

ESSEX COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2010**

In pursuance of the powers exercised by it as County Planning Authority, Essex County Council has considered an application to carry out the following development:

Extension of Stanway Quarry on land at Five Ways Fruit Farm (FWFF) via the extraction of 2.95m tonnes of sand and gravel; extraction of remaining 0.5m tonnes of sand and gravel from Stanway Quarry; processing of remaining 1.5m tonnes of sand and gravel from Bellhouse Quarry to be imported via the existing conveyor link to Stanway Quarry by 31 October 2026 (*amended via condition to tie in with the timescales permitted under ref ESS/07/01/COL/REV*); retention of the existing sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge and related infrastructure until 31 October 2026; retention of the existing inert recycling operation and associated mobile plant parking area until 31 December 2037; restoration of FWFF area using existing indigenous soils, clay and soil forming material from within the application site within 7 years of commencement of operations at FWFF; importation of approximately 2.35m cubic metres of inert waste material for the restoration of the central / eastern Stanway Quarry void by 31 December 2037; and implementation of a comprehensive restoration scheme for the application site comprising agricultural land, orchard, woodland, grassland, lakes, habitat creation and informal public access via permissive routes

At Colchester Quarry (Stanway) and Five Ways Fruit Farm, Warren Lane, Stanway, Colchester, CO3 0NN

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION FOR the said development subject to compliance with the following conditions and reasons:

1. The development hereby permitted shall be deemed to have commenced on the date of this permission, except for that part of the development comprising Five Ways Fruit Farm and the importation of waste for the restoration of Stanway Quarry¹, which shall be begun within 12 months of the date of the decision notice. Written notification of the date of commencement of development within Five Ways Fruit

¹ 'Five Ways Fruit Farm', 'Stanway Quarry' and Bellhouse Site' are defined on 'Plan 1' attached to this decision notice. References to 'Colchester Quarry' mean the 'Stanway Quarry' and 'Bellhouse Site' combined, with the exclusion of 'Five Ways Fruit Farm'.

Farm and the importation of waste for the restoration of Stanway Quarry 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) and to provide certainty over the future development and restoration of the application site.

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 09 May 2014, together with the covering letter from SLR dated 09 May 2014, emails from SLR dated 20 May 2014 (17:37) and 29 August 2014, Environmental Statement Volume 1 dated 09/05/14, Environmental Statement Volume 2 Appendices, as updated by the Ward Associates Confirmatory Ecological Surveys dated July 2014, the letter from SLR dated 21 July 2014 Environmental Statement Volume 3 Non-technical summary dated 02/05/14, Environmental Statement Volume 4 LVIA Figures dated May 2014, Planning Statement Volume 5 dated 09/05/14 and drawing numbers:

Site Location Plan M10.139)i).D.027 dated Feb 2014;
Application Site Plan B030/00644A dated May 2014;
Current Situation (Jan 2014) B030/00630 dated February 2014;
Block Phasing B030/00631 dated February 2014;
Initial Works/Phase 1 B030/00632 dated February 2014;
Phase 2 B030/00633 dated February 2014;
Phase 3 B030/00634 dated February 2014;
Phase 4 B030/00635 dated February 2014;
Phase 5 B030/00636 dated February 2014;
Phase 6 B030/00637 dated February 2014;
Phase 7 B030/00638 dated February 2014;
Concept Restoration Scheme B030/00639 dated February 2014;
Existing on-site Restoration Materials B030/00641 dated April 2014;
Schematic Sections B030/00643 dated May 2014;
Recycling Area Mobile Plant Parking B30 2013-05 MPa dated 17 May 2013;

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan Policies P1, S1, S5, S10, S11, S12, DM1, DM2, DM3 and DM4; Essex and Southend Waste Local Plan Policies W10E, W10A, W4A, W4B, W4C, W7D, W9B, W10C, W10F and W10G; Colchester Focused

Review Policies SD1, DP1 and DP15; Colchester Development Policies Document Policies DP20, DP14 and DP21; and Colchester Site Allocations Policies STA1 and STA5.

3. In the event of a cessation of winning and working of mineral or the deposit of waste for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Condition 19, 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 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Within 3 months of the cessation of winning and working of mineral or the deposit of waste the revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority, for its approval in writing. The development shall be implemented in accordance with the approved revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Essex Minerals Local Plan Policies P1 and S12 and Essex and Southend Waste Local Plan Policies W7D and W9B.

