



**TOWN AND COUNTRY PLANNING, ENGLAND  
 THE TOWN AND COUNTRY PLANNING (DEVELOPMENT  
 MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

<b>Application Number:</b> 08/00958/TTGMIN	<b>Date Validated:</b> 02-Oct-2008
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In pursuance of the powers exercised by them as local planning authority the Thurrock Thames Gateway Development Corporation (the Corporation) give formal notice of their decision, in respect of the following development to:

## GRANT PERMISSION

**Proposal:** Continued use of land for inert waste and soils recycling, primary aggregates extraction, processing and sale together with ancillary facilities and access. Phased restoration to nature conservation and public amenity after uses by the permanent deposit of inert waste.

**Location:** East Tilbury Quarry, Princess Margaret Road, RM18 8PA

**Plans: RESTORATION PROPOSALS**

M07124.08 Rev A – Location Plan	
M07124.16 Rev B – Restoration Proposals	
M07124.39 Rev B – Initial Works/Phase 1 Recycling and Restoration	15/01/2010
M07124.40 Rev A – Phase 2 Recycling and Restoration	15/01/2010
M07124.41 Rev A – Phase 3 Recycling and Restoration	15/01/2010
M07124.42 Rev A – Phase 4 Recycling and Restoration	15/01/2010
M07124.43 Rev A – Phase 5 Recycling and Restoration	15.01.2010
M07124(g).67a Rev A – Restoration Scheme and Phased Boundaries	
M07124.73 – Plant Site Elevations	
M07124 (i)01 – Potential Northern Flood Defence Bund	09/09/2010
M07124 (i)02 Rev A – Secondary Flood Defence Bunding and Sluice	15/09/2010
M07124 (j)01 – Low Permeability Cap Layer	30/09/2010

**TOPOGRAPHICAL SURVEYS** (Submitted with application but not detailing the approved scheme)

07/247/001\_O Rev 00 – Topographical Site Survey as Surveyed 20 April 2007

M07124.37 – Current On-Site Materials Audit (Aug 2008)  
PRO/TIL/205 – Existing Contours Jan 2007  
09/247/014 D Rev 00 – Topographical Site Survey as 11 January 2008  
M07124 – Topographical Site Survey 11 January 2008

**PLANS FOR INFORMATION** (Submitted with the application but not detailing the approved scheme)

09 PDE/247/013\_D Rev 01 – Approved Restoration Scheme Areas  
M07124.57 – Restoration Option 2  
M07124.58 – Restoration Option 1  
M07124.59 – Restoration Option 3  
M07124.63 – Waste Licence Boundaries  
M07124.65 – Planning and restoration Boundaries

**Applicant Contact Details:**

c/o Agent

**Agent Contact Details (if applicable):**

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**This grant of planning permission is subject to the following conditions  
(given on the following pages)**

Signed:

Date:

Director of Planning & Strategy

**This grant of planning permission is subject to the following conditions:**

1. **TIME**

The development hereby permitted must be begun not later than the expiration of 6 months from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

**Reason:** Permission is granted having regard to the very special circumstances. The application has been assessed on the basis that it will enable the restoration and beneficial use of the land within a specified time limit and address the harm arising from the current site.

2. **CESSATION**

The importation of material for recycling or infilling void spaces shall cease and the restoration and landscaping of the site completed in accordance with the agreed details on or before the 9th anniversary of the commencement of development, unless otherwise first agreed in writing by the Local Planning Authority. All parts of the site shall be subject of Aftercare for a period of 5 years from the relevant date of restoration in accordance with the agreed phasing plan pursuant to the conditions attached to this permission.

**Reason:** The application has been assessed and considered against the time limited continuation of activities required to restore the site. To provide for the completion and progressive restoration of the site to a condition capable of use for nature conservation and public amenity use within the approved timescale, in the interest of amenity. The site would not meet Thurrock Council's emerging LDF Core Policies for a permanent waste site.

3. **AFTERUSE**

The site shall be restored and used for nature conservation and public amenity afteruse only unless otherwise first agreed in writing with the Local Planning Authority.

