

## Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 24 September 2021 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris (departed at 11:48)	Cllr M Hardware
Cllr B Aspinell	

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

No apologies or substitutions were received.

Councillor C Guglielmi (Chairman) declared an interest in item 4.1 of the agenda (Minute 3) concerning the land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor P Thorogood declared an interest in item 4.2 of the agenda (Minute 66) concerning the land adjacent to Chelmsford City Racecourse as Braintree District Council, of which he was a Member, had put forward a strong objection to the application. Cllr Thorogood considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor P Thorogood declared an interest in item 4.3 of the agenda (Minute 76) concerning Bradwell Quarry as the site was in his division and he had previously expressed an opinion on the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would be excluded from participating in the debate and voting on this item.

### 2. Minutes

The minutes of the meeting held on 23 July 2021 were agreed as a correct record and signed by the Chairman.

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

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

- 1) Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU  
To consider report DR/16/21 relating to:
  - (i) Continuation of use of a water management pipeline without compliance with Condition 1 (Duration) of planning permission ESS/14/18/TEN ("Proposed retention of water management

- pipeline”) to enable the continued use until 30 September 2041.  
Ref No: ESS/24/20/TEN.
- (ii) Continuation of use of washing plant for the recycling of non-hazardous and inert wastes without compliance with Conditions 2 (Duration); 10 and 11 (Routeing Restrictions/HGV Movements); and 19 (Restoration Scheme) of planning permission ESS/32/18/TEN (“the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway”)  
Ref No: ESS/25/20/TEN.
- (iii) Continuation of use of a mineral washing plant without compliance with Condition 2 (Use and Duration of plant) of planning permission ESS/43/14/TEN (“Installation and use of a new replacement mobile mineral washing plant”) to enable the continued use until 30th September 2039.  
Ref No: ESS/26/20/TEN.
- (iv) Continuation of use of the land for mineral extraction and infilling without compliance with Conditions 2, 3, 4, and 5 (Duration); 6 (Approved Details); 25 and 26 (HGV Routeing Requirements) and 56 (Restoration and Aftercare) of planning permission ESS/61/19/TEN (“Continuation of use of land for mineral extraction and infilling without compliance with Condition 6 (Approved Details) of planning permission ref no: ESS/53/17/TEN.”) Ref No: ESS/27/20/TEN.
- (v) Proposed western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, and subsequent restoration using inert materials along with the creation of a new access.  
Ref No: ESS/29/20/TEN.

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

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

Public speakers:

- Agent, on behalf of Applicant: Ms Molyneux – speaking for
- 2) Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford  
To consider report DR/17/21 relating to:  
Pyrolysis Plant to generate electricity from imported solid recovered fuel, associated building and offices.  
**Location:** Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP  
**Ref:** ESS/61/21/CHL

Public speakers:

- Agent, on behalf of applicant: Mr Roberts – speaking for.
  - 3) Bradwell Quarry  
To consider report DR/18/21 relating to:  
Extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors compound via Woodhouse Lane, with restoration to agriculture and biodiversity (species rich grassland and wetland).  
**Location:** Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane.  
**Ref:** ESS/12/20/BTE

Public speakers:

- Local member: Cllr Paul Thorogood – speaking against.

#### 4. **Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU**

The Committee considered report DR/16/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 39.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

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

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

- The proposed extension is allocated within the Minerals Local Plan as the only site for silica sand and gravel provision within Essex.
- At the time of the meeting, there were 2 years of minerals reserves left within the quarry. The applications would provide for a continued supply of these resources.

- The extension would provide for the continued employment of workers both at the site and within dependant external businesses.
- The proposed scheme has been subject to a robust environmental impact assessment.
- The proposal included a number of conditions in addition to a legal agreement that would secure an extended period of aftercare for ecological benefit and a highway contribution.

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

- That infilling of the existing site would take place before expansion. Officers reported that the majority of the material used for infilling would be waste residue that could not be recycled.
- The environmental impact of cement concrete production and use was commented upon, specifically regarding carbon dioxide production.
- It was noted that final restoration on the site would be completed by September 2041.
- The number of vehicles entering and exiting the site would be monitored, however, vehicle tracking was not felt to be appropriate due to the large number of third-party contractors entering the site and the number of drop-offs carried out by the vehicles.
- A recommendation from the County Highways Officer within the proposal included a £3,000 contribution from the applicant towards the feasibility, design and legal costs of the environmental weight restriction for Wivenhoe Road, where unnecessary HGV movements were considered inappropriate on the local network.
- Officers reported that conditions were in place to ensure that traffic and dust levels would be controlled to limit the impact upon local residents.

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

### **Resolved**

That planning permission be granted subject:

- (1) For Planning permission ESS/24/20/TEN; ESS/25/20/TEN; ESS/26/20/TEN; ESS/27/20/TEN and ESS/29/20/TEN the prior completion of an appropriate Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 legal agreement under the Highways Act 1980 to provide for:
  - (i) Prior to any site preparation works being carried out in respect of planning permission ref no: ESS/29/20/TEN, a £3,000 financial contribution (index linked) shall be deposited with Essex County Council towards the feasibility, design and/or legal costs/ delivery of environmental weight restriction (or part thereof) for Wivenhoe Road where unnecessary HGV movements are considered inappropriate on the local network. Such

- contribution to be paid on commencement of development. (Payback 5 years).
- (ii) The carrying out of highway works for the creation of the new Slough Lane crossing point and
  - (iii) The carrying out of highway works at the Martells Industrial estate Slough Lane junction together with
  - (iv) Undertaking a formal Stage 1 Road Safety Audit outlining the junction detail/ crossing points design/ improvements for (ii) and (iii) above.
- (iv) Manage and fund the care and maintenance of the after-use and the features on the land as depicted in principle on drawing Nos KD.MTQ.1.004 entitled "Restoration Plan" dated August 2019 and KD.MTQ.2.009 Rev D entitled "Concept Restoration" dated April 2021 and to ensure that this will apply for a minimum period of 15 years beyond the statutory five-year aftercare period i.e. a minimum total of 20 years

And

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

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

Duration

1. All operations authorised or required by this permission shall cease, and the pipeline and any other supporting infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission either within four months of the date of the pipeline no longer being used in connection with its quarry water management role or not later than 30th September 2041.

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

Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application ESS/14/18/TEN comprising:
- (i) Letter from PDE Consulting Limited dated 10/05/18
  - (ii) Planning Application form from Sewells Reservoir Construction Ltd dated 10/05/18

- (iii) Supporting document entitled "Planning Application and Supporting Statement" from PDE Consulting Ltd dated May 2018.
- (iv) Drwg No: M13.227C.D.001 entitled "Water Abstraction Pipeline" dated May 2018.

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

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
- (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.

Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

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

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014.

#### Availability of Plans

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

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

#### Landscape

4. Landscaping of the site shall take place in accordance with the details approved on 21<sup>st</sup> November 2018 comprising:

- (i) Application form from Mr Jonathan Worsley of PDE Consulting Ltd dated 18<sup>th</sup> October 2018;
- (ii) Landscape Plan details compiled by R Smithyman of KEDD Limited dated 17<sup>th</sup> October 2018.

Submitted under cover of the letter ref no: 17/001/JW/18/047, dated 18<sup>th</sup> October 2018.

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

#### Landscape Management

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

Reason: In the interest of replacing that planting stock removed as part of the application; that appropriate replacement landscape planting is provided to help integrate the land into the local landscape and that this landscaping is maintained until the planting becomes established to comply with Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Reinstatement

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

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

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

#### Commencement

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

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

#### Duration of Permission

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

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

#### Approved Details

3. The development hereby permitted shall be carried out in accordance with the details submitted in respect of Planning Permission ESS/32/18/TEN by way of the:
  - (i) Planning Application form from PDE Consulting Ltd dated 20th September 2018
  - (ii) Planning Application Supporting Statement from PDE Consulting Ltd entitled "Planning application seeking for the installation and use of a washing plant for the recycling of non-hazardous and inert wastes, the use of a crusher, and the installation of a weighbridge office and relocation of a weighbridge together with associated access onto the highway" dated September 2018.

#### Supporting reports comprising:

- (iii) Noise Report produced by Walker Beak Mason dated 12th September 2018.
- (iv) Dust Assessment produced by PDE Consulting Ltd dated September 2018.
- (v) Flood Risk Assessment and Hydrological Impact Assessment produced by BCL Hydro dated September 2018.
- (vi) Landscape and Visual Impact Assessment produced by Kedd Limited dated August 2018.

- (vii) Ecological Report produced by Susan Deakin Ecology dated September 2018
- (ii) Drwg Nos: M13.227(b). D.001A entitled "Site Location Plan" dated September 2018
- (ix) Drwg No: M13.227(b). D.003A entitled "Soils Wash Plant Elevations" dated September 2018
- (x) Drwg No: M13.227(b). D.004A entitled "Current Situation" dated September 2018
- (xi) Drwg No: M13.227(b). D.005A entitled "Weighbridge and Weighbridge Office Detail" dated September 2018.

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

- (i) Drwg No: M13.227(b). D.002C entitled "Soils Wash Plant Proposed Layout" dated February 2019.
- (ii) Drwg No: M13.227(b). D.007A entitled "Detailed Landscaping Plan" dated February 2019
- (iii) Drwg No: M13.227(b). D.008A entitled "Detailed Sump Area" dated February 2019.
- (iv) Drwg No: M13.227(b). D.009 entitled "Dimension Plans" dated February 2019.

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

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

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

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

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

Availability of Plans

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

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

#### Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, static plant (other than hydraulic excavator or plant for the movement of materials) except as detailed within the approved scheme, shall be installed, extended or erected on the site without the benefit of planning permission.

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

#### Processing Plant

6. The design of the processing plant shall be in accordance with the details approved on 26<sup>th</sup> September 2019 under Condition 6 of ESS/32/18/TEN comprising:
  - (i) Letter from PDE Consulting Ltd dated 9th September 2019.
  - (ii) Planning application form from PDE Sewells Reservoir Construction Limited dated 9th September 2019 and
  - (iii) Drwg No: SP1011 Layout 01D dated 25th April 2019.

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

#### Stockpiles

7. Stockpiles of materials on site shall not exceed a height from original ground level of:
  - 3 metres for topsoil
  - 4 metres for subsoil (except where used as acoustic bund);

- 6 metres for unprocessed and processed aggregates, and
- 5 metres for any other related material.