4. a) The layout, design and operation of the quarry workshop shall take place in accordance with the details approved under planning permission ref ESS/05/09/COL dated 30 June 1999, comprising the application form dated 22 February 1999, supporting photographs, elevation measurements and specification details submitted with the cover letter from Tarmac dated 18 March 1999, Supporting Statement ref B30/P/rp/301 dated February 1999 and drawing ref B30/246, except as varied by conditions attached to this planning permission.
- b) The layout, design and operation of the inert recycling facility shall take place in accordance with the details approved under planning permission ref ESS/17/05/COL dated 29 March 2006, comprising the application dated 20 April 2005, the attached narrative dated 20 April 2005 and drawing ref B30/494 dated April 2005, except as varied by conditions attached to this planning permission.
- c) The layout, design and operation of the concrete plant shall take place in accordance with the details approved under planning permission ref ESS/04/14/COL dated 27 January 2014, comprising the application dated 19/12/13, covering letter from SLR Consulting Ltd. dated 19/12/13 and drawing numbers 3598-SK130814-01 dated 14/08/13, 3598-SK130814-02 dated 14/08/13, 3598-SK131031 dated 31/10/13 and B30/628 dated December 2013, except as varied by conditions attached to this planning permission.

d) The layout, design and operation of the sand and gravel processing plant shall take place in accordance with the details approved under planning permission ref ESS/21/02/COL dated 09 August 2002, comprising the application dated 29 March 2002, supporting statements dated 29 March 2002 and drawing refs B30/402 dated March 2002, B30/404 dated March 2002, B30/405 dated March 2002 and B30/406 dated March 2002 and the hardstanding shall take place in accordance with the details approved under planning permission ref ESS/06/05/COL dated 29 June 2005, comprising the application dated 15 February 2005, the attached narrative and drawing refs B30/302 dated October 2002, B30, BH/591 dated 11/02/05 and BH/592 dated 11/02/05, except as varied by conditions attached to this planning permission.

e) The layout, design and operation of the dry silo mortar plant shall take place in accordance with the details approved under planning permission ref ESS/07/05/COL dated 05 May 2006, comprising the application dated 15 February 2005, the attached narrative and explanatory statement, together with drawing refs B30/419 dated May 2002, BH/587 dated 11/02/05, BH/588 dated 02/02/05, B30/589 dated 01/02/05 and BH/590 dated 03/01/05, except as varied by conditions attached to this planning permission.

f) Within 3 months of the date of this permission, full details of the layout and design of the mobile plant parking area, site offices, visitor parking, lorry parking and weighbridges as shown in principle on drawings B30 2013-05 MPa dated 17 May 2013 and B030/00630 dated February 2014 shall be submitted to the Mineral Planning Authority for its approval in writing. The details shall include scaled drawings showing the layout, extent of the operational area, design, height, plant/building construction materials and plant/building colours of all of the aforementioned facilities. The development hereby permitted shall thereafter take place in accordance with the approved details.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan Policies P1, DM3, DM4, S5, S1, DM1 and S10 Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policies SD1 and DP1.

5. Except in emergencies to maintain safe quarry/landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable), unless otherwise approved in writing by the Mineral Planning Authority:-

Other than water pumping, servicing, environmental monitoring,

maintenance and testing of plant, no operations, including vehicles greater than 3.5t gvw entering or exiting the site, shall be carried out outside of the following times:-

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

except stripping, movement, temporary or permanent placing of soils, which shall not be carried out outside of the following times:

0730 hours to 1800 hours Monday to Friday; and;
0730 hours to 1300 hours Saturdays

and except the operation of the dry silo mortar plant, recycling facility and concrete plant, the operating hours for which are stated in conditions 6, 7 and 8 of this permission.

For the avoidance of doubt, no operations other than water pumping and environmental monitoring shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan Policies DM3, DM4, DM1 and S10, Essex and Southend Waste Local Plan Policies W7D, W10E and W10F and Colchester Focused Review Policy DP1.

6. The dry silo mortar plant, as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4, shall not operate unless between the following times:

0500 hours to 2000 hours Monday to Friday;
0500 hours to 1800 hours Saturdays

and at no other times or on Sundays, Bank or Public Holidays, except for emergency maintenance (which shall be notified to the Mineral Planning Authority as soon as practicable).

