drive to the site on their own, this would be 20 additional two-way vehicle trips (10 in and 10 out) per day.

The below table shows the predicted change on the A1060 as a result of the vehicles movements associated with this development. The predicted change both during the am and pm peaks and as a daily average is as a maximum +1.1% and accordingly it is not predicted that the development would give rise to undue congestion or traffic accumulation on the A1060.

Table 6.1 from the submitted Transport Assessment

Table 6.1: Predicted change on the A1060, 2025 Assessment Year									
Link	Weekday 08:00 – 09:00			Weekday 17:00 – 18:00			Average Day		
	Base	Dev't	Change	Base	Dev't	Change	Base	Dev't	Change
A1060 (North of Access)	650	652	+2	679	681	+2	5886	5914	+28
			+0.3%			+0.3%			+0.5%
A1060 (South of Access)	650	657	+7	679	686	+7	5886	5952	+66
			+1.1%			+1.0%			+1.1%

The Highway Authority has raised no objection to the development subject to conditions requiring submission of a finalised design for the access junction, demonstration of the ability to provide required visibility splays and a maintenance regime for land within these splays, a vehicle speed limit on the access road and a

construction management plan inclusive of details of wheel washing facilities.

In terms of the required right hand turn lane detailed in the MLP site requirements, this is not proposed. Discussions did take place with the Highway Authority with regard to this, and need, and it was agreed that based on the information provided that the right hand turn lane need not be provided. Consideration as part of this was given to the duration of the operations, the number of vehicle movements proposed and also the detailed design of the access arrangements. For the avoidance of doubt, this conclusion has been formed to this application/proposal only. The need for a right turn lane to support any further applications for working of A40 would be duly considered at that point. Importantly the Highway Authority in this regard consider that the access arrangement proposed by this application would be capable of incorporating a righthand turn lane in the carriageway in the future if a need is identified.

In terms of the additional concerns raised by way of third party representations, it is confirmed that in the event that planning permission is granted appropriate wheel washing facilities would be secured on-site. The applicant has confirmed that they would be willing to agree to a routeing plan to effectively ensure that Chalk End / Fambridge End Road is not promoted as a route to or from the site and/or that the road is used as a waiting/parking area for staff and/or HGVs. Such a plan would normally not be enforceable as a planning condition, as effectively in highway terms unless there is a restriction on the highway limiting such use it can be difficult to not only identify the harm but also prove that the vehicle is actually associated with this site and therefore under the control of the applicant. Similarly, noting that in this instance the Highway Authority has not sought to suggest an order is necessary and/or raised this issue as a highway safety concern it is not considered that the routeing plan would meet the tests as an obligation to a legal agreement. That said, in context of the local concern, it is considered that a driver instruction sheet and enforcement protocol could be secured by way of condition, which would effectively allow the MWPA to proactively engage with the operator in terms of the management of the suggested routeing and use of nearby local roads if issues do evolve.

Public Rights of Way

The proposed access would cross Footpath 2, in two places, and also Footpath 3. To avoid one of the crossings with Footpath 2, the applicant is proposing to apply to amend the route of this Footpath, moving it slightly east, as shown on the drawing replicated in the proposal section of this report. The other crossing with Footpath 2 and crossing of Footpath 3 are unavoidable because of the access road, with no practical diversion an option. Designated formed crossing points on the haul road, together with signage and the provision and maintenance of visibility splays is accordingly proposed to ensure that safe passage is maintained and the routes are accordingly protected as required by the NPPF. No objection, subject to the aforementioned, has been raised by the Public Right of Way team within Essex Highways.

Policy DM18 of the Chelmsford Local Plan states planning permission will only be granted where it can be demonstrated that the site is safe from all types of flooding, either because of existing site conditions or through flood risk management from the development, now and for the lifetime of the development; and the development would not worsen flood risk elsewhere. As a major application/development, the policy also required water management measures to reduce surface water run-off to be included. The site has a low probability of fluvial, groundwater, reservoir and artificial flooding. However, given the proposals may reduce the existing infiltration characteristics of the existing soil, surface water flood mitigation is required and proposed.

During quarry operations, sumps are proposed to be located at the lowest part of the quarrying void, sized to accommodate the 1 in 100 year plus 40% climate change event with flows pumped up to temporary settlement lagoons at the 1 in 1 year greenfield run off rate.

