

**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:

**Continuation of the winning and working of mineral and subsequent restoration of the site through landfilling without compliance with conditions 2 (approved details), 19 (vehicular movement limitation) and 28 (restriction on waste type origins) of planning permission ESS/39/11/UTT to allow an revision to the pre-settlement contours, increase in the amount of vehicular movements per annum over 3.5 tonnes and removing the limit on the amount of waste received from outside the administrative area of Essex at Elsenham Quarry, Hall Road, Elsenham, Essex**

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 carried out in accordance with the details submitted by way of Application ESS/51/03/UTT dated 18 August 2003 (and accompanying Environmental Statement (noise, hydrology, air quality, landscape), the attached Project Description and Planning Statement, BPEO assessment dated 25/9/04, and the following correspondence dated: 23/12/04, 4/12/04, 7/10/04, 28/9/04, 27/9/04, 11/8/04 (received 16/4/04), 16/7/04, 9/6/04, 4/6/04, 28/5/04, 21/5/04, 17/5/04, 23/5/04, 30/4/04, 16/4/04, 2/4/04, 30/3/04, 17/3/04, 28/11/04, 1/3/04, 3/12/03, 28/11/03, 26/11/03, 16/8/03, 15/8/03 and 18/6/03, together with the application plans numbered:

- drawing number 1 (Elsenham site location plan), dated May 2003;
- drawing number 1 Rev A (Elsenham application boundary), dated May 2003;
- drawing number 2 (Elsenham existing site layout and phase boundaries), dated May 2003;
- drawing number 2a (Proposed Areas of Deposition), dated July 2003;
- drawing number 3 (Elsenham existing permitted final contours), dated May 2003;
- drawing number 4 (Elsenham proposed restoration contours (post settlement) and restoration), dated May 2003;

- drawing number 4a (Elsenham Intermediate restoration), dated May 2003;
- drawing number 4b (Proposed restoration with surrounding contours), dated July 2003;
- drawing number 4c (Proposed restoration contours (pre settlement)), dated July 2003;
- drawing number 5 (Existing (permitted) plant site layout), dated May 2003;
- drawing number 5a (Proposed plant site layout), dated May 2003;
- drawing number 6 (Base levels, phasing layout and leachate management), dated May 2003;
- drawing number 7 (Details of gas management system), dated May 2003;
- drawing number 8a (Operational phase 2004), dated May 2003;
- drawing number 8b (Operational phase 2005), dated May 2003;
- drawing number 8c (Operational phase 2006), dated May 2003;
- drawing number 8d (Operational phase 2007), dated May 2003;
- drawing number 8e (Operational phase 2008), dated May 2003;
- drawing number 8f (Operational phase 2012), dated May 2003;
- drawing number 8g (Operational phase 2020), dated May 2003;
- drawing number 9 (Cross Sections), dated May 2003;
- drawing number 9a (Cross sections), dated May 2003;
- drawing number 10 (Current surface water drainage layout), dated May 2003;
- drawing number 10a (Proposed surface water drainage layout), dated May 2003;
- drawing number 11 (Miscellaneous details), dated May 2003;
- drawing number 12 (Gas management scheme (plant site)), dated May 2003;
- drawing number 1332-007 (Sections — West of Site), dated May 2003;
- drawing number DJA11 (Permitted and Proposed Restoration Sections), dated May 2003;

as amended by application ESS/13/08/UTT received 22 April 2008 together with:

- Statement entitled "proposed revisions of vehicle movement limits at Elsenham", by WSP, dated February 2008;
- Drawing number ELS/01 (Site location plan ) dated April 2008; and
- Confirmation email by Davis Planning dated 22 September 2008

as amended by the details of this application ESS/39/11/UTT received on the 14 July 2011 together with:

- Drawing number EL/25/A dated 23/12/2010;
- Emails dated 26 July 2011 and 29 July 2011;

And as amended by application ESS/38/14/UTT received on the 19 June 2014 together with:

- Application form and covering letter dated 19/06/14;
- Planning Statement dated July 2014;
- Transport Statement dated 08 February 2014;
- Noise Scoping Assessment dated June 2014;
- Air Quality Scoping Assessment dated June 2014;
- Drawing number 1a dated May 2013 and 1612.PRE.01 (re-settlement contours) dated 04/10/13;
- Emails from Caulmert dated 29/09/14, 02/10/14, 10/10/14 and 24/10/14, and;