No deliveries of HGV movements to and from the site shall be made other than between the following times:

0700 hours to 1800 hours Monday to Friday;
0700 hours to 1230 hours Saturdays

And at no other times or on Sundays, Bank or Public Holidays, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of limiting the effects on local amenity, to control the

impacts of the development, to ensure minimum disturbance from the operations and avoidance of nuisance to the local community and to comply with Essex Minerals Local Plan Policies DM4, DM1 and S10 and Colchester Focused Review Policy DP1.

7. Unless otherwise approved in writing by the Waste Planning Authority, the recycling yard, as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4, shall not operate unless between the following times:

0700 hours to 1830 hours Monday to Friday;
0700 hours to 1230 hours Saturdays

and at no other times or on Sundays, Bank or Public Holidays, except for emergency maintenance and monitoring of the plant (which shall be notified to the Waste Planning Authority as soon as practicable). For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (GVW) and contractor's vehicles in excess of 3.5 tonnes gw associated with the operations shall not be allowed to enter or leave the site outside of these times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan Policies DM1, S5 and S10, Essex and Southend Waste Local Plan Policies W7D, W10E and W10F and Colchester Focused Review Policy DP1.

8. Unless otherwise approved in writing by the Mineral Planning Authority, the concrete plant, as approved under condition 4, including vehicles greater than 3.5t gw entering or exiting the site, shall not operate unless between the following times:

0700 hours to 1800 hours Monday to Friday; and;
0700 hours to 1300 hours Saturdays

And at no other times or on Sundays, Bank or Public Holidays except for emergency maintenance and monitoring of the plant (which shall be notified to the Waste Planning Authority as soon as practicable).

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development, to ensure minimum disturbance from the operations and avoidance of nuisance to the local community and to comply with Essex Minerals Local Plan Policies DM4, DM1 and S10 and Colchester Focused Review Policy DP1.

9. No freestanding stockpiles of aggregate shall be stored within the dry

silo mortar plant operational area, as defined within the details approved under condition 4.

Reason: To minimise the potential for dust nuisance and visual impact of the development and for compliance with Essex Minerals Local Plan Policies DM4, DM1 and S10 and Colchester Focused Review Policy DP1.

10. No sands other than indigenous sands excavated from Colchester Quarry and Five Ways Fruit Farm shall be processed within the dry silo mortar plant as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4.

Reason: To ensure that the plant is used solely in connection with the processing of indigenous sands excavated from Colchester Quarry, for the protection of local amenity and for compliance with Essex Minerals Local Plan Policies DM4, DM1 and S10 and Colchester Focused Review Policy DP1.

11. Prior to the use of skips within the inert recycling facility site (as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4), details of the storage of skips incidental to the main use of the recycling site, including the maximum number of skips, purpose and a location area within the inert recycling site, shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details and the approved skips shall be used only incidentally to the main recycling operations and stored in accordance with the approved details.

Reason: In the interests of local amenity and to comply with Essex Minerals Local Plan Policies S5, DM1 and S10, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

12. No waste other than dry, inert waste, road planings and construction waste, as defined in the application details, shall be processed at the inert recycling facility site (as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4).

Reason: For the avoidance of doubt as to the nature of the permitted waste materials, for the protection of local amenity and for compliance with Essex Minerals Local Plan Policies S5, DM1 and S10 and Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

13. All waste residues from the inert recycling process shall be removed from the inert recycling facility application site (as approved under condition 4b)) each week or once the skips approved under condition 11 of this permission have been filled to capacity. The waste residues

shall then be placed directly into the void at Stanway Quarry if suitable for use in restoration or removed immediately from the Stanway Quarry and Five Ways Fruit Farm application site in any other case.

Reason: To ensure no unnecessary storage of waste materials in the interests of local amenity and for compliance with Essex Minerals Local Plan Policies S5, DM1 and S10 and Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

14. No handling, processing or storage of waste shall take place outside of the permitted inert recycling facility site area, as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4.

Reason: To ensure that waste operations are confined to the designated area in the interests of local amenity and for compliance with Essex Minerals Local Plan Policies S5, DM1 and S10 and Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

15. No materials in the inert recycling facility site area (as indicated on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4) shall be stockpiled or stored at a height greater than 6.1 metres when measured from adjacent ground level and shall then only be located within the site boundary approved under condition 4.

Reason: To minimise the visual impact of the development in the interests of local amenity and for compliance with Essex Minerals Local Plan Policies S5, DM1 and DP1 and Essex and Southend Waste Local Plan Policies W7D and W10E.

16. No sand and gravel other than indigenous sand and gravel excavated from Colchester Quarry and Five Ways Fruit Farm shall be processed in the processing plant, shown as 'sand and gravel plant' on drawing ref M10.139(i).D.036 dated February 2014 and as approved under condition 4d.