**Reason:** The site is located within the Metropolitan Green Belt wherein permission is granted having regard to the very special circumstances including restoration to provide publically accessible open space and nature conservation. In addition, the application has been assessed and considered against these afteruses and the mitigation afforded by them. In accordance with MPG7, Thurrock Borough Local Plan 1997 Policies T8 and LR17 and Thurrock emerging LDF Policies CSTP18 and CSTP20.

#### 4. FOOTPATHS

Within 12 months of the commencement of development, details of a comprehensive network of footpaths for pedestrians linking through the site joining onto the existing off-site network of footpaths shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall;

- follow the network of routes detailed on plan ref: M07124(g).67a Rev A,
- include details of construction and surface finish,
- measures to prevent unauthorised vehicular / motor cycle access;
- detail those paths which will be for seasonal use only (March to October) and measures to discourage their use outwith the agreed times,
- provide details of any temporary routes on restored phases to enable their use whilst other phases of restoration are being undertaken together with a timescale and details of works to bring about their cessation and closure.

The footpaths within each phase shall be formed prior to the completion of restoration of that phase and thereafter permanently retained and maintained in the agreed form.. If any part of the footpath suffers from differential settlement during the restoration and aftercare period, the applicant, where required in writing by the Local Planning Authority, shall fill the depression with suitable imported material, to a specification approved in writing by the Local Planning Authority.

**Reason:** The site is located within the Metropolitan Green Belt wherein permission is granted having regard to the very special circumstances including the provision of publically accessible open space. Additional details of an integrated network is required and to secure its provision in the interests of sustainability, amenity and protecting nature conservation interests. In accordance with Thurrock Local Plan Policies T8 and LR17.

#### 5. VEHICULAR ACCESS FOR AFTERUSE

Prior to the commencement of the final phase of restoration, as agreed pursuant to the Phasing Plan, details of the extent of the access road to be retained together with details of works to make the access suitable for the after use and any associated vehicle parking areas shall be submitted to, and agreed in writing by, the Local Planning Authority. The access shall be amended, parking areas formed and land reinstated in accordance with the details agreed with the Local Planning Authority within 1 month of the completion of the site restoration.

**Reason:** To ensure that vehicular access provision is retained for the afteruse and that the associated, vehicle and pedestrian movements are made safe in accordance with Policy BE1 of the Thurrock Borough Local Plan (1997).

6. **ARCHAEOLOGY**

With regard to the area 'Phase 1 Mineral and Restoration Material Extraction Area' detailed on plan ref: M07124.39 Rev B, no development, extraction or ground works shall take place within this area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The programme of archaeological work shall be undertaken in strict accordance with the agreed details and the findings submitted to, and agreed in writing with, the Local Planning Authority prior to the commencement of works within this area.

**Reason:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with the requirements of PPS5 and Policy BE25 of the Thurrock Borough Local Plan 1997.

7. **BUILDINGS AND PLANT**

No development shall take place until details of the temporary ancillary offices, toilets and rest facilities have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include the number, siting, design and external appearance of the buildings. The buildings shall be solely ancillary to the use of the site and implemented in accordance with the approved plans and thereafter retained in accordance with the agreed details for the temporary period of the permission, unless otherwise first agreed in writing with the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) or the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), other than the buildings agreed by virtue of the above, no other buildings, structures or fixed plant or fixed machinery shall be erected, installed or located on-site unless first agreed in writing by the Local Planning Authority.

**Reason:** The application does not include such details. The site is located within the Metropolitan Green Belt wherein there is a presumption against inappropriate development. Permission is granted having regard to the temporary need for ancillary buildings in relation to the restoration of the land and in the interest of the amenity of the local area.

8. **DEVELOPMENT IN ACCORDANCE WITH THE PLANS**

The development hereby permitted shall be carried out in accordance with the plans detailed in the table below and subject to the conditions attached to this permission.