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 the development is carried out in accordance with approved application details, to ensure the development is carried out with the minimum of harm to the local environment and in accordance with Policies W3A, W3C, W4C, W9B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies S7, GEN1, GEN4, ENV11 and ENV13 of the Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

2. The landfill gas electricity and flare plant shall be constructed and implemented in accordance with the details in the letter and accompanying statement date 5 February 2008 (reference 409.1009.00017) email dated 17/3/08, letter dated 18/4/08 and drawings GM1, GM2, GasSim01 and ELS/PLAN/LGT approved in writing 18 June 2008 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To enable the Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the locality, in accordance with Policies W3A, W3C, W4C, W9B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies S7, GEN1, GEN4, ENV11 and ENV13 of the Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

3. No leachate treatment plant shall be constructed until details of the siting, design, fencing, connection to electricity grid and external appearance have been submitted to and approved in writing by the Waste Planning Authority.

*Reason: To enable the Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the locality, in accordance with Policies W7H, W9A, W10B, W10D, and W10E of The Essex and Southend Waste Local Plan (adopted 2001) and Policies S7, GEN2, and GEN4 of Uttlesford District Local Plan (adopted 2005).*

4. 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 (other than plant for the movement of materials), except as detailed shall be erected, extended, installed or replaced on the site/quarry without the prior agreement in writing of the Waste Planning Authority.

*Reason: To enable the Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area, in accordance with Policies W7H, W9A, W10D, and W10E of The Essex and Southend Waste Local Plan (adopted 2001) and Policies S7, GEN2 and GEN4 of Uttlesford District Local Plan (adopted 2005).*

5. Landfilling shall cease not later than 24 years from the notified date of commencement of development approved by planning permission ESS/51/03/UTT (10 May 2005), with a further 12 months for restoration to a state fit for agriculture in accordance with plan 4, dated May 2003, or within 12 months of the achievement of final tipping levels, whichever date is the earlier, in accordance with the relevant conditions below.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenity, in accordance with Policies W3C, W9A, W10B, W10C, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, S7, S8 and ENV11 of Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

6. Unless otherwise agreed in writing by the Waste Planning Authority, no 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 retained on site when they are respectively no longer required for the purpose for which they were installed, in any case not later than 25 years from the notified date of commencement of planning permission ESS/51/03/UTT (10 May 2005), and upon their removal the land shall be restored in accordance with the agreed restoration scheme.

*Reason: To enable the Waste Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use, in accordance with Policy WM1 of the Regional Spatial Strategy (adopted May 2008), Policies W3C, W9A, W10B, W10C, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, S7, S8 and ENV11 of Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

7. Operations authorised or required by this permission shall only be carried out between the following times:-

0700 hours and 1830 hours Monday to Friday,  
0700 hours and 1300 hours Saturdays,

and at no other time or on Sundays and Public Holidays except for emergency maintenance and monitoring, unless otherwise approved in writing by the Waste Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gw) and contractors vehicles in excess of 3.5 t gw associated with the operations shall not be allowed to enter or leave the site outside of these times.

*Reason: To protect the amenities of local residents, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policy DM1 of the Minerals Local Plan (adopted 2014).*

8. The care and maintenance of soil screen bunds and margins to the site shall be carried out in accordance with details from KFA dated 12/5/05 approved in writing on 24 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT) and thereafter properly maintained for the duration of the operations hereby permitted.

*Reason: In the interest of local amenity, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN2, GEN4, S7, and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014). Policy MLP13 of the Minerals Local Plan (adopted 1996).*

9. All plant and machinery shall operate only during the permitted hours, as specified in Condition 7, except in emergency, and shall be silenced at all times in accordance with the manufacturers recommendations.

*Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community, in accordance with Policies W10E and W10F of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Minerals Local Plan (adopted 2014).*

10. Except for temporary operations, the free-field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hour}}$ ) due to all permitted operations at the quarry, shall not exceed the limits set out below at the following noise sensitive properties:-

53 dB  $L_{Aeq, 1 \text{ hour}}$  - Pledgdon Green Farm;  
55 dB  $L_{Aeq, 1 \text{ hour}}$  - Pledgdon Hall;  
55 dB  $L_{Aeq, 1 \text{ hour}}$  - Pennington Hall;  
55 dB  $L_{Aeq, 1 \text{ hour}}$  - Elsenham Hall.