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

#### Sale of Aggregate/Other Product

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

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

#### Access Usage

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

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

#### Sheeting

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

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

#### Routeing Requirements/HGV movements

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

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

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

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

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

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

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

## ENVIRONMENTAL PROTECTION

### Operating Hours

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

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

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

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

#### Lighting

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

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

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

#### Noise Limits – Temporary Operations

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

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

#### Noise Limits – Normal Operations

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

Location	dB LAeq 1hr levels
Rumage House	49 dB LAeq 1hr

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

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

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

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

#### Noise Monitoring

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

Unless specified otherwise noise measurements should be made at the following noise sensitive locations Rumage House, Ardleigh Park, Coronation Cottages, Slough Farm, Carringtons and George Hall. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate.

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

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

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Noise – Vehicle reversing/silencers

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

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

19. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

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

Restoration

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

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

Landscaping

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

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex

and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

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

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policy QL11 of the Tendring District Local Plan 2007.

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

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

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

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

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

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

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of permitted developments until 30 September 2039” from PDE Consulting Ltd dated February 2020.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment having regard to Policies DM1, DM3 and S12 of the Essex Minerals Local Plan Adopted July 2014. Tendring District Local Plan policies QL11, COM23 and EN1.

2. The development hereby permitted shall be used solely in association with mineral extraction permitted by planning permission ref: ESS/18/07/TEN and as amended through subsequent permissions the latest iteration being permission ESS/27/20/TEN and for the western extension land permitted under ESS/29/20/TEN; the plant shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 September 2039; and the site restored in accordance with the approved restoration scheme and timetable.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use having regard to Policies DM1 and S12 of the Essex Minerals Local Plan Adopted July 2014 and Tendring District Local Plan policies QL11, COM23 and EN1.

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

##### Notification Dates

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

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

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

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

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and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Duration of Permission

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

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

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

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

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

Reason: In the interests of clarity and to provide for the completion and progressive restoration of the site within the approved timescale and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) and Policy 10 of The Essex and Southend Waste Local Plan (Adopted

July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

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

Reason: In the interests of clarity and to enable the Minerals/Waste Planning Authority to adequately control the development and to ensure the clearance and future restoration of the stockpiled area once extraction onsite has ceased, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014) Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Approved Details

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

Fig 1.1 Location – Dated January 2007

Fig 2.1 Site – Dated January 2007

Fig 2.2 Local Delivery Area – Dated January 2007

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

Fig 3.4 Site Investigation – Dated January 2007

Fig 5.1 Working Areas – Dated January 2007

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

Fig 5.3 Rev A Post Settlement Contours - Dated January 2008

Fig 5.4 Progressive Working of Area A - Dated January 2007

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

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

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

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

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

- a. For Archaeological Field Work Investigation those details set out in the application of details reserved by condition received 13 November 2008, including the "Archaeological Evaluation (Stage 2) Written Scheme of Investigation" dated March 2006.
- b. For Soil Movement those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.
- c. For Machine Movements those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.
- d. For Soil Bund Management those details set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009
- e. For the Noise Monitoring, those details set out in the report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.
- f. For the Highway Improvement Works those details set out in the application for approval of details reserved by condition received 15 June 2009, together with the draft Section 278 agreement dated February 2009 by Scott Wilson and drawings D122418 – 02 Revision P1 (dated 11 Feb 2009) and D122418-01 Revision P2 (dated 18 May 2009).
- g. For the Highway Works to Haul Road Entrance – those details set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8 July 2009.
- h. For the Standard Road Warning Signs those details set out in the approval of details reserved by condition received 15 June 2009 and works permit drawing D122418-01P5.
- i. For the Highway Directional Signs those details set out in Drawing no:D122418-01 Revision P2 as amended by the e-mail from Andrew Wright dated 30 July 2009.
- j. For the Wheel Washing those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and drawing 001 from Wright Rain dated 29 April 2008. reserved by condition received 15 June 2009.
- k. For Dust Suppression those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13

November 2008 and amended Environmental Dust Scheme updated February 2009 and received 10 February 2009.

- I. For Landscaping those details set out in the approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:
  - (i) Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
  - (ii) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (iii) Plan MQ/L12A Landscape proposals dated 8 March 2009,
  - (iv) Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).
  
- m. For Landscaping retention and protection those details set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/L12A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.
  
- n. For Habitat Management and Creation those details set out in the application for approval of details reserved by condition 13 November 2008 for the habitat management plan including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited and:
  - (i) Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
  - (ii) Plan MQ/L12A Landscape proposals dated 8 April 2009,
  - (iii) Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and
  - (iv) details as varied by letter dated 21 April 2009.

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

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

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

- (i) Planning application form from Sewells Reservoir Construction Limited dated 27th October 2017.
- (ii) Letter from PDE Consulting Limited dated 27th October 2017.

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

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

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

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

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

- (ix) Letter from PDE Consulting Ltd dated 25th November 2019.
- (x) Letter from PDE Consulting Ltd dated 21st January 2020 and accompanying Drwg No: KD/MTQ/1.005A Status Final entitled "Planting, Management and Maintenance Plan" dated January 2020.

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

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

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

#### Availability of Plans

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

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

#### Ecological Interests

8. Prior to any ground disturbance taking place along the existing slope batters within the excavation void written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species

interests present or affected. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations

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

#### Prior Archaeology

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

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

#### Working Arrangements

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

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

#### Permitted Development Rights

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

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

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

#### Quarry depth

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

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

#### Stockpiles

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

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

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

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

#### Maintenance of haul road

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

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

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

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

#### Wheel wash

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

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

#### Mineral export

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

Reason: In the interest of the amenity of the locality and surrounding residential occupiers, highway safety, also in order that the Mineral Planning Authority can monitor throughput at the site, in accordance with Policies DM1, DM3, S5, S10 and S11 of the Essex Minerals Local Plan (Adopted July 2014); Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 22, COM 23, QL11, TR1, TR1a, TR9 and RA1 of the Tendring District Local Plan 2007.

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### Importation Restrictions

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

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

### Sale of Aggregate/Other Product

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

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

### Sheeting

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

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

### Highway Works to Haul Road Entrance

22. The development hereby permitted shall be implemented in accordance with the improvements to the haul road entrance approved on 23 July 2009 under condition 71 of planning permission reference ESS/18/07/TEN. The improvements are set out in the application for approval of details reserved by condition received 15 June 2009, together with email from Grahame King dated 8

July 2009, and shall be maintained throughout the development. The entrance shall be kept free of potholes and mud and detritus to ensure that such material is not carried onto the public highway.

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

#### Highway Improvement Works

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

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

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

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

#### HGV Directional Signs

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

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

#### Routeing Requirements

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

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

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

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

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

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

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

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

28. The surfaced section of access roads linking to crossover of Slough Lane shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

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

#### Monitoring Records

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

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

#### Infilling Phase

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) the letter from PDE Consulting Ltd dated 18th October 2018;
- (ii) Planning application form from PDE Consulting Ltd dated 18th October 2018. No intake of waste shall take place until a scheme giving details of measures to prevent fugitive odour emissions from the landfilling of waste has been submitted to and approved in writing by the Waste Planning Authority.

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

## ENVIRONMENTAL PROTECTION

### Operating Hours

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

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

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

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies COM 23 and QL11 of the Tendring District Local Plan 2007.

### Storage

38. No scrap, mobile or fixed plant, equipment, skips, containers trailers or vehicles shall be placed or parked other than within designated areas.

Reason: To help minimise the visual impact of the development, to limit the impacts on locality and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007

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

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

Reason: To minimise loss of visual amenity due to light pollution from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Noise Limits – Temporary Operations

40. For temporary but exceptionally noisy operations, the free-field noise level at the noise sensitive properties shall not exceed 70dB LAeq, 1hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12-month period for work affecting any noise sensitive property. These operations may include bund formation and removal, soil stripping, removal of spoil heaps and construction of new permanent landforms.

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

#### Noise Limits – Normal Operations

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

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

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

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

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## Noise Monitoring

42. The development hereby permitted shall be implemented in accordance with the details of the noise monitoring approved on 15 July 2009 under condition 21 of planning permission reference ESS/18/07/TEN. The approved details of the Noise Monitoring are set out in the application for approval of details reserved by condition received 25 June 2009, including report "Aggregate Industries – Garside Sands, New Extension Site, Martell's Quarry: Conditional Noise Monitoring" dated 17 May 2010.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

43. Noise levels shall be monitored by the operator at three monthly intervals from the date of this permission at the following noise sensitive locations Ramage House, Ardleigh Park, Coronation Cottages, Slough Farm and Park Corner. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate.

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

Reason: To ensure development is being carried out without adversely affecting residential amenity and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

## Noise – Vehicle reversing/silencers

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

Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

45. All vehicles, plant and machinery operated within the site shall be fitted with and make use of effective silencers and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

46. No imported waste, other than inert excavated soils, shall be deposited on the excavated area of the site until engineering works have been carried out so as to prevent the drainage of surface and groundwater into the excavated area.

Reason: To protect groundwater from pollution and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

47. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drum's capacity with a sealed sump within the bunded area and no direct discharge to any watercourse, land or underground strata. All fill draw and overflow pipes shall be within the bunded area. All measures shall be maintained for the lifetime of operations on site.

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

48. There shall be no removal of existing vegetation between March and August inclusive.

Reason: To ensure protection of birdlife during the nesting season and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Soil Handling and Storage

49. Topsoil, subsoil and soil making material shall only be handled / moved when they are in a dry and friable condition. This requires

(a) There to be no movement of soil between the months of November and March (inclusive) unless otherwise approved in advance in writing by the Mineral/Waste Planning Authority.

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

50. The operator shall notify the Waste Planning Authority at least 5 working days in advance of the commencement of final subsoil placement to allow a site inspection to take place.

Reason: To ensure that the site is ready for topsoil spreading and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

51. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 27 May 2009 under condition 37 of planning permission reference ESS/18/07/TEN. The approved scheme of soil movement are set out in are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 19 May 2009.

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

52. The development hereby permitted shall be implemented in accordance with the scheme of machine movements approved on 20 March 2009 under condition 38 of planning permission reference ESS/18/07/TEN. The approved scheme of machine movements are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good

Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008.

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

53. Before any part of the site is excavated or traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part), all available topsoil and/or subsoil shall be stripped from that part and stored in accordance with the details agreed under Condition 51.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

54. For top soil and sub-soil stripping:
- (a) The top soil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of re-instated sub-soil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent re-use.
  - (b) When the sub-soil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden / low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent reuse.
  - (c) Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil, and to aid the final restoration of the site and to comply with Policies DM1, S5 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

55. At no time shall the pre-settlement contours, inclusive of capping, subsoil and topsoil, following landfilling in each phase, exceed the 42 metres AOD crown or any of the contours as shown on Drawing No. Fig 5.2 Rev B dated January 2008. A competent land surveyor shall check the levels on site once infilling is complete (on any phase or part phase) and prior to the placement of the clay cap and these levels shall be submitted to the Waste Planning Authority within 14 working days.