Reason: To ensure that the processing plant is used solely in connection with the processing of indigenous sands excavated from Colchester Quarry, for the protection of local amenity and for compliance with Essex Minerals Local Plan Policies DM3, DM1 and S10 and Colchester Focused Review Policy DP1.

17. The quarry workshop, approved under condition 4a, shall be used solely for the repair of plant and vehicles associated with Colchester Quarry and Five Ways Fruit Farm and no other use.

Reason: In the interests of local amenity and for compliance with Essex Minerals Local Plan Policy DM1 and Essex and Southend Waste Local Plan Policy W10E.

18. No topsoil, subsoil, overburden or soil making material shall be removed from the application site.

Reason: To ensure the retention of sufficient soils on the site for restoration purposes and for compliance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

19. Within 3 months of the date of this permission, a landscape and restoration scheme shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include the grassland seed mixes and rates of application. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operation of the development and from rabbits and deer. The scheme shall also include detailed sections, depths of excavation and pre and post-settlement contours at 1m intervals including how they meet existing contours surrounding the site, the water levels of proposed water bodies, together with details of the materials to be used in the surfacing of the public and permissive rights of way and fencing materials, heights and colours. The scheme shall be implemented in accordance with the approved details and within the first available planting season (October to March inclusive) following approval 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 Essex Minerals Local Plan Policies DM1, DM4, S10 and S12, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP15.

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 a duration of 5 years following original planting shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with Essex Minerals Local Plan Policies DM1, DM4, S10 and S12, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP15.

21. a) The Stanway Quarry and Five Ways Fruit Farm areas, as shown on

drawing ref B030/00630 dated February 2014, shall be progressively and concurrently worked and restored in a phased manner as shown on drawings B030/00632 dated February 2014, B030/00633 dated February 2014, B030/00634 dated February 2014, B030/00635 dated February 2014, B030/00636 dated February 2014, B030/00637 dated February 2014, B030/00638 dated February 2014, ensuring that no more than 3 phases are open at any one time in the Five Ways Fruit Farm area.

b) Within Stanway Quarry, restoration shall take place progressively and sequentially in the phased manner cited on drawings B030/00632 dated February 2014, B030/00633 dated February 2014, B030/00634 dated February 2014, B030/00635 dated February 2014, B030/00636 dated February 2014, B030/00637 dated February 2014, B030/00638 dated February 2014.

c) Details of the amount of waste deposited and remaining void space at the site shall be submitted to the Mineral Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

- i. The type of waste deposited at the site during the year;
- ii. The quantity and type of waste deposited at the site during the year in tonnes;
- iii. The volume in cubic metres (m³) of the remaining void space at 31st December.

The details shall be submitted to the Mineral Planning Authority by 31st March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to ensure the land is progressively restored to a beneficial afteruse in a timely manner and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

22. Within 3 months of the date of this permission, an aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural and amenity use shall be submitted to the Mineral Planning Authority for its approval in writing. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the National 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 National 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 approved Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture and amenity use and in accordance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

23. Within 12 months of the placement of topsoil in any phase of restoration, details of under-soil drainage and associated surface drainage for the restored land shall be submitted to the Mineral Planning Authority for its approval in writing. The development shall be implemented in accordance with the approved details.

Reason: To aid the rehabilitation of the site for beneficial use and to comply with Essex Minerals Local Plan Policy S12, Essex and Southend Waste Local Plan Policies W4A and W4B and Colchester Development Policies document Policy DP20.

24. No development or preliminary groundworks shall take place within the Five Ways Fruit Farm area until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to any soil stripping or any preliminary groundworks within the Five Ways Fruit Farm area.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Development Policies document Policy DP14.

25. No removal of trees or hedgerows shall be carried out on site between 1st March and 31st September 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 or 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 Essex Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Development Plan Policy DP21.

26. No stripping or handling of topsoil or subsoil shall take place unless in accordance with the details of topsoil and subsoil origins, intermediate and final locations for use in agricultural restoration, quantities, depths and areas involved as annotated on drawing refs B030/00632 dated February 2014, B030/00633 dated February 2014, B030/00634 dated February 2014 and B030/00635 dated February 2014.

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 Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

27. No handling of soil shall take place unless it is carried out using machinery of a type that is advocated by, and that is operated in accordance with, the MAFF (2000) Good Practice Guide for Handling Soils, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

28. 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 subsoil has been stripped from that part and stored in accordance with the details set out under condition 27 and approved under condition 29 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester

Focused Review Policy DP15.