<i>Plan No.</i>	<i>Rev</i>	<i>Description</i>	<i>Received</i>
M07124(j)01	-	Low Permeability Cap Area	30.09.10
M07124(i)01	-	Potential Northern Flood Defence Bund	09.09.10
M07124(i)02	-	Secondary Flood Defence Bunding and Sluices	15.09.10
M07124.16	B	Restoration Proposals	
M07124.37	-	Current On-Site Materials Audit	
M07124.39	B	Initial Works/Phase 1 Recycling and Restoration	18.01.10
M07124.40	A	Phase 2 Recycling and Restoration	18.01.10
M07124.41	A	Phase 3 Recycling and Restoration	18.01.10
M07124.42	A	Phase 4 Recycling and Restoration	18.01.10
M07124.43	A	Phase 5 Recycling and Restoration	18.01.10
M07124(g).67a	A	Restoration Scheme and Phased Boundaries	
M07124.73	-	Plant Site Elevations	

**Reason:** For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details.

## **ECOLOGY**

### **9. Ecological Mitigation Scheme**

**A.** Prior to the commencement of development an 'Ecological Mitigation Scheme' shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Mitigation Scheme shall be based upon the details proposed within the Environmental Statement and Habitat Surveys accompanying the planning application and shall include details of:

- i. Phasing of operations;
- ii. Methodologies for translocation of protected species;
- iii. Methods for the protection of existing species in situ,
- iv. Details of further survey work and the timescales for undertaking such work

**B.** Prior to the commencement of works on any phase an 'Ecological Mitigation Strategy' for that specific phase, and incorporating the details agreed within the Ecological Mitigation Scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. The 'Ecological Mitigation Strategy' shall include, but not necessarily be limited to;

- i. Details of the how the methods of mitigation outlined within the Ecological Mitigation Scheme will be implemented for that phase;
- ii. Details of suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
- iii. Details for the protection of existing species in situ, including invertebrates;
- iv. Details of surfacing materials, including the extent, material and depth of capping;
- v. Details of the final landform, the finished contours and surface restoration levels;
- vi. Details of any seeding, planting and methods to promote habitat creation and establishment;
- vii. An assessment of the effect of the proposed restoration scheme upon habitat creation
- viii. An assessment of the works required for aftercare.

The mitigation strategy shall be carried out in strict accordance with the agreed details and timescale. Any translocation undertaken shall be verified in writing to the Local Planning Authority by an independent qualified ecologist within 28-days of undertaking the translocation.

**Reason:** To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981, in the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Borough Local Plan 1997 Policy LM12 and emerging LDF Policy PMD7.

10. **Ecological Monitoring Programme**

An 'Ecological Monitoring Programme' shall be submitted to, and agreed in writing by, the Local Planning Authority within 6 months of the commencement of any phase of the development. The Ecological Monitoring Programme shall include details of ecological surveys post completion of each of the restoration phases, and botanical and invertebrate recording to assess seeding success, plant colonisation and the use of the site by UK BAP species and to identify remedial action, if required, at years 1 and 2 post completion of each restoration phase.

**Reason:** In the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Borough Local Plan 1997 Policy LM12 and emerging LDF Policy PMD7.

11. **Extraction**

There shall be no mineral extraction except within the area defined as 'Phase 1 Mineral and Restoration Material Extraction Area' on plan ref: M07124.39 Rev B. Within the confines of this area no extraction shall take place at depths exceeding - 5.5 metres Below Ordnance Datum. With the exception of sand and gravel, all other material including overburden, top-soils and sub-soils resulting from the mineral extraction within this area shall be retained on-site for the purposes of restoration of the site.

**Reason:** To have regard to the details accompanying the application, including the ES. To limit the size of the resultant void space and impacts arising from the continued operation of the site. To ensure the recovery of all soil-forming material on site to achieve satisfactory restoration. In accordance with MPS1, MPG7, Essex Minerals Local Plan Policies MLP8 and MLP9 emerging LDF Core Strategy Policy PMD1.

12. **Extent of extraction**

Notwithstanding the details illustrated on the approved plans and the requirements of other conditions attached to this permission, no extraction or excavation within the area defined as 'Phase 1 Mineral and Restoration Material Extraction Area' on plan ref: M07124.39 Rev B shall be undertaken within a 85 metre wide buffer measured in any direction from the Thames Flood Wall unless such measures form part of agreed measures to manage surface water. Such areas shall be safeguarded from operations to facilitate its use as a wildlife corridor.

**Reason:** To limit the impact of the development on the Mucking Flats and Marshes Site of Special Scientific Interest (SSSI). In accordance with Part 3 (Section 4) of the ES and PPS9, Local Plan Policy LN12 and emerging LDF Policy PMD7.