The operator shall give the Waste Planning Authority 5 clear working days' notice to enable an inspection to be made prior to the placement of the clay cap or any phase or part phase.

Reason: To ensure that the final post-settlement landform does not exceed 39 metres AOD and so that it can be returned to a satisfactory and beneficial after-use to support amenity use, improve its appearance in the interests of visual amenity and assist in absorbing the site back into the local landscape in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6 and QL11 of the Tendring District Local Plan 2007.

56. The development hereby permitted shall be implemented in accordance with the soil bund management scheme approved on 7 May 2009 under condition 41 of planning permission reference ESS/18/07/TEN. The approved soil bund management scheme are set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and accompanying Soil Handling Machinery and Procedures, MAFF Good Practice Guide for Handling Soils Sheets 1, 2, 3 and 4, also Soil Handling – Modified Loose Tipping Procedures for Soil Replacement dated 9 July 2008 and details as varied by a letter dated 21 April 2009.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance, to ensure the retention of the existing soils on the site for restoration purposes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

57. Prior to the cessation of the infilling element activities undertaken within the Western extension land under Planning Permission ESS/29/20/TEN or by 30<sup>th</sup> December 2037 whichever is the sooner, a scheme or schemes for the restoration and aftercare of the plant site, mineral storage areas, recycling area and silt settlement areas to an amenity/agricultural afteruse or other such afteruse shall have been submitted to the Minerals Planning Authority. The scheme(s) shall include details of drainage, landscaping, aftercare and timescales. The scheme(s) shall thereafter be implemented in accordance with the approved details.

Reason: To secure proper restoration of the site within a reasonable and acceptable timescale and to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

Landscaping

58. The development hereby permitted shall be implemented in accordance with the landscaping provisions approved on 22 June 2009 under condition 31 of planning permission reference ESS/18/07/TEN. The approved landscaping is set out in the application for approval of details reserved by condition received 13 November 2008, including a letter dated 13 November 2008 and a letter dated 12 June 2009 with accompanying:

- Amended Landscape Proposals by FURSE Landscape Architects Limited, dated June 2009,
- Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008,
- Plan MQ/L12A Landscape proposals dated 8 March 2009,
- Plans FD1 (dated 25 May 2006), FD2 (dated 25 May 2006), PD2 (dated 22 May 2008), PD3 (dated 22 June 2005) and PD6 (dated 22 July 2005).

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11, COM 22 and COM 23 of the Tendring District Local Plan 2007.

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

Reason: In the interest of the amenity of the local area; to ensure development is adequately screened and that landscaping is maintained in accordance with approved schemes and to comply with Policies DM1, S5, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Habitat Management

60 The development hereby permitted shall be implemented in accordance with the habitat management plan approved on 7 May 2009 under condition 35 of planning permission reference ESS/18/07/TEN.

The approved habitat management plan are set out in the application for approval of details reserved by condition 13 November 2008, including a letter dated 13 November 2008 and accompanying Landscape and Management Plan dated 4 November 2008 by Entec UK Limited, Plan MQ/L11 Landscape and Tree Protection dated 22 September 2008, Plan MQ/112A Landscape proposals dated

8 April 2009, Plans FD1, FD2, PD2, PD3, PD6 – Fence and Planting Specifications and details as varied by letter dated 21 April 2009.

Reason: To ensure protected species are sheltered from the development and if necessary, moved to alternative habitats, in accordance with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### Aftercare south of Slough Lane

61. All operational land south of Slough Lane, associated with this development shall be restored to a condition suitable for agriculture within the periods and with the agreed restoration scheme previously approved and identified under Condition 6 and managed through the aftercare scheme as provided for under Condition 62, with all soils being placed to their original settled profiles using the indigenous subsoil and topsoil stored in earth bunds.

Reason: To aid the final restoration of the site in compliance with Policies DM1, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, QL11 and COM 23 of the Tendring District Local Plan 2007.

62. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard suitable for agriculture shall be submitted to and approved in writing by the Waste Planning Authority prior to commencement of restoration works on site. The submitted scheme shall:

A) Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five-year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

B) Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Waste Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare programme shall be carried out in accordance with the approved Scheme.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan (Adopted July 2014), Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007.

#### **E. For ESS/29/20/TEN**

### Commencement and Duration

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include any ground preparation works or any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access across Slough Lane).

Reason: To comply with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the sensitivity of the site and to enable the Mineral Planning Authority to review the desirability of the development should it not be started within a reasonable time.

3. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, shall be removed and the site restored in accordance with the conditions of this permission not later than 17 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with Condition 2.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Mineral Planning Authority to retain control over operations at the site and secure restoration, having regard to the Mineral Planning Practice Guidance that seeks to minimise the adverse effect of workings within the environment and the National Planning Policy Framework that restoration and aftercare of such sites is achieved at the earliest opportunity and to a high standard having regard to Policy S12 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

### Approved Details

4. The development hereby permitted shall be carried out in accordance with the following details

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- a) Planning Application form from Sewells Reservoir Construction Limited dated 18<sup>th</sup> February 2020.
  - b) Supporting Report entitled "Planning Application and Supporting Statement, Western extension to Martells Quarry for the extraction, processing, sale and distribution of silica sand and gravel, subsequent restoration using inert materials along with the creation of new access" from PDE Consulting Ltd dated February 2020.
  - c) BCL Consultant Hydrogeologists Limited report entitled: "Sewells Reservoir Construction Limited, Martells Quarry Slough Lane, Ardleigh, Colchester, CO7 7RU, Western Extension to mineral extraction area; and subsequent restoration using inert materials, Hydrological & Hydrogeological Impact Assessment" dated January 2020
  - d) Drwg No: KD.MTQ.2.001 entitled "Site Location Plan" dated February 2020.
  - e) KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020.
  - f) Letter from PDE Consulting dated 7<sup>th</sup> December 2020 and accompanying:
  - g) Drwg No: Figure 1 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout" Rev B dated 05/12/20.

As amended by the letter from PDE Consulting Limited dated 28<sup>th</sup> January 2021 and accompanying:

- h) Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021.

As amended by the email from D. Marsh to Terry Burns dated 20<sup>th</sup> May 2021 @ 17:31 and accompanying:

- i) Letter from PDE Consultants dated 11<sup>th</sup> May 2021.
- j) Drwg No: KD.MTQ.2.004 entitled "Phase 1 - Working and Restoration" Rev B dated April 2021.
- k) Drwg No: KD.MTQ.2.005 entitled "Phase 2 - Working and Restoration" Rev B dated April 2021.
- l) Drwg No: KD.MTQ.2.006 entitled "Phase 3 - Working and Restoration" Rev B dated April 2021.
- m) Drwg No: KD.MTQ.2.007 entitled "Phase 4 - Working and Restoration" Rev B dated April 2021.
- n) Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021.

As amended by the email from D. Marsh to Terry Burns dated 2<sup>nd</sup> August 2021 @ 10:29 and accompanying Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021.

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

application details, to ensure that the development is carried out with minimum harm to the environment and having regard to Policies DM1, S1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

#### Availability of plans

5. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

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

#### Protection of Existing Trees and Perimeter Vegetation

6. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

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

7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme based on Drwg No: KD.MTQ.2.015 entitled "Development Cross Sections" Rev A dated April 2021 showing the provision and protection measures of the standoff/buffer of the extraction areas and the attenuation ponds; drainage ditches and perimeter veteran trees/vegetation has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:
  - a) Measures to demarcate the standoff from any affected tree/hedgerow/woodland.
  - b) Maintenance of the demarcation measures during the life of the site activities.
  - c) Programme of works to achieve a) and b) above.

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

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

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

#### Slough Lane crossing point

8. No site preparation works (as defined in Condition 2 of this permission) shall take place until the crossing point over Slough Lane has been constructed and been commissioned. The scheme shall make provision for accommodating the details as set out in:
  - a) Letter from PDE Consulting dated 07/12/20.
  - b) Design of the site access being based on Drawing No: Figure 1 Rev B dated 05/12/20 entitled "Martells Quarry, Slough Lane, Colchester, Proposed Haul Road Crossing Point on Slough Lane, Preliminary Layout".
  - c) Provision of gates at the entrance such that any gates provided shall be inward opening only.
  - d) Temporary Traffic Management Plan, which shall be adhered to during the construction phase of the works, The Plan should include details regarding any temporary traffic management/signage; access for pedestrians, if required, wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
  - e) Management and Maintenance of the crossing point during the life of the permission.
  - f) Provision for photographic and design record of the existing access arrangements to inform future works at reinstatement stage.
  - g) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
  - h) Provision of advance signage on both approaches to the proposed Slough Lane crossing points. The signage shall be installed before the road junction / crossing point is first used by vehicular traffic.
  - i) Modifications/ provision of advance signage on both approaches to the existing Bromley Road/Slough Lane crossing points.
  - j) The proposed crossing points on Slough Lane shall be provided with a clear to ground visibility splay in accordance with drawing: Figure 1 Access Plan Revision B, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the

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road junction / crossing point is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To make adequate provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development in accordance with policy DM1, DM2, DM9 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

9. No unbound material shall be used in the surface treatment of the vehicular access within 12 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

10. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

11. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Essex County Council's Highway Development Management Policies adopted February 2011 and having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Tree Protection - Slough Lane crossing point

12. No site preparation works (as defined in Condition 2 of this permission) nor any ground disturbance in preparation for the construction of the Slough Lane crossing point as referenced in Condition 8 of this permission shall proceed until a scheme for the protection of the roadside trees within the sightlines of the proposed crossing point has received the written approval of the Mineral Planning

Authority. The scheme shall be implemented as approved. The scheme shall make provision for:

- a) Cross sections for the access / crossing of Slough Lane in relation to the protection of trees T84, 85 and 86 as indicated within the Sharon Hosegood report entitled "Planning application ESS/29/20/TEN Arboricultural Impact Assessment Report" ref no: SHA 1334 dated January 2021 on Drwg No: SHA 1334 TPP SW entitled "Tree Protection Plan" dated 20/01/21.
- b) Cross sections indicating the relationship of the 3-metre-high bund along Slough Lane to the hedge H86.

The development shall be implemented in accordance with the approved scheme and managed through the life of the permission.

Reason: To provide clarity for those details approved and to ensure that trees and hedgerows are suitably protected and not impacted by the development activities having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Martells Industrial Estate/Slough Lane Junction Improvements

13. Within 18 months of the date of this permission the stretch of carriageway, together with the existing northern and southern crossing point bell mouths located at the entrance to the Martell's Industrial Estate, shall have been improved in accordance with the Section 278 Highways Agreement and the improvements works commissioned.