*Reason: To protect the amenities of local residents, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

11. For temporary but exceptionally noisy operations, the free-field noise level at noise sensitive properties shall not exceed 70 dB LAeq 1 hour. 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 shall include, bund formation, soil stripping and removal of spoil heaps.

Five days written notice shall be given to Waste Planning Authority in advance of the commencement of any temporary operation and the commencement of the construction of the permanent landform of the "bull nose". Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

*Reason: To protect the amenities of local residents, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

12. Noise levels shall be monitored by the operating company at the above locations at three monthly intervals. The results shall include the LAeq 1 hour noise levels with all permitted operations, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise, which control the noise climate. All noise measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

The survey shall be for a minimum of two separate 1 hour periods during the normal working hours and should avoid meal breaks and periods of plant breakdown. The frequency and duration of such monitoring may be modified at the discretion of the Waste Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate compliance with the limiting noise levels specified in Condition 11 above, or less frequently where the need does not arise. The results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority on request.

Monitoring should only be undertaken in calm weather conditions or at receptors with a component of wind blowing from the site. Monitoring should generally be avoided in conditions of wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C).

*Reason: To protect the amenities of local residents, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11 and DM1 of the Minerals Local Plan (adopted 2014).*

13. No audible warning device shall be used on any mobile plant except in accordance with details to be submitted to and approved in writing by the Waste Planning Authority.

*Reason: To protect the amenities of local residents, in accordance with Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001) and Policy GEN4 of Uttlesford District Local Plan (adopted 2005).*

14. Dust suppression shall be carried out in accordance with details from Brett - Record 15/1, 15/2 and 15/3 dated October 2004 approved in writing on 24 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT). Written records of the dust deposition monitoring survey shall be kept by the operating company and made available to the Waste Planning Authority within seven days of a written request.

*Reason: To protect the amenities of the locality from the effects of dust arising from the operations, in accordance with Policies W9B, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

15. Litter control shall be carried out in accordance with details from Brett - Record 16/1 and 16/2 dated October 2004 approved in writing on 24 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To ensure the proper containment of any litter to minimise the potential harm to adjoining land and in the interest the amenity of the local area, in accordance with Policies W9A, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

16. Sales of sand from the site shall not exceed 250,000 tonnes during any single 12 month period.

*Reason: To control the level of operations so as to minimise the impact of the resultant traffic on the local environment, in accordance with Policies W3C, W9A, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4 and ENV11 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

17. No aggregate shall be imported to the site other than as permitted in connection with permission ESS/26/02/UTT (bagging plant) and ESS/21/01/UTT (concrete and mortar plant) other than that required for onsite landfill engineering works.

*Reason: To control the level of operations so as to minimise the impact of the resultant traffic on the local / environment, in accordance with Policies W3C, W9A, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policy DM1 of the Minerals Local Plan (adopted 2014).*



18. The use of the Henham Road access shall only be restricted for trips to and from the parishes of Henham, Broxton, Elsenham and Chickney, Stansted Mountfitchet only and shall not exceed 40 movements (20 in 20 out) per day and 20 movements (10 in and 10) out on Saturdays. All other associated vehicle movements shall be via the main entrance off Hall Road in accordance with condition 20 and 21 below.

*Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policies W3C, W9A, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

19. The maximum number of vehicle movements in excess of 3.5 tonnes gross vehicle weight using the main access (Hall Road) shall not exceed the following limits:

- 400 movements (200 in and 200 out) Monday to Friday,
- 200 movements (100 in and 100 out) on Saturdays,
- 80,000 movements (40,000 in and 40,000 out) in a calendar year.

*Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policies W4C, W9B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of the Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

20. Vehicle routing arrangements instructing drivers and contractors coming to and departing from the site shall be implemented in accordance with details from Brett - Record 21/1 dated August 2005 and approved on 28 October 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT) and thereafter remain in place for the life of the development hereby permitted.

*Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policies W3C, W4C, W9A, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN1, GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

21. No commercial vehicle shall exit the site onto the public highway unless the wheels and its underside chassis have been cleaned to prevent material being deposited on the public highway. The surfaced section of the haul roads, from the wheel cleaning facilities and the junctions with the public highway shall be kept free of mud and detritus by cleaning as often as necessary to ensure that such material is not carried onto the public highway.

*Reason: In the interest of highway safety and the amenities of the area, in accordance with Policies W3C, W4C, W9A, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN1, GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

22. The haul road from the weighbridge office to the junctions with public highway shall be maintained in a sound condition at all times.

*Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policy WM1 of the Regional Spatial Strategy (adopted May 2008), Policies W3C, W4C, W9A, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN1, GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

23. No operations, which would adversely affect the existing routes of Public Footpaths 19 and 20 (Henham) shall be undertaken until the footpaths have been temporarily re-routed in accordance with the provisions of a Temporary Diversion Order. Footpaths 19 & 20 (Henham) shall be subsequently reinstated back on their original alignment prior to the full completion of development including completion of the restoration of the site whichever sooner.

*Reason: In the interest of public safety and to protect the route of the public rights of way affected by the operations, in accordance with Policies W10G and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, and ENV11 of Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

24. Warning signs shall be erected on both sides of the haul road at the point where Footpath No 39 and bridleway 5 cross, to warn pedestrians & horse riders of vehicles and drivers of pedestrians and horseriders. The signs to read: either 'CAUTION: PEDESTRIANS CROSSING' or 'CAUTION HORSE RIDERS CROSSING' as appropriate and 'CAUTION: LORRIES CROSSING'. The signs shall be retained for the lifetime of the development hereby permitted.

*Reason: In the interest of the safety of pedestrians (and horse riders for bridleways), in accordance with Policies W3C, W4C, W9A, W10B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN1, GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

25. All archaeological work shall be carried out in accordance with the programme and scheme of investigation 'Project specification for an archaeological recording action' by Thames Valley Archaeological Services dated 4 May 2005 and approved 1 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the development taking place Policy W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy ENV4 of Uttlesford District Local Plan (adopted 2005) Policy DM1 of the Minerals Local Plan (adopted 2014).*

26. Within 3 months of the date of this permission, the operator shall submit details on the proposed monitoring and management of the nature of the imported waste and settlement rates. At 3 yearly intervals from the notified date of commencement the operator shall review the approved re-instatement contour details and submit their findings and proposed actions to the Waste Planning Authority for approval and shall implement any necessary revisions to reduce surcharging corresponding to anticipated reductions in the proportion of bio-degradable wastes to ensure that the maximum contours and slopes on completion of landfill and soil placement operations shall not exceed the pre-settlement contours shown on plan 4c dated July 2003 to ensure that approved post settlement contours in plan 4 dated May 2003 (contained within planning application ESS/51/03/UTT) are not exceeded.

*Reason: To ensure the proper restoration of the site in accordance with the submitted plans in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Minerals Local Plan (adopted 2014).*

27. No waste other than non-hazardous commercial and industrial waste or inert waste, as defined in planning application ESS/51/03/UTT, shall be imported to the site for disposal.

*Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh, in accordance with Policies W3C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

28. No more than 800,000 tonnes of waste shall be received at the site per annum. The operating company shall keep records of the quantity of waste received by weight and the source and these records shall be provided to the Waste Planning Authority within seven days of written request.

*Reason: To ensure that the development represents the Best Practicable Environmental Option in accordance with Policy WM1, SS3 and E3 of the Spatial Strategy (adopted May 2008), Policies W3A, W3C and W10E of The Essex and Southend Waste Local Plan (adopted 2001),*

29. The development hereby permitted shall be carried out in accordance with the Bird Hazard Management Plan by Brett and Viridor Waste dated 26 August 2005 and approved 4 October 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To avoid endangering the safe operation of aircraft through the attraction of birds in accordance with Policies W10E and W10H of The Essex and Southend Waste Local Plan (adopted 2001) and MLP13 of the Local Minerals Plan (adopted 1996).*

30. No wet flashes shall be constructed unless written details have been submitted to and approved by the Waste Planning Authority. The details shall demonstrate that the wet flashes are operationally necessary and would avoid the attraction of birds to the water. The development shall be implemented in accordance with the approved details.