In terms of hydrogeology, and in-particular groundwater, monitoring undertaken by the applicant in support of this application has sought to suggest that groundwater rests close to the surface. Albeit the Assessment submitted has suggested that it is unlikely that if that if the boulder clay over laying the sand and gravel was removed that the site would be completely saturated, with the water table residing in the Kesgrave bed. The overburden (clay) on-site is expected to range in thickness although it is anticipated that this would range between 10-20m thick, with the Kesgrave sand and gravel layer, circa 1-7m thick, below. As alluded the Kesgrave bed is expected to be saturated with confined groundwater to the point that de-watering would be required to facilitate extraction.

Monitoring undertaken by the applicant has indicated that the site is not hydraulically connected or in hydraulic continuity with groundwater levels. It is therefore suggested that de-watering for the mineral extraction is unlikely to have a significant bearing on local watercourses or private water supplies, although the Environment Agency would be ultimately responsible for ensuring that there would be no degradation on private water supplies through the abstraction licensing regime.

As raised with the consultation response received from the Environment Agency a dewatering/abstraction license would be required prior to commencement of any such works. There is no guarantee that this licence will be granted as the full impacts of would need to be considered through submission of a Hydrogeological Impact Appraisal in support of such an application to the Agency. Whilst as outlined at paragraph 188 the focus of planning policies and decisions should be on whether the proposed development is an acceptable use of land, rather than the control of process or emissions (where these are subject to separate pollution control regimes), officers are conscious of the concerns raised about private water supplies and if there for example the aforementioned Appraisal identifies the potential for an impact that an appropriate solution is agreed and secured as part of the planning permission. Accordingly, whilst this would represent a doubling of submission, it is considered appropriate that should planning permission be granted that submission of a full Hydrogeological Impact Appraisal, inclusive of an

appropriate action plan in terms of identified impacts and also an appropriate monitoring regime both during and for a period post completion of the development is secured prior to commencement of the development.

Policy 10 of the WLP states proposals should not have an unacceptable impact on water resources with regard to: the quality of water within water bodies, preventing the deterioration of their existing status or failure to achieve the objective of 'good status' and the quantity of water for resource purposes within water bodies; the capacity of existing drainage systems and best and most versatile agricultural land.

The composition of the site geology would permanently change as a result of this development with the Kesgrave bed removed and replaced by inert fill. The porosity of the proposed infill is unknown so there is uncertainty as to the long term impact of this. However, the attenuation pond proposed as part of the restoration of the site would seek to ensure that if the porosity is lower than existing that sufficient attenuation exists to accommodate the increased run-off. In this regard, it is proposed a series of dry swales would connect to the attenuation pond, discharging at a runoff rate equivalent to the 1 in 1 year greenfield runoff rate for all storm events up to and including the 100 year plus 40% climate change event. The proposals would therefore, in the long term, reduce runoff rates below that of the pre-developed site as a betterment or improvement to the land. No objections from a flood risk perspective are therefore raised to the development coming forward.

H AMENITY

Policy DM1 of the MLP details proposals should include demonstration that the impacts the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable. With as detailed previously policy S10 also covering public health and safety, amenity and the quality of life of nearby communities.

Policy DM29 of the Chelmsford Local Plan relates to protecting living and working environments and states planning permission will only be granted for proposals that:

- i. safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements; and
- ii. is compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.

Noise

Background noise levels of LA90 32 dB(A), to the south of the site, are suggested in the submitted Noise Assessment. To the north of the site background noise levels are higher, principally as a result of traffic on the A1060, at LA90 39 dB(A).

The Assessment submitted as part of this application, has sought to predict noise levels/impacts at four locations (Chalk End, south of Wood End Farm, Mountneys

and Newlands Hall). The assessment submitted is based on the phasing plans submitted, a 3m bund to the south of the extraction area and 2m bund to the south-east of the new access road as this crosses the field.

The Planning Practice Guidance in respect of mineral operations and noise limits details that mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900).

As shown below, the Noise Assessment has predicted that operations would conform to such a limit, except for when workings are taking place in areas 4 and 5, which are to the south of the site closest to Mountneys.