Reason: To provide suitable provision within the highway for the movement and safety of the additional traffic generated as a result of the proposed development and in the interests of pedestrians and vehicular traffic safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014; Policies DM1 of the Essex County Council Highway Development Management Policies February 2011 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Ecological Interest

##### Construction Environmental Management Plan (CEMP): Biodiversity

- 14.. No site preparation works shall take place (as defined in Condition 2 of this permission) until a scheme for addressing the biodiversity aspects of the land has received the written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved. The submitted scheme shall make provision for:

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

The approved CEMP shall be adhered to and implemented throughout the development period in accordance with the approved scheme.

Reason: To conserve protected and Priority species and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Time Limit on development before further ecological surveys are required

15. No new Phases of mineral working including vegetation clearance and soil stripping as depicted on the Working Phase drawings Nos: KD.MTQ.2.004 – 007 Rev B’s dated April 2021 shall take place until:
- a) an assessment by a qualified ecologist has been undertaken to determine whether or not further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures. The supplementary surveys shall be of an appropriate type for habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.
  - b) Such further ecological survey work as may be required in (a) above with any actions completed and this has been confirmed in writing to the Mineral Planning Authority.

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

#### Bird Nesting

16. No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

Reason: In the interests of wildlife and to ensure breeding birds are not disturbed by removal of habitat having regard to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

#### Biodiversity Enhancement Strategy

17. Within 3 months of the date of this permission a Biodiversity Enhancement Strategy for Protected and Priority species and habitats shall be submitted in writing to the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall make provision for:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the details as may subsequently be approved in writing by the Mineral Planning Authority. The Strategy shall be retained in that manner thereafter.

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

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## Archaeology

18. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until a Written Scheme of Investigation to address archaeological mitigation has received the written approval of the Mineral Planning Authority. The scheme shall be implemented as subsequently. The scheme shall make provision for a mitigation strategy which identifies areas proposed for archaeological excavation, geoarchaeological investigation and archaeological and geoarchaeological monitoring.

Reason: To enable appropriate archaeological investigation, recording and excavation is undertaken prior to the development taking place having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

19. No soil stripping shall take place within the Western extension red line boundary as depicted on Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" Final dated February 2020 until written confirmation has been submitted to the Mineral Planning Authority confirming the completion of the programme of archaeological excavation and geoarchaeological test pitting identified in the Written Scheme of Investigation provided for in Condition 18 above.

Reason: To ensure the archaeological and geoarchaeological potential of the site is fully investigated and mitigation measures as required within the Written Scheme of Investigation can be implemented having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

## Provision of reports

20. Post excavation assessments will be submitted to the Mineral Planning Authority:
- a) Within 4 months of the completion of the fieldwork for each phase of working.
  - b) An overarching post excavation assessment within 6 months of the completion of the programme of investigation. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that appropriate archaeological investigation and recording is being undertaken and provision is being undertaken to facilitate the production of a full site archive and report ready for deposition at the local museum, and submission of a publication report having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and to the National

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Planning Policy Framework in respect of ensuring that proposals that affect heritage assets are fully assessed against any conflict with that heritage interest.

#### Topographical surveys

21. Topographical surveys shall be submitted;

(i) A survey of site levels within each phase of working as depicted on the series of drawing Nos: KD.MTQ.2.004 - 007 referenced in Condition (xx) above shall be carried out at intervals of not less than every 12 months, starting from the date on which excavation of overburden/mineral takes place from within each Phase. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

(ii) At the completion of final formation contours as depicted on Drwg No: KD.MTQ.2.009 entitled "Concept Restoration" Rev D dated April 2021. to confirm topographical levels are in accordance with the restoration plans. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

Reason: In the interests of clarity, to enable appropriate monitoring of the site; and to ensure the proper working/restoration of the site in accordance with the approved details having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Vehicle Routeing

22. A record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The record shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.

Reason: In the interests of clarity, to enable appropriate monitoring of the site generated vehicle movements in order to ensure compliance with the approved details having regard to Policy DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Highway Cleanliness

23. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and

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Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

#### HGV Movements

24. No mineral or other material as may be permitted by this permission shall be exported or imported other than via the existing site processing plant/weighbridge facility located on the north side of Slough Lane and then along the internal haul road located east of Slough Lane to the crossing point linking through to the application land as depicted on Drawing No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020.

Reason: In the interests of clarity and the provisions of the planning application upon which determination of the application an important aspect of the acceptability of the application; to limit the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

#### Sheeting Vehicles

25. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the existing site processing plant/weighbridge facility located on the north side of Slough Lane.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

#### Vehicle Maintenance

26. No servicing, maintenance or testing of vehicles or plant shall take place other than within the quarry void or the extant processing plant area operated under Planning Permission ESS/27/20/TEN.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Reason: To minimise any nuisance and to protect the amenities of neighbouring landusers and the rural environment/local area having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure

that development does not allow unacceptable adverse impacts on the environment.

#### Landscape, Ecology and Management Plan (LEMP): Biodiversity

27. No site preparation work, as defined in Condition 2 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of any biodiversity protection zones;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Management and Implementation programme.

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner relating to the biodiversity aspects of the scheme having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Policies EN1, EN4, EN6, EN6a, EN6b, QL11 and COM 23 of the Tendring District Local Plan 2007 and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Sale of Aggregate/Other Product

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

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

Restriction on further Phase entry until Restoration Achieved within wider Quarry complex

29. No topsoil/soil stripping or mineral extraction shall take place beyond the Phase 1 land within either the Phase 2 or 3 sequences as identified on the Drwg No: KD.MTQ.2.003 entitled "Proposals Plan" dated February 2020 until the land identified in green and identified on Drwg No: KD.MTQ.2.019 entitled "Area Restored Prior to Commencement of Extraction in Phase 2" dated July 2021 has been brought up to final formation level (topsoil level) and confirmation provided in writing from the Mineral Planning Authority that these levels have been achieved.

Reason: To confirm those details against which the acceptability of the development was determined, and to restrict the development to the design approved and the achievement of restoration from within the rest of the quarry complex footprint having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

## ENVIRONMENTAL PROTECTION

### Hours of Operation

30. No operations authorised or required by this permission shall be carried out on the site except between the following times:

0700 – 1900 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

There shall be no operations on Sundays or Bank/National Holidays.

This condition shall not apply in cases of emergency when life, limb or property is in danger or for water pumping activities. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policies DM1, DM3 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

### Rubbish

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

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Burning

32. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policies DM1; DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Lighting

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

- a) Lighting point location.
- b) Lighting design details including:
  - (i) height,
  - (ii) tilt,
  - (iii) lighting controls,
  - (iv) lighting design,
  - (iv) illuminance levels,
  - (v) uniformities,
  - (vi) spill light contour lines on to an Ordnance Survey mapping base.
- c) Assessment of sky glow and light spillage outside of site boundary.
- d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

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### Noise – Monitoring

34. No site preparation works shall take place, as defined in Condition 2 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 36 of this permission and as identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations" during the life of the development.
  - b) Unless determined by the Mineral Planning Authority noise monitoring to be at three monthly intervals.
  - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
  - d) Monitoring to be carried out for at least 2 separate measurements of at least 15 minutes at different times during the working day at each monitoring location which shall include Saturday periods whilst typical site operations are occurring.
  - e) That if noise compliance is not clear cut, as determined by the County Noise Consultant) then additional measurements such that at least 1 hr of data is obtained at the relevant locations is provided for.
  - f) The logging of all weather conditions including wind speed and direction.
  - g) The logging of both on-site and off-site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
  - h) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 36 of this permission.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

### Noise – Temporary Operations

35. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 36 of this permission shall not exceed 70dB LAeq,1hr. Measurement shall be made no

closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Noise - Normal Levels

36. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/29/20/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Rumage House	49 dB LAeq 1hr
Ardleigh Park	51
Coronation Cottages	55
Slough Farm	54
Park Corner	55
White House	55
Carringtons	55
George Hall	55
Hull Farm	51

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

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Loudspeakers

37. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Reversing alarms

38. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site and in control of the applicant.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Dust

39. No site preparation works shall take place, as defined in Condition 2 until a Dust Management Plan for the land has received the written approval of the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) Confirmation based on a review of more recent Tendring District Council Local Air Quality Management publications and other available air quality data to confirm that PM10 concentrations are below 17µg/m<sup>3</sup>
- b) The Dust Management Plan to incorporate such dust mitigation, management and monitoring procedures as provided for within the extant dust monitoring/management/control schemes accommodated under ESS/61/19/TEN.
- c) Details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e. under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints.
- d) Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (such as during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages and Slough Farm.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring

sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

#### Surface Water Drainage and Pollution Protection

40. No site preparation works shall take place (as defined in Condition 2 of this permission) until a detailed surface water drainage scheme for the site's restoration stage, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - (ii) Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - (iii) Final modelling and calculations for all areas of the drainage system.
  - (iv) Detailed engineering drawings of each component of the drainage scheme.
  - (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising to both neighbouring sensitive receptors and the rural environment as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

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### Surface Water Drainage Scheme Management

41. No site preparation works shall take place (as defined in Condition 2 of this permission) until a Maintenance Plan during the development site life and Aftercare period has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
  - b) Funding arrangements during life of the development permitted by this permission.
  - c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
  - d) Maintenance frequency.
  - a) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

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

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

43. Any fixed or free-standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage. If there are multiple tankages, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and there shall be no drain through the impermeable

enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

44. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

45. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

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

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Fixed Plant and Buildings

47. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with, or without modification) no plant/structures whether fixed/static or mobile nor stocking of minerals or other

materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Mineral Planning Authority

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Handling and Storage of Soil and Soil Forming Material

48. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped.

The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

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

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

51. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

52. Any soil storage mounds that may be required and insitu for more than 6 months shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the e Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Restoration

53. Within one year of the date of this permission, a revised restoration scheme based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Design details for the ground features including water bodies, including profiles and cross sections.
  - b) Incorporation of the recommendations set out in para 3.22 of the Susan Deakin Ecological Assessment report dated February 2020.

- c) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- d) Removal of all site structures including access entrance.
- e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use/To retain control over the development to not prejudice the restoration and afteruse of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014, Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Landscaping

54. No site preparation works shall take place as defined in condition 2 of this permission, until a scheme of landscaping, based on Drwg No: MTQ/2.009 Rev D entitled "Concept Restoration" dated April 2021 has received the written approval of the Mineral Planning Authority.