**FLOODING AND DRAINAGE**

13. **Drainage of restored land**

No development shall take place until a detailed scheme for surface water and under-soil drainage has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall have regard to Part 3 of the ES. The scheme shall be implemented in accordance with the approved scheme.

**Reason:** To aid the rehabilitation of the site for beneficial use and to prevent off-site flooding, in accordance with PPS25 and emerging LDF Policy PMD15.



#### 14. **Flood defences**

Notwithstanding the details on the approved plans, the development hereby permitted shall not commence until such time as a Scheme for the Creation and Maintenance of the Flood Defence Works is submitted to, and agreed with, the Local Planning Authority. Such a scheme shall include;

- i. Engineering and construction details of the Flood Defences, this shall include details to demonstrate that the structures could be adapted to become a primary flood defence for East Tilbury in future years in line with Local Policy Management aspirations as defined in the Thames Estuary 2100 Action Plan (Action Zone 6 – Lower Estuary Marshes).
- ii. Phasing of restoration works including formation of the flood defences,
- iii. The applicant demonstrating that they have required all the necessary consents in order to undertake the works,
- iv. Details of the measures for inspection and securing the long-term maintenance of the flood defence structures.

The Flood Defences shall be built in strict accordance with the agreed timescale and thereafter retained and maintained in the agreed form and in accordance with the agreed scheme. All on-site processing and depositing of waste within the site shall cease in the event that such defences are not built in accordance with the agreed timescale.

**Reason:** The works of restoration reduces the floodplain storage capacity. The flood defence works area is required to mitigate the impact of the development and reduce the risk to off-site receptors. In accordance with PPS25, Part 3 of the ES (FRA) and emerging LDF Policy PMD15 and to accord with the local policy management aspirations as defined in the Thames Estuary 2100 Action Plan (Action Zone 6 – Lower Estuary Marshes).

#### **HIGHWAYS**

#### 15. **Vehicle Movements**

The maximum number of Heavy Goods Vehicle (HGV) (a vehicle of more than 7.5 tonnes gross weight) movements associated with the development hereby permitted shall not exceed the following limits:

- 240 movements (comprising 120 in and 120 out) per day (Monday to Friday) with a five day average (measured Monday to Friday inclusive) not exceeding 220 movements (110 in and 110 out) per day;
- 120 movements (60 in and 60 out) per day (Saturdays);
- 0 on Sundays and Bank Holidays.

No HGV vehicle movements shall take place outside the hours of operation authorised in condition 24 of this permission. Records of all HGV movements to and from the site including the quantum of load shall be kept for the duration of the permission and provided to the Local Planning Authority within 2 weeks of a written request.

**Reason:** In the interests of highway safety and protecting local amenity, in accordance with PPS13, PPS10, emerging Thurrock LDF Core Strategy Policy PMD1, PMD11, Essex Minerals Local Plan Policies MLP3 and MLP5.

16. **Rate of egress**

No more than one Heavy Goods Vehicle (HGV) shall egress from the site in any three minute period between the hours of 07:30 am to 09:00 am Monday to Friday (inclusive).

**Reason:** To accord with the details submitted in support of the application. In order to limit the impact on the highway network, in particular on; the level crossing at Princess Margaret Road and the junction of Buckingham Hill Road / A1013. Such limitations are required to ensure the development does not have an unduly detrimental effect upon the capacity and safe operation of the highway network. In accordance with PPS10, PPS13 and emerging LDF Core Strategy Policy PMD1, PMD9 and PMD11, Essex Minerals Local Plan Policies MLP3 and MLP5.

17. **Barrier Mechanism**

Within 3 months of the date of this permission, details of;

- a) a barrier mechanism within the site, associated signage and road markings;
- b) design of the barrier and operating procedure;
- c) management measures to be taken in the event of the breakdown of the approved barrier, to control the rate of Heavy Goods Vehicles (HGV's) egress from the site shall be submitted to, and agreed in writing with, the Local Planning Authority. The barrier mechanism shall be designed and operated to ensure that (with the exception of emergency access) no more than one HGV shall egress the site in accordance with the rate of egress in place at the time as dictated by condition 16 detailed above.