Table 6 from the submitted Environmental Noise Assessment

Item	Assessment Location			
	A1 (Chalk End)	A2 (South of Wood End Farm)	A3 (Mountneys)	A4 (Newlands – Wedding venue)
Assumed background noise	Background noise at Assessment Location LA90 dB(A)			
	39	32	32	32
Modelling Phase (see section 6.5.2)	Predicted noise level LAeq,1hour dB(A) at Assessment Location			
Extraction Area 1	48.5	40.1	41.5	39.8
Extraction Area 4	48.0	40.9 (41.4)	43.0 (42.7)	41.6 (42.2)
Extraction Area 5	48.0	40.1 (40.0)	44.7 (45.3)	40.6 (40.6)

With regard to the predicted exceedances above 10dB(A), the applicant has sought to suggest that increasing the height of the southern bund to 5m would not make a significant contribution in terms of bring the noise levels down. Accordingly, it is not considered that the benefits associated with a higher bund would outweigh the landscape impacts associated.

That said, it is not considered that the exceedance is acceptable without mitigation so when working in areas 4 and 5 the applicant has proposed that either the amount of time the excavator is working is reduced to no more than 30 minutes per hour or a smaller/quieter excavator (19 tonne) is used in comparison to the 37 tonne specified. With these measures considered the noise level at Mountneys reduces to less than 42dB(A).

The Council's noise consultant has raised no objection to the development coming forward on noise grounds, acknowledging the noise criteria for minerals development as detailed within the Planning Practice Guidance would likely be achieved. Should planning permission be granted conditions are nevertheless recommended in terms of maximum noise levels at the locations considered as part of the Assessment; details/specification of machinery and plant proposed to be used including relative sound power levels; and a schedule of compliance noise monitoring.

With regard to the above, it is nevertheless noted that a number of letters of public representation received have raised concern over the proposed hours of operation. Hours proposed by this application are 07:00-18:00 Monday to Friday; and 07:00-14:00 Saturdays; with no Sunday or Public Holiday working. Concerns raised are that the hours seem excessive long, particularly on Saturdays. In terms of the concerns raised, it is considered that 07:00-18:00 working hours Monday to Friday are reasonably standard. It is considered that for areas 4 and 5 that working at 07:00am may pose some heightened nuisance for Mountneys, The Gallops, The Byre and The Stables. However, it is considered that the imposition of maximum noise levels would be the appropriate control of such concern. It maybe to comply with the limits enforced that working doesn't commence in such areas until later in the morning. However, this is considered to be a decision which should be able to be made by the applicant/operator, noting that subject to compliance with the noise limits no concerns are raised in principle.

In terms of the Saturday working, it is considered that background noise levels may be slightly lower than that suggested during the week given levels are heavily influenced by road traffic to the north. Noting this is a rural area, and levels are predicted to be quite close to background, reduced hours of 08:00-13:00 on Saturdays are considered an appropriate compromise, should planning permission be granted, for the local community whilst also affording the applicant a sufficient period of working time on this day.

Dust and Air Quality

The Air Quality Assessment submitted in support of this application has sought to suggest that the majority of receptors are unlikely to experience anything other than a negligible effect from the proposed development. That said both Barleydale and Little Down on Fambridge End Road are predicted to experience slight adverse effects as a result of vehicles movements. However, provided standard precautions are taken such a maximum 10mph speed limit on the access road and regular deployment of a water bowser it is not suggested that this impacts would be a reason to refuse planning permission.

The dust assessment concludes that with the proposed mitigation in place, formally adopted into a Dust Management Plan, the impacts on air quality and disamenity would be negligible or not significant. This conclusion is accepted by the Council's consultant who has raised no objection to the development subject to a condition which secures submission of a Dust Management Plan and compliance with this approved plan during the course of operations.

Lighting

No details have been provided in terms of external lighting proposed to support this development. In this regard it is considered that an element of lighting may be required along the access road and within the processing plant site. No fundamental objections and/or concerns are considered to exist to any element of lighting to support safe working conditions. However, the extent of lighting would be expected to be the minimum necessary, and strictly controlled in terms of hours of illuminance, to ensure no undue impacts to ecology and/or nearby properties.

Subject to a condition which seeks to prevent any external lighting from being installed until details are submitted to and approved by the MWPA, it is considered that compliance with policy can be ensured in the absence of the detail to make such an assessment now.