29. Prior to the commencement of any works or development within the Five Ways Fruit Farm site (except for soil stripping in Phase 1 Stage A as shown on drawing ref B030/00632 and the construction of the bund itself) 'soil bund 12' shall be fully constructed in accordance with the method, heights and timings set out on drawing ref B030/00632. Further soil bunds shall be fully constructed in accordance with the method, heights and timings set out on drawings B030/00632, B030/00633, B030/00634, B030/00635 and B030/00636. The soils bunds shall be maintained in accordance with the details set out in the drawings referenced in this condition.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan Policies DM3, DM4, DM1, S12 and S10, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

30. 'Soil bund 12' as shown on drawing ref B030/00632 shall be no more than 2m in height when measured from adjacent ground level.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan Policies DM3, DM4, DM1, S12 and S10, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

31. 'Soil bund 13' and 'soil bund 14' as shown on drawing ref B030/00632 shall be no more than 3m in height when measured from adjacent ground level.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan Policies DM3, DM4, DM1, S12 and S10, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

32. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition² and no movement of soils shall take place:

² The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Mineral Planning Authority; or
- (b) When the upper 300 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

33. 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 Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

34. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

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 Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

35. The uppermost 500mm of imported waste materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 500mm. The waste shall be in turn covered with a minimum of 1000mm even depth of soil forming material. The finished surface shall be left free from rubble and stones greater than 150mm in diameter which would otherwise hinder cultivation.

before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To ensure the site is properly restored and in compliance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

36. The height of temporary stockpiles of soil-making material shall not exceed the height of boundary bunds.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan Policies DM3, DM4, DM1, S12 and S10, Essex and Southend Waste Local Plan Policies W7D and W10E and Colchester Focused Review Policy DP1.

37. No waste shall be imported to the Five Ways Fruit Farm area, as denoted on drawing ref B030/00630 dated February 2014.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the restoration of the site in accordance with the approved scheme, for the protection of local amenity and for compliance with Essex Minerals Local Plan Policies Dm1, S10 and S12, Essex and Southend Waste Local Plan Policies W9B and W10E and Colchester Focused Review Policy DP15.

38. All vehicular access and egress to and from the site shall be from Warren Lane, as indicated on drawing ref. B030/00630 dated February 2014. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

39. The hedge along the eastern side of Warren Lane shall be kept cut back to ensure that a minimum visibility splay of 2.4m x 142m to the south (left) and 2.4m x 215m to the north (right), measured in metres, is provided from the centreline of the access to the site, the location of which is shown on drawing ref B030/00630 dated February 2014, and in accordance with the recommendations detailed at section 12.3.2 of the Environmental Statement Volume 1 dated May 2014.

Reason: In order to maintain visibility splays for vehicles utilising the access in the interest of highway safety and for compliance with Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

40. The surfaced section of the access and internal haul road from the

junction with Warren Lane to the waste tipping area 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 Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

41. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

42. No loaded vehicles shall leave the site un-sheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

43. No more than 70 (35 in/35 out) lorry movements of up to 32 tonnes gross vehicle weight (fully laden) carrying waste associated with the recycling yard (shown on drawing ref B030/00630 dated February 2014) shall enter and leave the site over one day. The monthly number of laden vehicles arriving at the site in association with the recycling yard (shown on drawing ref B030/00630 dated February 2014) shall be provided to the Waste Planning Authority within 21 days of a written request for that information.

Reason: To limit the volume of traffic in the interests of highway safety and safeguarding local amenity and to comply with Essex Minerals Local Plan Policies S11 and DM1 and Essex and Southend Waste Local Plan Policies W4C and W10E.

44. No mineral shall be imported to the site from Bellhouse Quarry beyond the timescale of 31 March 2022 permitted under ref ESS/07/01/COL/REV, or as subsequently varied.

Reason: To ensure that the timely restoration of the Abbotstone/Bellhouse site is not prejudiced by the grant of this permission and for compliance with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

45. Prior to the commencement of mineral extraction in the Five Ways Fruit Farm area, as defined on drawing ref B030/00630 dated February 2014, a detailed scheme to accommodate all surface and foul water

drainage arising from all aspects of the development hereby permitted shall be submitted to the Mineral Planning Authority for its approval in writing. The development shall be implemented in accordance with the approved scheme and maintained for the life of the development hereby permitted.

Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policies W4A and W4B and Colchester Development Policies document Policy DP20.