The agreed barrier mechanism shall be put in place prior to the extraction of soils and minerals from the 'Phase 1 Mineral and Restoration Material Extraction Area' detailed on plan ref: M07124.39 Rev B and, in any event, within 6 months of the date of the permission. It shall thereafter be; retained, and maintained and operated in the agreed form operated in the agreed form during the AM peak periods in accordance with condition 15 16.

In the event of the barrier not being operational due to mechanical breakdown, damage to, or failure of, the barrier the applicant shall;

- use their best endeavours to repair the barrier and restore it to operation;
- adopt put the agreed management measures in the event of barrier breakdown in place until such time as the barrier is operational and controlling the egress of HGV's in the manner permitted.

**Reason:** A mechanism is required to control access and to ensure that such provision is retained and maintained in order to limit the impact on the highway network, in particular on the level crossing at Princess Margaret Road and the junction of Buckingham Hill Road / A1013. Such limitations are required to ensure the development does not have an unduly detrimental effect upon the capacity and safe operation of the highway network. In accordance with PPS10, PPS13, emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11 and Essex Minerals Local Plan Policies MLP3 and MLP5.

18. **Vehicular access to the site**

Vehicular access to and from the site for all traffic associated with restoration and afteruse shall be from the existing site entrance onto Princess Margaret Road and the haul road into the site as indicated on plan ref: M07124.39 Rev B. No other vehicular accesses or haul roads shall be used by traffic entering or exiting the site unless in connection with emergency operations. The gate across this access point from the public highway shall be securely locked outside the permitted hours of operation.

**Reason:** In the interests of highway safety and safeguarding local amenity in accordance with Thurrock Borough Local Plan 1997 Policy BE1 and emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11 and Essex Minerals Local Plan Policies MLP3 and MLP5.

19. **Maintenance of access road**

The surfaced section of the access road, from the junction with Princess Margaret Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

**Reason:** In the interests of highway and pedestrian safety, in accordance with Policies BE1 and BE2 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11.

20. **Road Brush**

A road brush and gully cleaner shall be maintained on site and shall be employed to clean the effected part of the highway in the event that material, dust or detritus from vehicles coming to or from the site has been deposited on Princess Margaret Road.

**Reason:** In the interests of highway safety and amenity in accordance with Policy BE1 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11.

21. **Wheel washing**

Within 3 months of the date of this permission, details of the wheel washing facilities shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be installed in strict accordance with the agreed details. The approved measures shall be implemented and maintained throughout the duration of the operations. No commercial vehicle shall leave the site unless the wheels and the underside chassis have been cleaned.

**Reason:** In the interests of highway and pedestrian safety, in accordance with Policies BE1 and BE2 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11.

22. **Sheeting of loads**

All commercial vehicles entering the site with materials shall be sheeted. All commercial vehicles leaving the site carrying any aggregate, extracted sand and gravel, recycled aggregate, sands and soils shall be sheeted.

**Reason:** In the interest of highway safety and to reduce the potential for dust and detritus on the public highway and to comply with Policy BE1 and BE2 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policies PMD1, PMD9 and PMD11.

23. **Pedestrian signage**

No development shall take place until signs have been erected on both sides of the entrance at the point where the site entrance meets the back edge of the pavement along the eastern side of Princess Margaret Road. The signs shall be erected at 1.4m above the level of the pavement and shall read: 'CAUTION: VEHICLES CROSSING'. The signs shall be retained for the duration of operations.

**Reason:** In the interest of the safety of all users of both the path and access in accordance with Thurrock Borough Local Plan 1997 Policy BE1 and emerging LDF Core Strategy Policies PMD9 and PMD11.

24. **HOURS OF OPERATION**

The development and operations hereby permitted (including materials processing, excavation, movement of and deposition of material) and deliveries to and from the site shall only be carried out during the following times:

- Monday to Friday; 07:00 – 18:00
- Saturday; 07:00 – 13:00 (6 hours)
- and at no other times or on Sundays, Bank or Public Holidays. (Except for emergency operations).

**Reason:** In the interest of local amenity, to control the impacts of the development. In accordance with PPS10 and emerging LDF Core Strategy Policy PMD1.