Human Health

As detailed within the Institute of Air Quality Management's Guidance on the Assessment of Mineral Dust Impacts for Planning (May 2016), high concentrations of dust particles suspending in the air (PM10) can potentially have effects on human health and accordingly effects on human health should be considered in terms of the likelihood of PM10 concentrations exceeding Air Quality Objectives. In this regard, if long term background PM10 concentration are less than 17µg/m3 there is little risk that the Process Contribution (PC) would lead to an exceedance of the annual-mean objective and such a finding can be put forward qualitatively, without the need for further consideration, in most cases.

PM10 background concentration levels are predicted for 2021 in the vicinity of the site at 16 µg/m3, which is 40% of the annual mean objective (40 µg/m3). PM2.5 background concentrations levels are predicted for 2021 to be 9.50 µg/m3, which is 38% of the annual mean objective (25 µg/m3).

Based on the IAQM guidance and that predicted background concentration levels are less than 17 µg/m3, it is considered there is little risk that the PC would lead to an exceedance of the annual mean objective and/or target for PM2.5.

The Council's air quality consultant has raised no objections to the development on health grounds and potential elevated levels of particulate matter from operations proposed as part of this application.

I CLIMATE CHANGE

In July 2019 Chelmsford City Council declared a climate and ecological emergency and pledged to take action to make their activities net-zero by 2030. In January 2020, CCC subsequently agreed a Climate and Ecological Emergency Action Plan with an initial focus on fifteen key areas. One of these key areas is updating planning guidance on how on-site renewable energy measures can be integrated into new developments and for all new dwellings to incorporate sustainable design features to reduce CO2 and NO2 emissions and the use of natural resources.

The Essex Climate Action Commission has also been set up by Essex County Council, as an independent body to advise the Council on how best to tackle the climate challenge and become a net zero emissions county. And, in this regard published the below report including a number of recommendations in July 2021:

- Essex Climate Action Commission – Net Zero: Making Essex Carbon Neutral

This reports only concerns the determination of an application for planning permission. Due regard has however been given to relevant policies and guidance forming the development plan in terms of climate change and sustainability in general. This is so particularly in terms of the achieving sustainable development

and the environmental objection of mitigating and adapting to climate change, including moving to a low carbon economy. The NPPF at paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

This development would result in a number of HGV movements over the life of the site, with material extracted exported by vehicle and material imported for the purposes of restoration also coming in via vehicle. Machinery and equipment on-site, and utilised as part of the mineral processing plant, would also use energy and give rise to emissions. This is however an allocated site, and the MLP did seek to allocate sites in context of a plan-wide spatial strategy which included reducing mineral miles. Unfortunately, minerals can only be worked where it is found and often the only means of appropriate distribution is by road. It is not considered that the MPA could seek to impose conditions requiring the sole use of green or electric vehicles, for example, given current lack of technology advances.

This development would, over its operational life, give rise to increased greenhouse gas emissions which are not otherwise mitigated. Whilst small changes do make a difference, it is however considered that the increase in greenhouse gas emissions from the development would likely be insignificant in terms of overall Carbon Budgets. In compliance with policy S3 of the MLP the development has however been designed to incorporate sustainable drainage within the restoration and also improve attenuation. The water body, which forms part of the restoration proposals, also as discussed in the ecology section of this report will provide habitat enhancements to help deliver long term biodiversity net gain.

7. CONCLUSION

As part of a site allocation within the Essex Minerals Local Plan (2014) no in-principle objection is raised to this in terms of the need/justification for this development coming forward. Whilst the MLP did not envisage A40 being worked in parts, an assessment has failed to identify any undue impacts as a result of this which would support a reason for refusal either as a proposition in insolation or in context of prejudicing the wider A40 allocation.

It is considered that the very special circumstances to allow this development in the Green Belt and the resulting public benefits are less than that which exist for A40 as a whole. However, the resulting harms are also reduced, given the smaller site working area. All impacts identified have been short term, whilst operations are ongoing, minor in terms of severity and also capable of being offset, to a further degree, through mitigation.