46. Prior to the commencement of dewatering in the Five Ways Fruit Farm area, as defined on drawing ref B030/00630 dated February 2014, precise details of the arrangements for the monitoring of ground water levels on the boundaries of the site, including the location of monitoring points, equipment to be used, frequency of monitoring and reporting to the Mineral Planning Authority for the duration of the development hereby permitted, shall be submitted to the Mineral Planning Authority for its approval in writing. The development shall be implemented in accordance with the approved details and the results of the monitoring shall be retained by the site operator for the life of the development hereby permitted.

Reason: To protect groundwater from pollution, to ensure that there is no significant resultant drawdown on nearby domestic wells and that mitigation is in place should there be such drawdown, and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policies W4A and W4B and Colchester Development Policies document Policy DP20.

47. Within 3 months of the date of the permission, full details of fixed external lighting shall be submitted to the Mineral Planning Authority for its approval in writing. The details shall include the location, height, design, sensors, and luminance of all existing and proposed lighting on site. 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 Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

48. No development shall take place within the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 until a detailed mitigation plan for the reptiles identified on site, including details of the translocation exercise, timings and long term management of the

receptor sites, has been submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be carried out in accordance with the approved details. For the avoidance of doubt, the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 includes the existing northern face of Stanway Quarry within the 'limit of extraction' shown on that drawing.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and for compliance with Essex Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Development Policies document Policy DP21.

49. No development shall take place (including demolition, ground works, vegetation clearance) within the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP: Biodiversity shall include the following:

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

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

For the avoidance of doubt, the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 includes the existing northern face of Stanway Quarry within the 'limit of extraction' shown on that drawing.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and for compliance with Essex Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Development Policies document Policy DP21.

50. No development shall take place (including demolition, ground works, vegetation clearance) within the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 until a Biodiversity Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall include:

- a) 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 the aims and objectives of the project;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures.

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

The development hereby permitted shall be implemented in accordance with the approved plan.

For the avoidance of doubt, the 'Five Ways Fruit Farm Extension area' as shown on drawing B030/00630 includes the existing northern face of Stanway Quarry within the 'limit of extraction' shown on that drawing.

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 Essex Minerals Local Plan Policies DM1 and S10, Essex and Southend Waste Local Plan Policy W10E and Colchester Development Policies document Policy DP21.

51. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

Furze Hill

51dB LAeq

The Bungalow	52dB LAeq
Dyer's Road	53dB LAeq
Egremont Way	51dB LAeq
Randoms	53dB LAeq
Heath Road/Grymes Dyke Way	50dB LAeq
Wiseman's Farm	50dB LAeq
The Nook	50dB LAeq.

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.

Site management measures shall be implemented in accordance with details which have been submitted to and approved in writing by the Mineral Planning Authority to ensure that the above noise levels shall not be exceeded.

Reason: In the interests of aural amenity and to comply with Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

52. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties listed under condition 51 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. 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 aural amenity and to comply with Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

53. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties to be agreed in advance in writing by the Mineral Planning Authority. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment

used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of aural amenity and to comply with Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

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

Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

55. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant 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 Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

56. Prior to the commencement of mineral extraction in the Five Ways Fruit Farm area, as defined on drawing ref B030/00630 dated February 2014, or within 3 months of the date this permission, whichever is the earlier, a scheme to minimise dust emissions from all operations permitted on the application site shall be submitted to the Mineral Planning Authority for its written approval. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies S10 and DM1, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP1.

57. 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 the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policies W4A and W4B and Colchester Development Policies document Policy DP20.

58. The development hereby permitted shall be completed by 31 December 2037, except for the Five Ways Fruit Farm area which shall be completed within 7 years of the date of commencement, as notified to the Mineral Planning Authority under condition 1, by which time extraction and tipping operations shall have ceased, any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall have been removed, including the inert recycling operations and associated mobile plant parking area, and the site shall have been restored in accordance with the scheme approved under Conditions 19 and 21 of this planning permission and shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 22 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 amenity and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

59. The sand and gravel processing plant and hardstanding, Dry Silo Mortar plant, concrete plant, access roads, weighbridge, workshop and related infrastructure shall be removed from site by 31 October 2026, and the areas shall be restored as soon as practicable and in any case no later than 31 December 2037 in accordance with the scheme approved under Conditions 19 and 21 of this planning permission and shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 22 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 amenity and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

60. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the final restored surface of the areas of the site to be restored to grassland and orchard, prior to the commencement of the aftercare period.