**LANDSCAPING**

25. **Scheme of landscaping**

Within 6 months of the date of this decision notice details of landscaping and landscape protection shall be submitted to, and approved in writing by, the Local Planning Authority. Any variation in the agreed scheme shall be first agreed in writing with the Local Planning Authority. The landscaping scheme shall follow that illustrated on the 'Restoration Schemes and The Phased Boundaries' Plan ref: M07124(g).67a Rev A accompanying the application and shall include;

- i. A survey of all existing trees and hedgerows either within or adjacent to areas to be restored;
- ii. Details of those trees and hedgerows to be retained;
- iii. Measures for the protection of trees and hedges in the course of works;
- iv. Planting plans;
- v. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- vi. Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
- vii. Implementation timetables;
- viii. Programme of maintenance.

All landscaping comprised in the approved scheme shall be carried out in the first planting and seeding season (the period between 31 October in any one year and 31 March in the following year) following completion of the earth works for that phase of the restoration (or such other

period as may be agreed in writing by the Local Planning Authority). Any trees or plants which within a period of 5 years from the completion of the landscaping of a phase of restoration die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

All trees, shrubs and hedgerows on the site detailed to be retained shall be protected in accordance with the agreed scheme. Such protection shall be in place prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings sited within the root spread of any trees or hedgerows to be retained. Notwithstanding the details illustrated within the application; no changes in ground level (either raised or lowered) may be made within the spread of any tree or shrub (including hedges) agreed to be retained without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, avoids damage to health of existing trees and hedgerows and provides for landscaping as required by Policies BE1 and BE4 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policy WAS1.

26. **Storage mounds**

All storage mounds / bunds of soils, soil making materials and overburden to remain in situ for more than 6 months or over the winter shall be seeded in accordance with a specification to be approved in writing by the Local Planning Authority prior to their construction. All storage mounds shall, thereafter, be managed throughout their period of storage to maintain weed free cover of vegetation.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings. In accordance with Policies BE1 and BE4 of the Thurrock Borough Local Plan 1997 and emerging LDF Core Strategy Policies PMD1 and WAS1.

**MATERIALS**

27. **Inert waste only**

Only dry solid inert waste material shall enter the site. Prior to the commencement of development a waste acceptance criteria and measures to preclude waste outwith this criteria from being processed or deposited on site shall be submitted to, and agreed in writing with, the Local Planning Authority. The measures outlined shall be undertaken from the commencement of development and shall be retained for the lifetime of the permission.

**Reason:** To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties. Furthermore, waste material outside the aforementioned would raise alternate environmental concerns, which would need to be considered afresh. In accordance with PPS25, emerging LDF Core Strategy Policy PMD1.

## **NOISE AND PLANT**

### **28. Noise bunds**

Prior to the commencement of development details of temporary noise bunds to be formed along the edges of the site and between the noise sensitive receptors and the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include plans, sections detailing the location, height, contours and identifying the material types and units contained therein together with a timescale for their construction, retention and removal. Development shall be in strict accordance with the agreed details. The bunds shall be removed in strict accordance with the agreed details and the resultant material used as part of the agreed restoration.

**Reason:** To ensure minimum noise disturbance from operations on site in the interest of amenity. To accord with emerging LDF Core Strategy Policy PMD1.

### **29. Temporary noise bund**

Prior to the extraction of soils and minerals from the 'Phase 1 Mineral and Restoration Material Extraction Area' detailed on plan ref: M07124.39 Rev B and in any event within 6 months of the date of the permission detailed plans and sections of all temporary screen bunds shall be submitted to, and agreed in writing by, the Local Planning Authority.

With regard to the screen bund along the western edge of the Phase 1 Mineral and Restoration Material Extraction Area. The temporary screen bund shall measure; 8m Above Ordnance Datum (AOD) for its length between the site access road to the north-west corner of Phase 2, and 11m AOD adjacent to Phase 2 (as detailed on plan ref: M07124.40 Rev A). The screen bund shall be formed prior to the commencement of extraction of soils and minerals in accordance with the Phasing Plan and, in any event, within the first 12 months of commencement, and shall thereafter be retained for the duration of the extraction of soils and minerals and restoration works.

The temporary screen bund(s) shall be removed and the land re-instated in strict accordance with the agreed details and the resultant material used as part of the agreed restoration.