The planning balance is more tightly balanced, especially in terms of the Green Belt, than usual for a site allocation as the proposed importation of material is inappropriate development as a waste activity. That said, the restoration facilitated by the importation would give rise to benefits from a landscape, ecological and

agricultural perspective which could not likely be delivered through a restoration without import. In context of this and the position portrayed in the MLP and WLP in terms of restoration and landfill, subject to strict control of the type and quantity of material being imported to facilitate restoration, it is considered that the harms to openness during operations would be outweighed by other considerations in the longer term.

In terms of the site specific requirements prescribed in the MLP, the processing plant would be located within the northern parcel and access is proposed from/onto the A1060. Whilst a right-turn lane is not proposed, this has been agreed with the Highway Authority as not required to support this application. The application has been submitted with a Transport Assessment and the proposed access arrangements have been assessed by the Highway Authority as acceptable subject to conditions securing further finalised design details.

The site would be worked in a phased manner and the proposed restoration would enable an agricultural afteruse. Appropriate consideration has been given to potential ecological and heritage impact with buffers incorporated to field boundaries, including Mountneys, and the adjacent woodland. Early planting particularly along the southern boundary and bunding is also proposed around the working area and haul road to further offset the visual impact of the site and safeguard local amenity in terms of the potential of noise and dust nuisance.

The proposed formation of an attenuation pond as part of the restoration proposals would limit the amount of material required to be imported, whilst providing attenuation betterment and ensuring no resultant off site flooding from run-off. Initial assessments have also sought to suggest the site is not in hydraulic continuity with groundwater levels so there should be no undue impact on nearby private water supplies. Albeit confirmation of this and/or appropriate mitigation would be provided within a Hydrogeological Impact Appraisal secured by way of planning condition.

In context of the above, it is considered that, where appropriate, the proposals have demonstrated compliance with the site specific requirements as detailed in the MLP. An assessment of relevant planning policy has furthermore failed to identify any significant conflict which cannot be overcome through the imposition of appropriately worded conditions. Concerns raised about the duration of the proposed works and A40 as a whole are acknowledged. However, this application has to be assessed on its individual merits and in this regard the time frame proposed, at 8 years, is considered acceptable. The proposal would enable the southern part of A40 to come forward, without the need for a significant quantity of abortive works, and if the southern part doesn't come forward then the ability to fully restore the site to a policy compliant standard is considered deliverable with no long term impact and/or environmental degradation.

8. RECOMMENDED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Mineral and 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).

2. The development hereby permitted shall be carried out in accordance with the following plans: 'Site Location Plan', undated; 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20; 'Proposed Phasing Plan 2 (of 11)', drawing number: CEG01/02, dated 31/5/20; 'Proposed Phasing Plan 3 (of 11)', drawing number: CEG01/03, dated 31/5/20; 'Proposed Phasing Plan 4 (of 11)', drawing number: CEG01/04, dated 31/5/20; 'Proposed Phasing Plan 5 (of 11)', drawing number: CEG01/05, dated 31/5/20; 'Proposed Phasing Plan 6 (of 11)', drawing number: CEG01/06, dated 31/5/20; 'Proposed Phasing Plan 7 (of 11)', drawing number: CEG01/07, dated 31/5/20; 'Proposed Phasing Plan 8 (of 11)', drawing number: CEG01/08, dated 31/5/20; 'Proposed Phasing Plan 9 (of 11)', drawing number: CEG01/09, dated 31/5/20; 'Proposed Phasing Plan 10 (of 11)', drawing number: CEG01/10, dated 31/5/20; 'Proposed Phasing Plan 11 (of 11)', drawing number: CEG01/11, dated 31/5/20; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral and Waste 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 S1 - Presumption in favour of sustainable development, Policy S2 - Strategic priorities for minerals development, Policy S3 - Climate change, Policy S4 - Reducing the use of mineral resources, Policy S6 - Provision for sand and gravel extraction, Policy S8 - Safeguarding mineral resources and mineral reserves, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction, Policy DM1 - Development Management Criteria, Policy DM2 - Planning Conditions and Legal Agreements and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); Policy 1 - Need for Waste Management Facilities, Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

3. The development hereby permitted shall be limited to a period of eight years from the notified date of commencement of the development. The development shall be undertaken on a phased basis, as shown on the approved drawings, with all extraction and processing of excavated material ceasing after six years from the notified date of commencement. The site shall then be fully restored within a further two years (eight years total). Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or 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. In any case this shall not be later than eight years from the notified date of commencement, by which time the land shall have been restored in accordance with the restoration scheme.