The scheme shall be implemented in accordance with the details as approved and shall be maintained for the life of the permission. The submitted scheme shall make provision for:

- a) Detailing of the advance planting provisions.
- b) Details of the longer-term boundary management.
- c) For a) and b) above the details shall address the:
  - i) Planting species including native trees; berry bearing shrubs, size, density, numbers and location planting arrangements;
  - ii) husbandry management of the existing perimeter hedgerows/trees and buffer planting,
  - iii) a programme of implementation to include the provision for planting during the first available season of the planting process.
  - iv) a programme of maintenance including final recommendations for tree management.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Agricultural Aftercare

56. Within two years of the date of the commencement of site preparation works as provided for by Condition 2, an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

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

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, Natural England, landowners and interested parties to review performance.

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

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

#### Amenity Aftercare

57. Within two years of the date of the commencement of site preparation works as provided for by Condition 2 of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation habitat shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall

be implemented in accordance with the details as approved in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for:

- i. a management plan and strategy;
- ii. a programme to allow for monitoring the establishment of the habitat types which shall provide for:
  - a) such works as necessary to enable the establishment of i) above; and
  - b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
  - (c) for the habitat areas the:
    - cultivation practices;
    - post-restoration secondary soil treatments;
    - soil analysis;
    - fertiliser applications, based on soil analysis;
    - drainage;
    - planting and maintenance;
    - weed control;
  - (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

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

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

Reason: To ensure that the land is rehabilitated to a suitable condition to support an amenity use during the 5-year aftercare period having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Mineral Planning Practice Guidance on Restoration and Aftercare of mineral sites.

#### Cessation

58. In the event of mineral extraction/infilling activities being discontinued for six months in the period specified in Condition 3 of this permission then the land as disturbed within the application footprint shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that mineral extraction has not taken place in the six-month period and shall include the requirements of Conditions 49 - 52 (inclusive) of this permission.

The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1; DM2; S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Minerals Planning Practice Guidance on Restoration and Aftercare of mineral sites.

## 5. Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford

The Committee considered report DR/17/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of an additional proposed condition, and changes to proposed condition 3.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need and Policy Considerations
- Air Quality
- Noise and Dust
- Landscape and Visual Impact
- Design and Lighting
- Ecology and Trees
- Traffic, Highways and PRow
- SuDs and Drainage
- Historic Environment
- Climate Change

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

- The pure pyrolysis technology was aimed to act as a green replacement for incineration, which was viewed as unpopular by the general public.
- Any materials that could be recycled would be removed from the residual waste before the pyrolysis process and EasyPower was hoping the technology would become net zero within three to five years.
- This site would act as a demonstrator for the technology, and as an Essex based company, EasyPower hoped that the skilled jobs associated with the technology would be based within the county.

- This specific location had been chosen as Chelmsford City Racecourse had approached EasyPower with a desire to enhance their sustainability and provide heat to the racecourse facilities.

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

- The Environmental Permit would be administered by Chelmsford City Council, rather than the Environment Agency. The permit would control the nature of the waste, but not necessarily ensure that 60% of the feed stock would be biogenic. Officers reported that it was not uncommon for the planning application and the Environmental Permit application to be twin tracked, but this was not the case. However, the planning application was supported by an air quality assessment that had considered worst case scenarios, and both the County's Air Quality Consultant and the Environmental Health Officer were satisfied that the emissions from the facility would be within acceptable limits.
- During development of the site, the public right of way would be protected using fencing. Once the site was operational, the public would be prevented from gaining access due to acoustic fencing to the south and further fencing to the north of the site. In addition, the public right of way would be separated from the site with vegetation. There would be one crossing point where pedestrians would cross the access road to the site, at which there would be signs for both pedestrians and road users. Essex County Council would be responsible for maintaining the public right of way.
- Officers reported that whilst it was normal practice for the stack to be higher than the adjacent building; both the County's Air Quality Consultant and the Environmental Health Officer were satisfied that the air quality assessment demonstrated that there would not be significant adverse impacts from the emissions. This was partly due to the gas engine being located away from the building, as well as the temperature at which the gas engine would be operating, resulting in improved dispersion, hence, the stack would be adequate at 8 meters high.
- It was noted that the technology behind pyrolysis plants had existed for decades, but the plant itself would be a demonstrator.
- The generator engine would be contained within an ISO container, equivalent to a metal container on an HGV lorry. The noise generated would be mitigated by acoustic fencing on the southern half of the site, as described in the noise assessment within the report.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a vote of eight in favour and two against, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

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

commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended). To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.

2. The developer shall notify the Waste Planning Authority 7 days prior to the first treatment of SRF in the pyrolysis plant.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.

3. The development hereby permitted shall be carried out in accordance with the details of the application dated 17 May 2021, together with drawings as set out below:

<b>Drawing No</b>	<b>Description</b>	<b>Last Revision Date</b>
300.03	Proposed Site Layout Plan	06.07.2021
306.01	Prop Site Location Plan	14.05.2021
107.00	Ext Site Block Plan	03.02.2021
301.04	Prop Ground Floor Plan	09.02.2021
302.03	Prop First Floor Plan	03.02.2021
303.04	Prop Elevations	09.02.2021
304.01	Prop Section	03.02.2021
305.02	Prop Site Roof Plan	03.02.2021
2114-E06-001 Rev 00	Exterior Small Power & Lighting Layout	25.01.2021
307.00	Prop Site layout labels	15.09.2021
SK01.00	Material Specification (ELE's)	20.07.2021
406.06	Site Plan – Fencing details	17.12.2020
SK3006 Rev 2	General Arrangement of Double Membrane Gas Holder	
Rev 2	Flare – Skid & Concrete Base – GA Drawing	22.09.2021

	Siemens Energy – Container – Part No. 2005016990 – Sheets 1 & 2	09.06.2021
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the 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, to ensure the development does not give rise to environmental impacts that have not been previously assessed and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

4. HGVs entering or leaving the site, shall be restricted to the following periods:

0700 hours to 1830 hours Monday to Friday;

0700 hours to 1300 hours Saturday;

and shall not take place on Sundays or Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and CLP policies DM29 and DM30.

5. No more than 8,000 tonnes per annum of waste shall be imported to the site. From beneficial use of the pyrolysis plant records of the quarterly tonnages of waste shall be maintained and shall be made available to the Waste Planning Authority within 14 days of a written request.

Reason: For the avoidance of doubt as to the scale of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

6. Details of the materials to be used for the external appearance of the building shall be in accordance with the details set out on drawing no. SK01.00 entitled "Material Specification (ELE's)" dated 20 July 2021.

Reason: In the interest of the amenity of the local area and to comply with WLP policy 10 and CLP policies S11, DM8, DM23 and DM29.

7. All vehicular access and egress to and from the site shall be from the A131, as indicated on drawing ref. 306.01 dated 14 May 2021. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.

8. Heavy goods vehicles shall only access the site via the entrance on the north east side of the site labelled "Site Entrance 2" on drawing no. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021.

Reason: In the interests of safety for public rights of way users, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.

9. During the construction of the development hereby permitted no commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.

10. The total number of HGVs movements associated with delivery of Solid Recovered Fuel shall not exceed 4 movements per day. The total number of HGV movements associated with the export of char shall not exceed 4 movements per week.

NB For the avoidance of doubt a heavy goods vehicle (HGV) shall have a gross vehicle weight of 7.5 tonnes or more.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 and CLP policy DM29.

11. No development shall take place until signs have been erected on both sides of the site access road to the staff and visitor parking at the point where Footpath Great and Little Leighs Number 2 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the access road and to comply with WLP policy 10 and 12 and CLP policy DM29.

12. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the parking areas indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been laid out and clearly marked for the parking of vehicles that may use the site including those for disabled users. The parking

areas shall be permanently retained and maintained for parking and shall be used for no other purpose. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the electric charging points indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been installed and are operational and shall be maintained and operational at all times.

Reason: To ensure staff and visitor parking is contained within the site in the interests of visual amenity and safety for drivers visiting the site, the adjacent Blackley Quarry, Chelmsford City Racecourse and users of the public right of way and to comply with WLP policy 10 and CLP policies S11 and DM29.

13. The drainage scheme for the site shall be implemented in accordance with the following drawings:

Drawing No	Title	Last Revision date
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

Reason: To minimise the risk of flooding and to comply with WLP policy 10 and CLP policy DM18

14. The Rating Noise Level ( $L_{Ar,15 \text{ min}}$ ) from the facility, when assessed in accordance with BS 4142:2014+A1:2019, at noise sensitive properties listed below (and shown on Figure 2 of the Noise Impact Assessment by Loven Acoustics Ref: LA/1744/02cR/ML dated 13 August 2021) shall not exceed the levels set out below between 2300 hours and 0700 hours. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Noise Sensitive Receptor	Maximum rating noise level limit ( $L_{Ar,15 \text{ min}}$ )
NSR1 – Blackley Cottages, Blackley Lane	31 dB(A)
NSR2 – The Lodge, Moulsham Hall Farm., Moulsham Hall Lane	32 dB(A)
NSR3 - Hump Cottage & Stone Hall Cottage	31 dB(A)
NSR4 – Norwood, London Road	39 dB(A)

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NSR5 – Old Beeches, Moulsham Hall Lane	28 dB(A)
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Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

15. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at suitable locations to demonstrate the Rating Noise Levels at noise sensitive properties identified in condition 14, for the first 12 months of operation. After 12 months noise monitoring shall be undertaken within 1 month of a written request by the Waste Planning Authority. The results of the monitoring shall include  $L_{Aeq}$  noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the night (2300 to 0700 hours) and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. Prior to the first noise monitoring a suitable noise monitoring approach shall be submitted to and approved by the Waste Planning Authority and the noise monitoring shall be implemented in accordance with the approved details.

Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

16. External lighting shall be implemented and maintained in accordance with Appendix A – Luminaire Schedule and Appendix B – Site Luminaire Layout of the “Exterior Lighting Report” by the “consultus international group” Report Ref 2114-LUM-EL Rev 02, dated 29 July 2021. Lights located on the southern boundary shall be fitted with back light shields.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.

17. The lighting identified in condition 16 shall not be illuminated outside the following hours of 0700 and 1830 hours Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for safety lighting activated by persons or vehicles and except for security lighting activated by unauthorised persons and vehicles.

Reason: To minimise the nuisance and disturbances to neighbours, fauna and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.