**Reason:** To ensure minimum noise disturbance from operations on site in the interest of amenity. In accordance with Part 7 of the ES (para 5.9 refers), PPS10, and emerging LDF Core Strategy Policy PMD1.

30. **Noise limits and monitoring noise levels**

**A.** Except for temporary operations required to provide environmental mitigation in the form of earth bunds along the western boundary as part of Phase 1 works, such works not exceeding 8 weeks in any 12 month period, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the following noise sensitive locations near the site shall not exceed the following;

1	River View, Princess Margaret Road	54dB(A) LAeq 1h,free field
2	Trent, off Coronation Avenue	49dB(A) LAeq 1h,free field
3	East Tilbury School	54dB(A) LAeq 1h,free field

The location of the monitoring points is detailed in Appendix 11 of the Noise Assessment forming part of Section 7 of the ES. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall have regard to extraneous noise. If the noise emitted from the site exceeds the levels expressed above then the relevant plant or machinery shall cease to operate until such time as measures are taken to reduce the noise level to the levels expressed in this condition.

**B.** Notwithstanding the above, prior to the commencement of development, details of a Noise Monitoring Program, which shall specify locations from which noise emanating from the site will be periodically monitored for compliance with the requirements of this condition (if different from the above), the methodology of noise measurement and establishment of baseline noise conditions (measurements shall be in accord with BS4142: 1997, an equivalent successor standard or other agreed noise measurement methodology) shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved Noise Monitoring Program shall be undertaken and the results submitted to the Local Planning Authority in strict accordance with a timetable approved within the Noise Monitoring Programme. Throughout the lifetime of the agreed Noise Monitoring Program specified above, it shall be reviewed following any change in plant, equipment or working practices likely to affect the baseline noise conditions and any such change shall be notified in writing to the Local Planning Authority; or following a written request by the Local Planning Authority in relation to a noise related complaint. Such a review shall be submitted to the Local Planning Authority for its written approval within one month of the notification or request. If the noise emitted from the site exceeds the levels expressed in the Noise Monitoring Program then the relevant plant or machinery shall cease to operate until such time as measures are taken to reduce the noise level to the levels expressed in this condition.

**Reason:** To protect the amenities of the local residents from the effects of noise pollution. In accordance with PPS10 and emerging LDF Core Strategy Policy PMD1.

31. **White noise alarms**

All vehicles and any mobile plant used exclusively on site shall be fitted with white noise alarms.

**Reason:** To protect the amenities of local residents, to limit the impact of noise arising from the site. In accordance with emerging LDF Core Strategy Policy PMD1.

32. **Silencing of plant and machinery**

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

**Reason:** To protect the amenities of local residents, to limit the impact of noise arising from the site and comply with emerging LDF Core Strategy Policy PMD1.

33. **Processing area and no operations outside area**

Prior to the commencement of development details of the extent of the processing area shall be submitted to, and agreed in writing with, the Local Planning Authority. There shall be no processing of material or use of mobile crushing and screening plant outwith the confines of the agreed area.

**Reason:** To minimise the impact of noise and dust on the amenities of nearby occupiers and comply with emerging LDF Core Strategy Policy PMD1.

34. **Equipment removed when not required**

a) Any building, plant, machinery, foundation, roadway, structure or erection used in connection with the development hereby permitted shall be removed from site when they are respectively no longer required for their purpose.

b) Notwithstanding part (A) above, no later than 3 months from the cessation of restoration or from the 9th anniversary of the commencement of development, whichever is sooner, or other such time as first agreed in writing with the Local Planning Authority, all plant, buildings, machinery, foundation, roadway, hardstanding, structure or access road used in connection with the development hereby permitted shall be permanently removed from site unless required in connection with the use of the site as public open space and informal recreation and wildlife habitat and its retention for such purposes is first agreed in writing by the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control adequately the development. The site is located within the Metropolitan Green Belt wherein there is a presumption against inappropriate development. Permission is granted having regard to the temporary need for ancillary buildings, machinery and development in relation to the restoration of the land and in the interest of the amenity of the local area. In accordance with policies for the control of development in the Green Belt, Thurrock Local Plan Policy GB1, emerging LDF Core Strategy Policy PMD1.