Reason: To ensure restoration of the site within the approved timescale, to minimise the duration of disturbance from the development hereby permitted and to comply with Policy S1 - Presumption in favour of sustainable development, Policy S2 - Strategic priorities for minerals development, Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

4. No excavation shall take place beyond the five extraction areas as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20 and no excavation shall take place below 35m AOD. Prior to infilling of each of the five extraction areas taking place, a topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of excavation which has taken place. In addition, on completion of infilling of each of the five extraction areas another topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of infilling in respect of the approved restoration plan.

Reason: To ensure development is carried out in accordance with submitted details, that the development does not give rise to unconsidered impacts and to comply with Policy S10 - Protecting and enhancing the environment and local

amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

5. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral and Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday

08:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/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 Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).*

6. The total number of heavy goods vehicle movements* associated with the development hereby permitted shall not exceed the following limits:

96 movements (48 in and 48 out) per day (Monday to Friday); and

48 movements (24 in and 24 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Mineral and Waste Planning Authority within seven days of written request.

** For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).*

7. All vehicle access and egress to and from the site shall be from the A1060, as indicated on drawing titled 'Proposed Site Access (Priority 'T' Junction), drawing no. 185471-002 (Rev B), dated 30/09/21. No development shall nevertheless take place until full details of a junction design, which has received full technical approval from the Highway Authority, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. No material shall leave the site until the access design approved has been constructed in full. The junction visibility splays shall be maintained clear of intrusions for the life of the development.

Reason: *In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).*

8. No development shall take place until full details/specification of the proposed internal access road from the A1060 into the proposed plant area have been submitted to and approved in writing by the Mineral and Waste Planning Authority. That submitted shall include details of construction; design (finish/surface); the location of the passing bays; and proposed speed limit. That submitted shall furthermore clarify details proposed to manage surface water run-off from the access road, as appropriate. The access road shall subsequently be installed and maintained in accordance with the details approved until removed as part of restoration.

Reason: *In the interests of highway safety, landscape and visual amenity, ecology and to ensure the development is not constructed without appropriate mechanism to manage surface water run-off, to enable consideration of alternative locations for the passing bays on the access road to increase the stand-off to the adjacent woodland and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and*

Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

10. No development shall take place, other than the construction of the haul/access road, until finalised details of the proposed Public Rights of Way crossing points, as indicated on drawing titled 'Proposed Internal Road Option A', drawing no. 185471-004 (Rev C), dated 30/09/21, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. The details shall confirm the location and specification for the formation of the crossing points, visibility splays and maintenance together with signage, mirrors and any proposed fencing or gates. A copy of the signed diversion order for the partial diversion of Footpath 2 shall also be provided. The development shall be implemented in accordance with the approved details with the crossings and associated measures installed and subsequently maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

11. No exportation of material shall take place until details of a driver instruction sheet and enforcement protocol has been submitted to the Mineral and Waste Planning Authority for approval in writing in respect of vehicle routing to and from the site and general consideration of nearby residential properties and roads. The aforementioned shall include, but not be limited to, details to ensure that using, parking and/or waiting on Chalk End / Fambridge End Road is not in any way promoted by the operator.

Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

12. No development shall take place until a detailed layout plan for the plant site, as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20, has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including all facilities/welfare, car parking areas, plant, equipment and machinery, together with the specification/sound power level of the aforementioned and any mobile plant, equipment and machinery proposed to be used on-site. In addition details shall be provided as to the proposed on-site water management/lagoon system and associated dewatering sumps within each phase/area of extraction.