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18. Solid Recovered Fuel (SRF) brought onto the site shall be deposited and handled only within the building shown on drawing No. 301.04 and only when the doors on elevation B (north east side) are closed..
- Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy DM10 and CLP policy DM29.
19. No development shall take place until a scheme of hard, soft and boundary treatment landscaping works has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.
- Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.
20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Waste Planning Authority.
- Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.
21. The protection of existing trees shall be carried out in accordance with the details set out in arboricultural method statement and tree protection plan, prepared by Sharon Hosegood Associates entitled "Arboricultural Impact Assessment Report" Reef: SHA 131 dated January 2021. Tree protection must be adhered to whilst construction is taking place, including during the installation of the acoustic fencing. Tree protective fencing must be installed prior to any development works taking place.
- Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.
22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 6 months of commencement of development as notified under condition 1. The content of the

LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), this shall include selective pruning and thinning of trees as well as removal of guards;
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

Reason: To ensure the longevity of the landscaping scheme and enhancement of the existing flora and fauna and protect the visual amenity and character of the area, in accordance with Chapters 12 and 15 of the National Planning Policy Framework, WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

23. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Eco-Planning UK, January 2021) and the Great Crested Newt and Reptile Survey Report (Eco-Planning UK, June 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

24. Within 6 months of commencement of development as notified under condition 1 a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Waste Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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Reason : To enhance Protected and Priority Species/habitats and allow the Waste Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.

25. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP policies DM29 and DM30.

26. No waste other than solid recovered fuel (SRF) shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP policy DM29 and DM30.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant and equipment shall be installed, extended or erected on the site without the benefit of express planning permission.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area, to minimise the impact upon landscape and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17, DM29, DM30.

28. Prior to the erection of boundary fencing details of the materials to be used shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area, to minimise visual and landscape impact and to comply with WLP policy 10 and CLP policies s4, S11, DM8 and DM29.

Prior to beneficial use of the development an operational management plan shall be submitted to and approved in writing by the Waste Planning Authority. The operational management plan shall detail measures to prevent odour and dust nuisance. The operational management plan shall be implemented in accordance with the approved details.

Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.

29. With the exception of the site access road, the land, building and offices subject of this permission shall only be used for or in association with the operation of the Pyrolysis Plant a sui generis use as per the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification the land, buildings and offices shall be used for no other purpose.

Reason: For the avoidance of doubt as to the use of the site and building, to ensure the development does not give rise to environmental and local amenity impacts that have not been previously assessed, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S4, S8, S11, DM8, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.

## **6. Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane**

The Committee considered report DR/16/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 22, 36, 41 and 67.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Changes to Braintree District Council Development Plan & NPPF
- Latest position regarding the Legal Agreement

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

- Cuthedge Lane, located to the north of Site A7, was a popular local amenity for joggers, cyclists, horse riders and wildlife spotting, particularly during lockdowns. The dust created from the use of Site A7 could create dust levels which would disrupt these activities.
- The extension of the site to the east could create a precedent of growth, potentially endangering the Flood Alleviation Scheme land to the north of Site A7 in future applications.

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

- That the application was a time extension to a previous application, rather than a new discussion of the application itself.
- Both Cuthedge Lane to the north of the site and Pantlings Lane to the south were noted to be minor roads which would not be impeded by this application.

However, both would have screening bunds which could detract users from the two lanes.

- The long-term restoration scheme for Site A7 provided for a permissive bridleway separate from the public highway, parallel to Cuthedge Lane.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor M Steptoe. Following a vote of eight in favour and one abstention, it was

### **Resolved**

That planning permission be granted subject to

- i. The prior completion, within 6 months, of Legal Agreements under the Planning and Highways Acts to secure obligations as set out in the recommendation of the September 2020 Committee Report
  - ii. And conditions as set out in Appendix 1, which incorporate changes to conditions and reasons taking into account best practice and changes in policy since the original resolution.
1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application reference ESS/03/18/BTE dated 26/01/2018 and Environmental Statement dated Jan 2018 documents as follows:
  - Volume 1: Planning Application Supporting Statement;
  - Volume 2 Environmental Statement – Files 1 and 2 - Technical Summary
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Lighting Clarifications and the attachments It Does Lighting Site A7 Lighting Consultation Clarifications, Lighting assessment dated 2 June 2020 Project No: 130-04-NAD-191008-LO-LI-B and Drawing 30-04-NAD-191008-CD-LI-B Light spill assessment
  - Email from Honace dated 2 June 2020, 16:13, Site A7 SUDs Clarifications and the attachment SLR letter Ref 428.07298.00004 ECC Consultation Response ESS/12/20/BTW – Bradwell Quarry – SUDS-00429 dated 2 June 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Dust Clarifications and the attachment DustScan AQ Response to comments dated 28 May 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 Noise Clarifications and attachments Ardent Bradwell Quarry Site A7 – Response to ECC dated 27 May 2020 and Drawing 183920 / 01 Rev B Baseline Noise Monitoring Positions dated 20 January 2020
  - Email from Honace dated 2 June 2020, 16:13, Site A7 EclA Addendum and attachment Green Environmental Consultants Ecological Impact Assessment Addendum May 2020

- Email from Honace dated 9 June 2020, 15:55, Site A7 Heritage Assessment Clarifications and attachment Archaeology South East Revised Heritage Impact Assessment Report No. 2020097 dated June 2020
- Email from Honace dated 9 June 2020, 15:55, Site A7 Tree Survey Addendum and attachments Blue Wigwam Arboricultural Report (BW319-AR01): Site A7, Bradwell Quarry, Essex dated 4 June 2020 and Drawing BW319.25 Site A7 RPA Earth Mound Protection Plan View dated 06 June 2020
- Email from Honace dated 10 June 2020, 13:12, Re: Bradwell Masterplan and attachment Essex County Council Pre-Application Planning Advise Planning, Ref: ESS/09/16/BTE/PRE, dated 22 July 2016
- Email from Honace dated 18 June 2020, 16:23, Site A7 Lighting Clarifications Contactor's Compound
- Email from Honace dated 18 June 2020, 17:45, Site A7 Landscape Addendum and attachments DRaW Landscape and Visual Impact Assessment dated 9 June 2020, Viewpoint No: 1 & 2 Rev A dated 20 April 2020
- Email from Honace dated 22 June 2020, 14:32, Site A7 Detailed Planting Plans and attachments DRaW drawings A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals, A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals, A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals, A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals and A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals dated 29 June 2020
- Email from Honace dated 14 August 2020, 10:42, Site A7 Dust Management Plan Addendum and attachment DustScan AQ Dust Management Plan, Site A7, Bradwell Quarry dated August 2020
- Email from Honace dated 25 August 2020, 10:25, Site A7 Groundwater Monitoring Scheme and attachments Honace Letter Reference No. 18-06-1812.506/1 ESS/12/20/BTE Site A7 Groundwater Monitoring Scheme dated 25 August 2020 and Drawings A7-15 Rev B and A7-16 Rev C
- Email from Green Environmental Consulting dated 1 September 2020, 18:49, Bradwell A7 Skylark and attachment Green Environmental Consulting Ecological Impact Assessment Addendum Further Information Skylarks September 2020
- Email from Green Environmental Consulting dated 8 September 2020, 10:48, Bradwell Quarry Site A7 Skylarks and attachments Green Environmental Consulting Figure 1281/2/9B Phasing & Skylark Enhancements - Whole Scheme and Figure 1281/2/9A Phasing & Skylark Enhancements
- Email from Honace dated 8 September 2020, 15:52, RE: Bradwell A7 - ecology
- Email from Green Environmental Consulting dated 8 September 2020, 19:25, RE: Bradwell Quarry Site A7 Skylarks
- Email from Honace dated 9 September 2020, 17:14, Site A7 Noise Further Clarification and Information and attachment Ardent Bradwell Quarry Site A7 – Response to ECC dated 9 September 2020

together with drawing numbers as follows:

Drawing No.	Title	Date

A7-1 Rev A	Land Ownership and Proposed Site Plan	31-10-19
A7-2 Rev C	Proposed Extension of Existing Quarrying Operations	02-12-19
A7-3 Rev E	Existing Site Setting	06-01-20
A7-4 Rev B	Existing Mineral Processing Area	16-02-20
A7-5 Rev C	Public Rights of Way	02-06-20
A7-6 Rev C	Geological Map and Excavation Profile	07-01-20
A7-7 Rev C	Silt and Water Management	06-02-20
A7-8 Rev C	Proposed Haul Road And Crossing Details	03-06-20
A7-9-1	Site A7 Contractor's Compound Area	02-06-20
A7-09-02 Rev B	Lower Level Haul Road	18-06-20
A7-09-03 Rev B	Higher Level Haul Road	18-06-20
A7-10A Rev C	Phasing and Restoration Sequence	02-06-20
A7-10B Rev C	Phasing and Restoration Sequence	02-06-20
A7-11 Rev A	Restoration Profile	06-12-19
A7-12-1 Rev F	Restoration Masterplan	02-06-20
A7-12-2 Rev B	Restoration Masterplan - Cross Sections	04-06-20
A7-13-01 Rev G	Higher Level Restoration – Site Wide Masterplan	12-06-20
A7-13-02 Rev H	Lower Level Restoration – Site Wide Masterplan	18-06-20
A7-14	Land Classification Soils Types	06-11-19
A7-15 Rev B	Groundwater Depths and Base of Mineral	06-11-19
A7-16 Rev C	Groundwater Contours	16-01-20
A7-17 Rev C	Local Groundwater Abstraction	02-12-19
A7-18 Rev A	Site Services Plan	31-10-19
A7-19-01 Rev C	Sheet 1 of 5 Overview Planting Proposals	19-06-20
A7-19-02 Rev C	Sheet 2 of 5 Detailed Planting Proposals	19-06-20
A7-19-03 Rev C	Sheet 3 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 4 of 5 Detailed Planting Proposals	19-06-20
A7-19-04 Rev C	Sheet 5 of 5 Detailed Planting Proposals	19-06-20

A7-20-Bio&AC	5 Year Aftercare Scheme Aftercare Areas with IWMF	12-06-20
A7-21-Bio&AC	5 Year Aftercare Scheme Aftercare Areas without IWMF	12-06-20
BW319.24	Site A7 RPA Earth Mound Protection Sectional Elevation	21-11-19
BW319.25	Site A7 RPA Earth Mound Protection Plan View	06-06-20
Figure1281/2/9B	Phasing & Skylark Enhancements - Whole Scheme	
Figure1281/2/9A	Phasing & Skylark Enhancements	

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral Planning Authority and except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with the Essex Minerals Local Plan adopted July 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2, DM3 and DM4, Braintree District Local Plan Review adopted 2005 (BDLPR) policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 81, , RLP 84, , RLP 87, RLP 90 and RLP 105 and RLP 106 and Braintree District Core Strategy adopted 2011 (BCS) policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