Reason: To ensure that agricultural operations on the restored land are not impeded and to comply with Essex Minerals Local Plan Policies DM1 and S12, Essex and Southend Waste Local Plan Policy W10E and Colchester Focused Review Policy DP15.

61. No minerals shall be imported to the site other than via conveyor from the Bellhouse Site and only sand and gravel from Stanway Quarry, Five Ways fruit Farm and the Bellhouse Site shall be processed at the application site.

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 Essex Minerals Local Plan Policies S10 and DM1, Essex and Southend Local Plan Policy W10E and Colchester Focused Review Policy DP1.

62. No waste other than those waste materials defined in the application details 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 Essex Minerals Local Plan Policies S10 and DM1, Essex and Southend Local Plan Policies W10E and W9B and Colchester Focused Review Policy DP1.

63. 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, fixed plant or machinery shall be installed, extended, erected or replaced on the site beyond the areas which benefit from Permitted Development rights as identified on drawing ref B30/489 dated February 2005 without the benefit of express planning permission.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to comply with Essex Minerals Local Plan Policies S10 and DM1, Essex and Southend Local Plan Policy W10E and Colchester Focused Review Policy DP1.

64. Within 3 months of the date of this permission, details of the pumps to

be used in the dewatering of the site shall be submitted to the Mineral Planning Authority for its approval in writing. The scheme shall include the number and location of the pumps, design specifications and noise levels. The dewatering of the site shall thereafter take place in accordance with the approved details.

Reason: In the interests of local amenity and for compliance with Essex Minerals Local Plan Policies S10 and DM1, Essex and Southend Local Plan Policy W10E and Colchester Focused Review Policy DP1.

INFORMATIVE

This planning permission is subject to a S106 Agreement.

Reason for Approval

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:

The Essex Minerals Local Plan, Adopted July 2014.

- Policy P1 - Preferred and reserve sites for sand and gravel extraction.
- Policy S1 - Presumption in favour of sustainable development.
- Policy S5 - Creating a network of aggregate recycling facilities.
- Policy S10 - Protecting and enhancing the environment and local amenity.
- Policy S11 - Access and transportation.
- Policy S12 - Mineral site restoration and afteruse.
- Policy DM1 - Development management criteria.
- Policy DM2 - Planning conditions and legal agreements.
- Policy DM3 - Primary processing plant.
- Policy DM4 - Secondary processing plant.

The Essex and Southend Waste Local Plan, Adopted September 2001.

- Policy W10E - Development management criteria.
- Policy W10A - Planning conditions and legal agreements.
- Policy W4A - Flood Control.
- Policy W4B - Water pollution.
- Policy W4C - Access.
- Policy W7D - Inert waste recycling.
- Policy W9B - Non-preferred sites.
- Policy W10C - Feasibility.
- Policy W10F - Hours of operation.
- Policy W10G - Public rights of way.

The Colchester Focused Review of the Core Strategy and Development Policies, Adopted July 2014.

- Policy SD1 - Sustainable development locations.
- Policy DP1 - Design and amenity.
- Policy DP15 - Retention of open space and indoor sports facilities.

The Colchester Development Policies, Adopted 2010.

- Policy DP20 - Flood risk and management of surface water drainage.
- Policy DP14 - Historic environment assets.
- Policy DP21 - Nature conservation and protected lanes.

The Colchester Site Allocations, Adopted October 2010.

- Policy STA1 - Appropriate uses within the Stanway Growth Area.
- Policy STA5 - Open Space in Stanway Growth Area.

Statement of Reasons

It is noted that there is currently permission for the extraction of mineral and restoration to low-level agriculture with an end date of 22 February 2042.

The proposal to retain this existing operation until 31 October 2026 with restoration by 31 December 2037 would therefore be a lesser timescale and it is considered that there would be no planning reason to refuse this aspect of the application.

In addition, the importation (via conveyor) and processing of mineral from the Bellhouse site is also currently permitted. There is a slight anomaly in that the ROMP permission (ref ESS/48/01/COL(R) for Bellhouse has an end date of 31 October 2026 but the associated landfill permission (ref ESS/07/01/COL/REV) requires restoration by 31 March 2024. In order that the restoration timescale of Bellhouse is not prejudiced by any permission granted here, it is considered appropriate to impose a condition that restricts the importation of minerals from Bellhouse to the timescales permitted under permission ref ESS/07/01/COL/REV.

Further planning permission would be required for the retention of the tunnel and conveyor itself, since it falls outside of the current application site.