Reason: For the avoidance of doubt as to the layout of the plant area and machinery/plant approved, in the interests of amenity and the environment and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

13. No development shall take place until details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Mineral and Waste Planning Authority. 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, to prevent material being taken onto the public highway and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

14. No development shall take place, including any groundworks, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Plan shall provide confirmation as to:

- The proposed initial construction/set up timetable;
- Initial access arrangements for the purpose of construction;
- Areas proposed for staff and visitor welfare and parking during initial site set up; and
- Areas proposed for the loading and unloading of plant and materials

In terms of environmental management, and specifically biodiversity, the plan shall also seek to cover include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs; and the

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of highway safety, environmental protection, safeguarding amenity and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties, or at a monitoring location representative of these properties collectively, shall not exceed the following limits:

Littleacres, Chalk End House, Barleydale and Little Down: 49dB LAeq 1hr
Woodend Farm: 42dB LAeq 1hr

Mountneys, The Gallops, The Byre and The Stables: 42dB LAeq 1hr
Newland Hall Farm: 42dB LAeq 1hr

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Littleacres, Chalk End House, Barleydale and Little Down; Woodend Farm; Mountneys, The Gallops, The Byre and The Stables; and Newland Hall Farm shall not exceed 70dB LAeq 1hr. Temporary operations 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 a temporary operation which shall, for the purpose of this condition, include site preparation, bund formation and removal and any other temporary activity that has been approved in writing by the Mineral and Waste Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at locations to be agreed in advance in writing by the Mineral Planning Authority. In addition to this three monthly monitoring, further specific monitoring shall be undertaken at the start of extraction operations in areas 1, 4 and 5. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Mineral Planning Authority within one month of the monitoring being carried out (two weeks for the additional monitoring undertaken when operations commence in areas 1, 4 and 5). Should an exceedance in the maximum noise limits secured by condition be noted appropriate commentary shall be provided together with a scheme of additional mitigation if the exceedance is considered to be a likely continual issue. The additional scheme of mitigation shall be provided to the Mineral and Waste Planning Authority for review and approve in writing, as appropriate. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: *In the interests of amenity, ensuring prescribed noise levels are not being exceeded and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).*

18. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The dust management plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: *To reduce the potential for dust disturbance from the site on the local environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).*

19. No fixed external lighting shall be erected or installed and/or mobile external lighting utilised on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Mineral and Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels and proposed hours of operation. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise nuisance and disturbance to the surrounding area and the environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy*

DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

20. No development shall take place until a landscape scheme covering the operational phase of the development hereby permitted has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall include details of all proposed pre-commencement planting, screening/mitigation bunds, buffer areas to field boundaries and the woodland adjacent to the access road and any and all new boundary fencing. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and also for those to be retained, measures for their protection. The scheme submitted shall build on principles detailed in drawings titled 'Detailed Soft Landscape Scheme for Eastern Boundary', drawing number: 18027-108, dated 29/05/20, 'Detailed Soft Landscape Scheme for Southern Boundary pre-commencement/early planting, drawing number: 18027-109, dated 29/05/20, 'Detailed Soft Landscape Scheme for Western Field Boundary', drawing number: 18027-110, dated 29/05/20, 'Detailed Soft Landscape Scheme for North Eastern Boundary', drawing number: 18027-111, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112A, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112B, dated 29/05/20 and 'Specification Sheet Pre-commencement/early planting', drawing number: 18027-113A, dated Oct 20 and include detail of all 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) on the basis of the approved programme of implementation.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted landscaping plans, additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the

Mineral Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

22. No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of all perimeter screening/noise attenuation bunds and stockpiles and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping;
 - b) Detail how soils will be handled during construction, bunds planted and maintained, and soils re-spread as part of restoration;
 - c) Define the type or machinery to be used to strip and replace soils; and include
 - d) Confirmation that soil will only be stripped and handled when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or machinery (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 of the site.

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

**The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise structural damage and compaction of the soil to aid final restoration works, to protect the amenities of local residents and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy

DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

23. No development shall take place until a restoration plan has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The restoration plan shall replicate the finished land levels shown on drawings titled 'Northern' Field Restoration (West)', drawing number: 18027-105A, dated 05/10/20, and 'Detailed Soft Landscape Scheme for 'Northern' Field Restoration (East)', drawing number: 18027-106B, dated 05/10/20 but updated to reflect the operational landscaping scheme secured by way of condition attached to this permission. The plan shall also include detail of any additional planting proposed, as part of the restoration stage, with species, sizes, spacing, protection and programme of implementation. The development shall be undertaken and the site restored in accordance with the details subsequently approved.

Reason: To ensure that the site is restored as proposed and is capable of returning to a predominately agriculture afteruse, in the interests of landscape and visual amenity and to comply with Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

24. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral and Waste Planning Authority prior to the replacement of soils on site. The submitted Scheme shall accord with that suggested with the Planning Practice Guidance and:
- Provide an outline strategy 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; and
 - Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Mineral 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 shall be carried out in accordance with the submitted Scheme.