3. The processing plant and ready mix concrete shall be operated and maintained in accordance with the details approved under Planning Permission ESS/07/98/BTE granted 24 May 1999 and details submitted pursuant to condition 6 of ESS/07/98/BTE, as amended by Planning Application ESS/19/00/BTE granted 6 October 2000. The relevant drawings as follows:

<b>Drawing No.</b>	<b>Title</b>	<b>Scale</b>
RK/PA/06	Processing Plan Area (Bradwell Pit)	1:1,250
RK/PA/07	Processing Plant – General Arrangements	1:500
RK/PA/08	Processing and Concrete Plant Elevations	1:200
	Proposed Plant Location	1:1,250

E4486/3 rev B	Processing Plant – Proposed Sheeting Arrangements	1:150 & 1:500
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As amended by

702/001/PS	Landscape and site layout May 2000	1:1,250
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B16r/115	Proposed modification to height of existing premix plant	1:1,250
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Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with, MLP policies S1, S10, DM1, DM3 and DM4, BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84 and RLP 90and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

4. The bagging plant shall be operated and maintained in accordance with the details submitted in relation to Planning Applications ESS/55/03/BTE granted 5 January 2004, as amended by ESS/22/04/BTE granted 24 September 2004, ESS/21/05/BTE granted 28 September 2005, except as varied by conditions of this planning permission. The relevant drawings as follows:

<b>Drawing No.</b>	<b>Title</b>	<b>Date</b>
P2/1498/1	Location Plan	Dec 2002
P2 1498/5	Layout	Aug 2003
P2 1498/6	Elevations	Aug 2003

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, RLP 62, RLP 63, RLP 65, , , RLP 72, RLP 80, RLP 84, RLP 90and RLP 101 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

5. The dry silo mortar plant shall be operated and maintained in accordance with the details submitted in relation to Planning Application ESS/53/05/BTE granted 2 March 2006, as amended by Planning Application ESS/32/12/BTE, as amended by Planning Application ESS/20/17/BTE, except as varied by the conditions of this planning permission. The relevant drawings as follows:

<b>Drawing No.</b>	<b>Dated</b>
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Figure 1 561071 R1	01/12 05
Figure 2 561124	19/11/05
Figure 3 561125	19/11/05
Figure 4 561148	09/12/05
DT 17434 T07802 Rev B	15/02/06
DT 17434 T07803 Rev B	15/02/06
DT 17434 T07804 Rev C	16/02/06

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies S1, S10, DM1 and DM4 and BDLPR policies RLP 36, , RLP 62, RLP 63, RLP 65, RLP 69, RLP 71, RLP 72, RLP 80, RLP 84, RLP 90 and RLP 101 and BDCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

6. The development hereby permitted shall cease within 12 years of the date of commencement as notified under condition 1 by which time extraction shall have ceased and the site shall have been restored in accordance with the details/schemes approved under condition 32, and shall be the subject of aftercare for a period of 5 years in accordance with a scheme agreed under condition 54 of this planning permission.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local and residential amenity and to comply with, MLP policies S1, S12 and DM1, BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7.

7. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and land shall be restored in accordance with the restoration scheme approved under condition 32 of this permission.

Reason: To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with MLP policies S1, S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8 and Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7

8. In the event of a cessation of winning and working of minerals for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme as defined in condition 32 of this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised

scheme, to include details of reclamation, aftercare and time scales for implementation, shall be submitted to the Mineral Planning Authority for its approval in writing, within 9 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies S12 and DM1 and BDLPR policies RLP 36, and RLP 80 and BCS policies CS5 and CS8.

9. Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable or unless the Mineral Planning Authority has agreed otherwise in writing:-
- (a) No extraction of sand and gravel and primary processing of sand and gravel or temporary operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-
- 07:00 hours to 18:30 hours Monday to Friday; and;
- 07:00 hours to 13:00 hours Saturdays.
- (b) No operations, including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays;
- (c) No use of the bagging plant, ancillary raw material bays and stocking area shall be carried out at the site except between the following times:-
- 07:00 hours to 18:30 Monday to Friday; and;
- 07:00 hours to 13:00 hours Saturdays
- Except that the bagging plant may be operated for sand bagging only between the following hours, but shall not include movements onto the public highway
- 06:00 to 07:00 Monday to Friday
- 18:30 to 22:00 Monday to Friday;
- (d) No use of the dry silo mortar (DSM) plant shall be carried out at the site except between the following times:-
- 07:00 hours to 18:30hours Monday to Friday
- 07:00 hours to 13:00 hours Saturdays
- Except that the DSM may be operated to produce dry mortar between the following hours, but shall not include HGV movements onto the public highway
- 06:00 to 07:00 Monday to Friday
- 18:30 to 22:00 Monday to Friday
- and at no other times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

10. The bagging plant shall not operate between 06:00 and 07:00 and between 18:30 and 22:00 unless the roller shutter doors of the bagging plant are closed.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM1 and BDLPR policy RLP 36.

11. From the commencement of development the operators shall maintain records of their quarterly output production of primary aggregates and shall make them available to the Mineral Planning Authority within 14 days of a written request.

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

12. All vehicular access and egress to and from the site shall be from A120 (Coggeshall Road) as indicated on Drawing A7-3 Rev E. No other access shall be used by vehicles entering or exiting the site, except those associated with the earth moving contractor's compound. Vehicles associated with earth moving contractor's compound may access the earth moving contractor's compound from Cuthedge Lane and Woodhouse Lane. Any HGVs movements to the earth moving contractor's compound for fuel delivery or waste collection shall be via Woodhouse Lane.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

13. The development hereby permitted shall be implemented in accordance with the details for signage and routing for drivers approved on 29 May 2013 under condition 14 of planning permission ESS/32/11/BTE. To maintain the approved signage and routing arrangements for drivers visiting the site set out in the application form dated 9 March 2012 (reference ESS/32/11/BTE/14/1), emails from Blackwater Aggregates dated 29 February 2012 (13:21) with attachment "leaflet re access and egress" and dated 2 March 2012 (14:34) with photographs of signage. The "leaflet re access and egress" shall be issued to all new drivers to the site and shall be issued annually on or near the 1<sup>st</sup> April of each year to all drivers to the site.

Reason: In the interest of highway safety and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

14. The surfaced access road from the A120 access to the processing plant area shall be metalled, drained, kept free of potholes and kept clear of mud, dust and detritus to ensure that such material is not carried onto the public highway.

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

15. The total number of HGV (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

590 movements (295 in and 295 out) per day Monday to Friday

294 movements (147 in and 147 out) per day Saturdays

With average daily HGV movements no greater than 458 movements a day (Monday to Friday) when averaged over the calendar year (1 January to 31 December).

Records of HGV vehicle movements shall be maintained and provided to the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies S11 and DM1 and BDLPR policy RLP 36.

- 16. No loaded Heavy Goods Vehicles (for the avoidance of doubt a Heavy Goods Vehicle shall have a gross vehicle weight of 7.5 tonnes or more) shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

- 17. The signs stating: 'CAUTION: PEDESTRIANS AND/OR HORSES CROSSING' and 'CAUTION: VEHICLES CROSSING' shall be erected and maintained for the duration of the development hereby permitted on both sides of the private access road and on both sides of the haul road at the points where Public Rights of Way cross.

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

- 18. The development hereby permitted shall be implemented in accordance with the signage details approved on 16 November 2012 under condition 20 of planning permission ESS/32/11/BTE. The approved signage details to deter use of the haul road and crossing points with Church Road and Ash Lane as points of access and egress to the haul road are set out in the application (reference ESS/32/11/BTE/20/1) for approval of details reserved by condition dated 8 March 2012 and emails from Blackwater Aggregates dated 6 and 27 March 2012 and associated drawings. The approved signage shall be maintained along the private access road for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy S11 and DM1 and BDLPR policy RLP 36.

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

Location	Criterion
	$dBL_{Aeq, 1\text{ hr}}$

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Heron's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Green Pastures Bungalow	45
Goslings Cottage	47
Keepers Cottage	49
Bradwell Hall	54
Parkgate Road*	51
Silver End 1 <sup>1</sup>	47
Silver End 2 <sup>1</sup>	51
Hylands <sup>2</sup>	43
Scrip's Farm <sup>2</sup>	43
Monk's Farm Cottages <sup>2</sup>	42

<sup>1</sup> Monitoring locations indicated on Drawing 12-2 within Chapter 12 of the Environmental Statement for Site A5 (ESS/03/18/BTE): Assessment of Environmental Noise, Report Reference: B3910 20171124 R

<sup>2</sup> Monitoring locations as shown on drawing no. 183920/01 Rev B dated 20/1/2020 entitled "Baseline noise monitoring positions".

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The above limits are for noise arising from all combined activities at Bradwell Quarry and the Rivenhall IWMF (if progressed).

The sensitive locations from the above list at which noise monitoring shall be undertaken shall be agreed with the Mineral Planning Authority prior to each monitoring session.

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

20. During the operation of the DSM between the hours of 06:00 and 07:00 and 18:30 and 22:00 the free field Equivalent Continuous Noise Level ( $L_{Aeq}$ , 1 hr) at noise sensitive locations listed below, shall not exceed the  $L_{Aeq}$  1hr levels as set out in the following

table:

Location	Night Criterion (06:00 to 07:00)	Evening Criterion (19:00 to 22:00)
Bradwell Hall	42 dB LAeq,1hr	47 dB LAeq,1hr
Hérons Farm	42 dB LAeq,1hr	44 dB LAeq,1hr

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

Reason: In the interests of amenity and to comply with MLP policy DM1, and BDLPR policies RLP 36 and RLP 62.

21. For temporary operations, the free field Equivalent Continuous Noise Level [ $L_{Aeq}$ , 1 hr] at noise sensitive properties as listed in condition 19 shall not exceed 70 dB  $L_{Aeq}$  1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations that give rise to noise levels greater than those noise limits defined within condition 20 shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation likely to give rise to noise levels above those defined in condition 20. Temporary operations shall include site preparation, bund formation and removal, topsoil and subsoil stripping and replacement and any other temporary activity that has been previously approved in writing by the Mineral Planning.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

22. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and/or when operations are less than 6.6m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and  $L_{Aeq}$  noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the

results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

23. Prior to the commencement of development a noise management plan shall be submitted to and approved in writing. The noise management shall contain the following:
- Survey locations
  - Monitoring methodology, including details of equipment set up and calibration, experience and qualifications of survey staff, parameters to be recorded
  - Complaint response protocols
  - Actions/measures to be taken in the event of an exceedance of noise limits defined in conditions 19 and 20
  - Procedures for characterising extraneous versus site attributable noise.