*Reason: To avoid endangering the safe operation of aircraft through the attraction of birds in accordance with Policies W10E and W10H of The Essex and Southend Waste Local Plan (adopted 2001) and MLP13 of the Local Minerals Plan (adopted 1996).*

31. No development shall be carried out in the area within the 1 in 100 year floodplain of Stansted Brook main river until detailed ground level contour plans of the existing and proposed ground levels have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To prevent the increased risk of pollution to the water environment in accordance with Policies W4A, W4B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN3 and ENV12 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

32. Any works on or within 10m of a watercourse or diversion of the watercourse shall be in accordance with the details submitted by Peter Baxter Associates dated 3 November 2005 ('Method Statement for the Diversion of Watercourses', drawings: 0273/908D, 0273/503A and Figure 1) and approved on 6 January 2006 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To prevent the increased risk of pollution to the water environment in accordance with Policies W4A, W4B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN3 and ENV12 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).*

33. Any fuel, lubricant or chemical storage above ground and refuelling facilities (including temporary) shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drums 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.

*Reason: To minimise the risk of pollution of watercourses and aquifers in accordance with Policies W4A, W4B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), ENV12 of Uttlesford District Local Plan (adopted 2005) and Policy DM1 of the Minerals Local Plan (adopted 2014).*

34. Surface water drains from vehicle refuelling areas shall be connected to the foul sewer via oil/petrol/grit interception facilities designed and constructed to the satisfaction of the Waste Planning Authority.

*Reason: To minimise the risk of pollution of watercourses and aquifers in accordance with Policies W4A, W4B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy ENV12 of Uttlesford District Local Plan (adopted 2005) and Policy DM1 of the Mineral Local Plan (adopted 2014).*

35. Within 3 months of the date of this permission, full details of all proposed tree and shrub planting, and the proposed times of planting, shall be submitted to and approved in writing by the Waste Planning Authority.

The scheme shall detail the areas to be planted together with the species, spacing, protection, programme for implementation and maintenance of the planted areas including the use of local stock (south Suffolk and North Essex clayland) as defined in the Northern basin Character Map. The scheme shall include indications of all existing trees and hedgerows on the site, with details of those to be retained, together with measures for their protection during the period of the operations. The scheme shall be implemented in accordance with the approved details.

*Reason: In the interest of the amenity of the local area and to ensure the development is adequately screened in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Mineral Local Plan (adopted 2014).*

36. Any tree or shrub forming part of a planting scheme approved in connection with this development that dies, is damaged, diseased or removed within the period of the operations or five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub of species and size to be agreed with the Waste Planning Authority.

*Reason: In the interest of the amenity of the local area and to ensure the development is adequately screened in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Mineral Local Plan (adopted 2014).*

37. Within 6 months of the date of this permission, a detailed restoration plan and restoration management plan for the period 2004 -2027, in accordance with the indicative restoration plan shall be submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall include the following details:

- a. phased restoration;
- b. hedgerow and tree planting and aftercare;
- c. the provision of grassy margins and conservation headlands;
- d. provision of a narrow band of "transitional" planting immediately north of Lady Wood on non-landfilled margin;
- e. the potential for connecting woodland between the Lady Woods; and

- f. the design and timings of new surface water ditches and watercourses.

The restoration management plan shall include details of the design, implementation, timing, maintenance and management of the restoration plan. The development shall be implemented in accordance with the approved plans.

*Reason: To ensure proper restoration in the interest of wildlife habitat and nature conservation in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Mineral Local Plan (adopted 2014).*

- 38. All protected species shall be managed and protected by the operating company in accordance with the details set out within the Environmental Statement and Bioscan letter 28 November 2003 (contained within planning application ESS/51/03/UTT).

*Reason: To protect the interest of wildlife and nature conservation in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005), Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Mineral Local Plan (adopted 2014).*

- 39. Topsoil, subsoil, and soil making material shall only be handled when it is in a dry and friable condition:
  - a. The criteria for determining dry and friable shall be based on a field assessment on the soil's wetness in relation to its lower plastic limit. An assessment shall 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 a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type.
  - b. No movement of soils shall occur:
    - i) during the months November to March (inclusive), unless otherwise approved in writing by the Waste Planning Authority; or

- ii) when there are pools of water on land surface (covering more than 5% of the land surface).

*Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*

40. Soil movements shall be carried out in accordance with details submitted by Keith Funnell Associates dated 12 May 2005 and approved 24 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT).

*Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality in accordance with Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*

41. Soil stripping and excavation of arable and set-aside areas within Phase 4 and the "bull nose" shall be carried out in accordance with details submitted by Keith Funnell Associates dated 12 May 2005 and approved 24 August 2005 by the Waste Planning Authority (contained within planning application ESS/51/03/UTT) and undertaken outside the bird nesting season (1 April to 31 August inclusive).

*Reason: In the interest of nature conservation and wildlife Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*

42. No remediation works to any part of the site where differential settlement occurs during the restoration and aftercare period shall be carried out unless details of the proposed works including the use of clean soils have been submitted to and approved in writing by the Waste Planning Authority. The works shall be carried out in accordance with the approved details.

*Reason: To ensure proper restoration of the site Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*



43. Bunds for the storage of agricultural soils shall conform to the following criteria :
- a. Topsoil, subsoil and subsoil substitutes shall be stored separately.
  - b. Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
  - c. Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Waste Planning Authority.
  - d. Topsoil bunds shall not exceed 3m in height and subsoil (or subsoil substitute) bunds shall not exceed 5m in height.

*Reason: To minimise structural damage and compaction of the soil and to aid the final restoration Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*

44. An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the written approval of the Waste Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. Aftercare shall be implemented in accordance with the approved scheme.

The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Annex A of MPG7 for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants, the Waste Planning Authority and Natural England.
- b. Provide for a detailed annual programme, in accordance with Annexes A and B of MPG7 to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting
- c. Unless the Waste Planning Authority, after consultation with the Natural England or Forestry Authority, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

*Reason: To ensure the satisfactory restoration of the site for agricultural purposes Policies W3C, W10C and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN7, E4, ENV3, S7 and S8 of Uttlesford District Local Plan (adopted 2005) and Policies S12 and DM1 of the Mineral Local Plan (adopted 2014).*

**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 2014 (MLP)**

S1 – Presumption in favour of Sustainable Development  
S10 – Protecting and enhancing the environment and local amenity  
S11 – Access and transportation  
S12 – Mineral site Restoration and afteruse  
DM1 – Development Criteria

**The Essex & Southend Waste Local Plan adopted 2001 (WLP)**

W3A – Waste Strategy  
W3C – Receipt of Essex Wastes Only  
W4C – Access  
W9B – Landfilling  
W10E – Development Management Criteria

**Uttlesford District Council Local Plan adopted (2005) (ULP)**

S7 – The Countryside  
GEN1 – Access  
GEN4 – Good Neighbourliness  
ENV11 – Noise Generators  
ENV13 – Exposure to Poor Air Quality

**Uttlesford District Council Local Plan Pre Submission Consultation dated April 2014 (EULP)**

SP1 - Presumption in favour of Sustainable Development

### **Statement of Reasons**

The principle of extraction, landfilling at the site and the subsequent restoration has been established by means of previous permissions at the site. Minerals can only be extracted where they lie and infilling would allow satisfactory restoration of the site in accordance with the requirements of the Framework. Furthermore, operations would be controlled by conditions requiring schemes to mitigate potential detrimental impacts to amenity by means of noise, dust and other types of pollution.

It is considered that there would be no detrimental impacts on amenity through the increase in vehicular movements, annual tonnage, pre settlement levels nor waste type origin restrictions which would bring forward restoration of the site by at least 2 and a half years. It is in fact considered that a requirement to return to previously approved details would be more likely to result in a delay to the ultimate restoration of the site and therefore that the proposed amendments would be in compliance the Framework and MLP policy S12 and WLP policy W9B.

The economic, social and environmental strands of the Framework are considered to have been achieved equally and the amendments of conditions 1, 29 and 28 are considered to constitute 'sustainable development' in accordance with the Framework.

Furthermore, the policies relied upon in this report are considered to be consistent with the Framework.

**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 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 Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a

result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Dated: 25 November 2014

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](http://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.