***Reason:** To ensure the satisfactory restoration of the site to agriculture and to comply with Policy S3 - Climate change, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).*

25. No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species and a Farmland Bird Mitigation Strategy has been submitted to and approved in writing by the Mineral and Waste Planning Authority. 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; and
- c) locations of proposed enhancement measures by appropriate maps and plans;

The Farmland Bird Mitigation Strategy which is specifically required to compensate for the loss of any farmland bird territories particularly Skylark and Yellow Wagtail shall include the following:

- a) Purpose and conservation objectives for the proposed measures e.g. nest plots;
- b) detailed methodology for the compensatory measures e.g. nest plots;
- c) locations of the compensatory plots; and
- d) persons responsible for implementing and managing the compensation measures.

The Biodiversity Enhancement Strategy and Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features managed in accordance with the LEMP secured by way of planning condition attached to the permission.

***Reason:** To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).*

26. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:

- a) Aims and objectives of management;
- b) Appropriate management options for achieving aims and objectives;
- c) Prescriptions for management actions;
- d) Preparation of an annual work schedule/plan; and
- e) Details of the body or organisation responsible for management

and for ecology:

- 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 and annual work schedule; and
- g) Details of the body or organisation responsible for monitoring.

The plan shall furthermore outline the proposed period of management which, for the avoidance of doubt, may be greater than the formal five year agricultural aftercare period, depending on the time required to achieve the predicted biodiversity gains from the mitigation measures and enhancements proposed as part of the development. The approved plan shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

27. No development shall take place until a Hydrological Impact Appraisal shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The Appraisal shall include a baseline for natural groundwater levels, identify potential implications as a result of the development and provide targets for restoring the natural baseline. The Appraisal shall furthermore confirm how groundwater levels will be monitored during the development and for a period post completion with a mitigation strategy identified in the event that the natural baseline is not restored. The development shall be implemented in accordance with the approved Appraisal.

Reason: To ensure that the development does not give rise to significant hydrological impacts, to safeguard groundwater from pollution and/or any other adverse changes and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-

Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

28. 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 Mineral and Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved with confirmation to also be sought from the Mineral and Waste Planning Authority that the investigation works have been completed satisfactorily.

Reason: To ensure that any archaeological interest has been adequately investigated in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

29. Prior to commencement of development but following completion of the archaeological investigation, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be also made to the Mineral and Waste Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

30. Within six months of completion of the programme of archaeological investigation, as approved, a post excavation assessment shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. This 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 ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

31. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site to facilitate with the restoration of the site. For the avoidance of doubt, there is to be no processing or treatment of imported material on-site. The plant site/area hereby approved shall solely be used to process mineral extracted from the site.

Reason: To ensure that there are no adverse impacts on the environment and or to amenity from the importation and use of inappropriate types of waste and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

32. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the site.

Reason: In the interest of highway safety and efficiency, to ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

33. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the completion of the development, which in the opinion of the Mineral and Waste Planning Authority constitutes a permanent cessation

within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The revised scheme shall be submitted within six months of the 12 month date and shall outline a revised scheme of restoration and aftercare for review and consideration by the Mineral and Waste Planning Authority. In such an instance the site shall then be restored in accordance with the revised scheme as per the timetable approved.

***Reason:** To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).*

BACKGROUND PAPERS

Consultation replies
Representations

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 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

HUMAN RIGHTS

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form

of Articles, the aim of which is to protect the rights of the individual (including companies).

In carrying out the development pursuant to any grant of planning permission there is likely to be an impact would fall within the following provisions addressing the rights of property owners under the Convention, notably under the following articles:

Article 1 (of the First Protocol) - This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14 - This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary for the reasons set out.

Any interference with Convention rights must be necessary and proportionate.

In the case of each of these Articles the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public.

In the light of the public benefit that has been identified as arising from the development it is considered that it would be appropriate to grant planning permission. In considering this, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of development. In the circumstances, it is not considered that granting planning permission would constitute an unlawful interference with the individual property rights or other Convention rights. The report sets out the public interest for granting planning permission.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management

Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Broomfield and Writtle