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

Reason: In the interests of amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

24. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

25. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

26. No processed materials shall be stockpiled or stored at a height greater than 48 metres Above Ordnance Datum and shall not be located outside the processing plant area as shown on Drawing A7-4 Rev B.

Reason: To minimise the visual impact of the development in the interests of rural amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

27. No additional fixed lighting, other than that detailed in the application, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The

details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

28. Floodlights/fixed Lighting shall not be illuminated outside the operational permitted hours set out within condition 9 and at no time on Sundays, Bank or Public Holidays except for security lighting.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

29. All fixed exterior lighting shall have a tilt/uplift no greater than 25 degrees.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with MLP policy DM1 and BDLPR policy RLP 65.

30. The development hereby permitted shall be implemented in accordance with the Dust Management Plan, Site A7, Bradwell Quarry dated August 2020 prepared by DustScan AQ.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

31. The internal haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

32. Woodland and hedgerow planting shall be in accordance with the details set out in the following drawings.

A7-19-01 Rev C Sheet 1 of 5 Overview Planting Proposals

A7-19-02 Rev C Sheet 2 of 5 Detailed Planting Proposals

A7-19-03 Rev C Sheet 3 of 5 Detailed Planting Proposals

A7-19-04 Rev C Sheet 4 of 5 Detailed Planting Proposals

A7-19-04 Rev C Sheet 5 of 5 Detailed Planting Proposals

Prior to commencement of development details shall be submitted with respect to the following

- ground preparation works;
- mulching and/or measures to control weeds;
- protection measures and staking;

- removal of guards once established; and
- phasing of implementation.

The planting scheme shall be implemented in accordance with the approved details.

Reason: Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and in accordance with MLP policy DM1 and BDLPR policies RLP 81.

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

Reason: In the interest of the amenity of the local area and to ensure the site is adequately screened and comply with MLP policy DM1 and BDLPR policy RLP 81.

34. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Site A7 has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of biodiversity protection zones;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and shall include stand-offs from existing hedges, trees, ponds and ditches,;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
  - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

35. No removal of trees/hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the Mineral Planning Authority

which confirms that no species would be adversely affected by the removal of trees/hedgerows.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

36. Within 3 months of date of commencement of the development hereby permitted as defined by condition 1 a Landscape and Ecological Management Plan (LEMP) for the Site shall be submitted to for approval in writing of the Mineral Planning Authority. The LEMP shall include:

- a) A description and evaluation of features to be managed and proposed enhancement measures for Protected and Priority Species, in particular for stag beetles, skylarks and bats;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- d) Appropriate management options for achieving the aims and objectives;
- e) Locations of proposed enhancements measures by appropriate maps and plans
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) On-going monitoring and remedial measures
- j) Details of initial aftercare

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and landscape objectives of the originally approved scheme.

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

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species). and in accordance with MLP policy DM1 and BDLPR policies RLP 80, RLP 81 and RLP 84.

37. Prior to the commencement of development a Biodiversity Enhancement Strategy for the pond identified as pond "PY" on drawing 1281/2/2 – entitled Habitat Map within Chapter 7 of the Environmental Statement dated January 2020 shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;

- d) persons responsible for implementing the enhancement measures;
- e) details of aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policy RLP 84.

38. No excavation shall take place closer than 100 metres to the façade of any occupied residential property.

Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity and to comply with MLP policy DM1 and BDLPR policy RLP 36.

39. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with Drawings A7-8 Rev C, A7-10A Rev C, A7-10B Rev C, BW319.24 and BW319.25, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies S12 and DM1 and BCS policy CS8.

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

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

41. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken and it has been agreed with the MPA that the soils are in a "suitably dry soil moisture condition"

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

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies S12 and DM1 and BCS policy CS8.

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

Reason: To allow the Mineral Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

43. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils, unless otherwise agreed in writing by the Mineral Planning Authority;
  - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
  - c) not be subsequently moved or raised until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
  - d) have a minimum 3 metre standoff, undisturbed around each storage mound;
  - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
  - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies S12 and DM1 and BCS policy CS8.

44. No development or preliminary groundworks shall take place until a written scheme of investigation for a programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

45. The programme of archaeological investigation and recording shall be implemented in accordance with the written scheme of investigation approved under condition 44 prior to the commencement of the development hereby permitted or any preliminary groundworks.

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Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

46. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under condition 45. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

47. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under condition 46.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

48. Unless otherwise approved in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the applicant shall submit to the Minerals Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To disseminate the information from the archaeological investigation and to comply with MLP policy DM1 and BDLPR policies RLP 105 and RLP 106.

49. Surface water drainage shall be managed in accordance with the details set out in Chapter 16 of the Environmental Statement dated January 2020, in particular Section 5.0 of the report entitled "Flood Risk Assessment and Water Balance" by SLR (Report Ref 428.07298.00004 dated January 2020).

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

50. Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site/the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

51. Groundwater monitoring shall be carried out in accordance with Section 6.8 of the ES and Honace letter dated 25 August 2020 Ref: 18-06-1812.506/1 and Drawings A7-15 Rev B and Drawing A7-16 Rev C. Groundwater monitoring records shall be submitted to the Mineral Planning Authority with 14 days of a written request. In the event that groundwater monitoring effects are not as predicted in the Environmental Statement a scheme of mitigation shall be submitted to the Mineral Planning Authority within 28 days of a written request.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policy RLP 72.

52. Where contamination of the groundwater is identified it shall within 2 weeks be notified to the Mineral Planning Authority and mitigation measures carried out in accordance with Paragraph 6.8 of Chapter 6: Groundwater of the ES dated January 2020.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

53. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy DM1 and BDLPR policies RLP 36 and RLP 72.

54. All stones and other materials in excess of 200mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policy S12 and BCS policy CS8.

55. An aftercare scheme detailing the steps that are necessary to bring the land to required standard for woodland and agricultural use shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and placement of soils on site. The submitted scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture, woodland and nature conservation and in accordance with MLP policy S12 and DM1 and BCS policies CS5 and CS8.

56. No sand, gravel or aggregate shall be imported to the site for primary processing, except sand and gravel permitted for extraction under planning permission for the Rivenhall Integrated Waste Management Facility planning permission reference ESS/34/15/BTE or any subsequent amending planning permission.

Reason: To ensure that there are no adverse impacts on the local amenity from the development they were not assessed in the application details and to comply with MLP policies DM1 and DM3.

57. Not less than 66% of materials for the bagging plant shall be supplied from indigenous supplies at Bradwell Quarry. A record of imported materials to the bagging plant shall be maintained and records provided to the Mineral Planning Authority within 14 days of a written request.

Reason: To ensure that indigenous materials form the bulk of materials processed through the bagging plant and in the interests of local amenity and highway capacity and in accordance with MLP policies DM1 and DM3.

58. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery except as detailed in the application shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development, to minimise its impact on the local area, to minimise the impact upon landscape and to comply with MLP policy DM1 and BCS policy CS5.

59. All sand used in the dry silo mortar plant shall be from indigenous resources at Bradwell Quarry.

Reason: In the interests of local and visual amenity and in accordance with MLP policies DM1 and DM3.

60. Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with detailed submitted pursuant to condition 3 of planning permission ESS/53/03/BTE, namely emails from Cemex dated 29 May 2005 and 2 June 2008 together with Drawing No. AZ041579-03 Rev B dated 1 January 2008, as approved by ECC in letter dated 27 June 2008.

Reason: To protect the amenities of local residents from air emissions and visual impact and compliance with MLP policy DM1 and BDLPR policies RLP 36 and RLP 62.

61. All painted buildings and plant shall be maintained in their existing colours unless otherwise approved in writing with the Mineral Planning Authority.

Reason: To minimise the visual impact of the development and compliance with MLP policy DM1 and BCS policy CS5.

62. Ecological mitigation shall be in accordance with details set out in Chapter 7 of the Environmental Statement dated January 2020 in particular Table 7.8 Ecological Mitigation Proposals – Construction, Table 7.9 Ecological Mitigation and Enhancement proposals – Operation and Table 7.10 Ecological Mitigation and Enhancement Proposals - Restoration.

Reason: To allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with MLP policy DM1 and BDLPR policy RLP 84

63. Any works which could affect Badgers shall not in any circumstances commence unless the Mineral Planning Authority has been provided with:

a) a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorizing the specified activity/development to go ahead.

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected species and allow the Mineral Planning Authority to discharge its duties under the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 and s17 Crime & Disorder Act 1998 and in accordance with MLP policy DM1 and BDLPR policy RLP 84

64. The areas of priority habitat to be delivered as part of the Site A7 identified on drawings A7-20-Bio-AC dated 12-06-20 and A7-21-Bio&AC dated 12-06-20 shall be created within 5 years of the date of commencement as defined in condition 1.

Details of the habitats to be created shall be submitted to and approved in advance by the Mineral Planning Authority. The details shall include

- a) A description of the habitats to be created
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- a) Appropriate management options for achieving the aims and objectives;
- b) Prescriptions for management actions;
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- d) Details of the body or organisation responsible for implementation of the plan;
- e) On-going monitoring and remedial measures in line with requirements of the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

The details shall also set out (where the results from monitoring show that conservation aims and objectives of the details are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved details.

Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policy DM1 and BDLPR policies RLP 81 and RLP 84.

65. In the event that this planning permission has been implemented and mineral extraction operations commence in the Coggeshall, Feering, Kelvedon Flood Alleviation Scheme (if granted permission) a temporary restoration scheme for Site A7 shall be submitted for approval by the Mineral Planning Authority.

The scheme shall include:

- The removal of all screening bunds
- Removal of stockpiles of overburden such that they are below pre-existing levels
- Removal of earth movers' compound
- Details of afteruse for all areas
- Completion of all elements of the approved restoration scheme for Site A7 where practicable

The temporary restoration shall be submitted and approved prior to the commencement of mineral extraction within the Coggeshall, Feering and Kelvedon Flood Alleviation Scheme (if granted). The interim restoration shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory interim restoration of Site A7 and in accordance with MLP policies S12 and DM1 and BCS policies CS5 and CS8.

66. No development or any preliminary groundworks shall take place until root protection measures as detailed on drawing BW319.24 dated 21/11/19 and root protection zones calculated in accordance with BS:5837:2012 "Trees in Relation to Construction".

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

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with MLP policy DM1 and BDLPR policy RLP 81.

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

The Committee considered reports DR/19/21 and DR/20/21; applications, enforcement and appeals statistics, as at the end of July 2021 and August 2021 respectively.

The Committee NOTED the reports.

**8. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 22 October 2021, to be held in the Council Chamber, County Hall, Chelmsford. Training was to take place after the meeting.

There being no further business, the meeting closed at 12:19am.