The processing plant, DSM, concrete plant, inert recycling area and workshop are all currently permitted. It is considered that, subject to conditions relating to the submission of specific design and layout details and noise limitation, there would be no undue impact on amenity or the environment as a result of the retention of these facilities until 31 October 2026, with the exception of the inert recycling site which is proposed to remain until 31 December 2037. A

retrospective application has also been made for the retention of a mobile plant parking area associated with this recycling facility, and this is also considered to be appropriate. All of these facilities are considered to comply with MLP Policies DM3 and DM4 and WLP Policy W7D. Furthermore, the continuation of the inert recycling facility is supported by MLP Policy S5.

MLP Policy P1 identifies the proposed FWWF extension area as a preferred site and notes that the principle of extraction has been accepted and the need for the release of mineral has been proven. This does not, therefore, require debate.

Taken in the context of the site history, the need for landfill is accepted in this instance. The proposals have not received objections from any statutory consultees and it is considered that the scheme would provide for suitable restoration, in compliance with WLP Policy W9B.

The proposal for the site to be utilised by the public through the provision of permissive rights of way is considered to comply with the Colchester Borough Council Local Development Framework, which allocates the site as Open Space.

The proposed landform, incorporating lakes, orchards and amenity areas, is considered to the proposed restoration would be considered to provide a varied space which would be of benefit to landscape character and visual amenity, in compliance with WLP Policy W10E, MLP Policies DM1 and S12, and CFR Policies DP1 and DP15. Several conditions are proposed, in the event that permission is granted, to require detailed restoration and aftercare schemes.

The proposed reptile translocation, Jersey Cudweed Protection areas and replication of the existing quarry faces would be considered to protect and enhance the site's ecological interests, in compliance with MLP Policies DM1 and S10, WLP Policy W10E and CDP Policy DP21, subject to the imposition of appropriate ecological conditions.

It is further considered that, subject to the imposition of conditions relating to noise monitoring and dust management, there would be no unacceptable impact on amenity through noise or air quality, in compliance with MLP Policies S10 and DM1, WLP Policy W10E and W10F and CFR Policy DP1.

Taking into account the permitted developments on the site and the adequacy of the existing road network with the newly-opened western bypass, it is considered that the proposed development would not have unacceptable impact on the safety and efficiency of the highway network, in compliance with MLP Policies S11 and DM1, WLP Policy W10E and the requirements of the NPPF. It is further considered that the existing access off Warren Lane is suitable, in compliance with MLP Policy S11 and WLP Policy W4C. This is subject to the imposition of conditions relating to vehicle and highway

cleaning, vehicle sheeting and the maintenance of visibility splays, in the event that permission is granted.

It is considered that there would be no unacceptable impact on public rights of way as a result of the proposals, in compliance with MLP Policy S11 and WLP Policy W10G. A legal obligation could be imposed to require the applicant to use their best endeavours to allow the permissive routes and existing public rights of way to be available for cycling. This would comply with MLP Policy DM2 and WLP Policy W10A

Importantly, the proposed scheme is considered to avoid any effect on the setting of the surrounding listed buildings. The adjacent Grymes Dyke would be protected and enhanced via a proposed Management Plan and it is considered that the developer could be required to record archaeological remains via condition, in the event that permission is granted. Therefore, it is considered that the development would comply with the provisions of the NPPF, MLP Policies S10 and DM1 and the requirements of the Site A13 preferred site, WLP Policy W10E and CDP Policy DP14.

Subject to the imposition of a condition requiring a scheme of groundwater monitoring and mitigation, it is considered that the proposed development would comply with WLP Policies W4A and W4B and CDP Policy DP20 in relation to impact on the water environment.

Overall, it is considered that the proposals comply with the development plan, taken as a whole. Additionally, it is considered that the economic, social and environmental roles of sustainable development would be fulfilled by the proposed development. Therefore, there is a presumption in favour of the development in accordance with the provisions of the NPPF and MLP Policy S1 CFR Policy SD1.

There are no other policies or other material considerations which are overriding or warrant the withholding of permission.

**THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010
(as amended)**

The proposed development would not be located adjacent to or within the screening distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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

The Minerals and Waste Planning Authority has engaged with the applicant over several months prior to submission of the application, advising on the validation requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and given the opportunity to respond.

Dated: 23 March 2015

COUNTY HALL
CHELMSFORD

Signed:



Andrew Cook - Director for Operations, Environment and Economy

**IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT
PAGE**

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.