## PHASING

### 35. Phasing Plan

Prior to the commencement of development, a detailed Phasing Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The Phasing Plan shall set out the sequence in which the Phases will be undertaken and the estimated timing for the completion of work on each Phase to achieve full restoration of the Site and detailing (insofar as is feasible) the work that needs to be carried out in each Phase. The Phasing Plan shall accord with the phasing sequence detailed submitted with the application and shown on the following drawings;

M07124.39	B	Initial Works / Phase 1 Recycling and Restoration	18.01.10
M07124.40	A	Phase 2 Recycling and Restoration	18.01.10
M07124.41	A	Phase 3 Recycling and Restoration	18.01.10
M07124.42	A	Phase 4 Recycling and Restoration	18.01.10
M07124.43	A	Phase 5 Recycling and Restoration	18.01.10

Each phase shall be restored in a phased manner in accordance with the provisions of the restoration scheme submitted and thereafter subject to 5 years aftercare. Alterations may be made to the Phasing Plan only with the prior written agreement of the Local Planning Authority prior approval in writing.

**Reason:** To ensure satisfactory reclamation of the site, minimise impacts upon the amenity of local residents and ecology. In accordance with emerging LDF Core Strategy Policy PMD1 and PMD7.

## PROTECTING THE WATER ENVIRONMENT & DRAINAGE

### 36. Flood Management Plan

Prior to the commencement of development, a Flood Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The approved Flood Management Plan shall be implemented throughout the operational stage of the development.

**Reason:** To accord with the FRA accompanying the application. To minimise the risk to users of the development from flooding, in accordance with PPS25 and emerging LDF Core Strategy Policy CSTP27.

37. **Storage of oils and fuels**

The measures outlined in the 'Draft Fluids Handling Protocol' accompanying the application (Part 3 of the ES) shall be put in place from the commencement of development. Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

**Reason:** In order to avoid the pollution of ground water, in accordance with PPS25.

38. **Surface water drainage**

No development shall take place until a detailed scheme to accommodate all surface water drainage has been submitted to, and approved in writing with, the Local Planning Authority. The Scheme shall include a Maintenance Schedule for detention basins in accordance with the Flood Risk Assessment accompanying the application (ES, Part 4).

Unless otherwise agreed in writing with the Local Planning Authority the surface water drainage systems shall be constructed as their respective catchments are created. Any temporary flow controls or diversions required to manage surface water during restoration shall be first agreed in writing with the Local Planning Authority.

The scheme shall be implemented in accordance with the approved scheme. The surface water drainage system shall be managed and maintained so that they operate as designed and are not obstructed or reduced in size, in accordance with the Environmental Statement accompanying the application.

**Reason:** In order to avoid the adverse impact of flooding and to prevent pollution of groundwater, in accordance with PPS25 and emerging LDF Core Strategy Policy CSTP27.

**Records, Notification and Liaison**

39. **Notification of LPA**

The Local Planning Authority shall be notified in writing within 7 days of the dates of the following:

- a) Implementation of planning permission;
- b) Commencement of a new phase of restoration;
- c) Commencement of the landfilling of waste;
- d) Completion of each phase of restoration;
- e) Commencement of aftercare for each phase;
- f) Complete and final restoration under this planning permission.

**Reason:** To enable the Local Planning Authority to control and monitor the site to ensure compliance with the planning permission.

40. **Liaison Scheme**

Within 6 months of the Prior to Commencement of Development a Liaison Scheme shall be submitted to the Local Planning Authority. The Liaison Scheme shall comprise a scheme for liaison by the operator with the Local Planning Authority (and any successor local planning authority or operator) relating to the monitoring of progress and implementation of works and Aftercare. It shall include the requirement for the applicant to submit an Annual Report providing details of the operations carried out on the land in the previous year and a programme for the forthcoming year. The measures set out in the agreed Liaison Scheme shall be implemented and maintained during the lifetime of the works, unless a variation to the Liaison Scheme is first agreed in writing with the Local Planning Authority.

**Reason:** To allow the monitoring of progress of the scheme to ensure compliance with the planning permission.

41. **Recording measures**

Prior to commencement of development a Scheme of Recording Measures shall be submitted to the Local Planning Authority for approval. There shall be no commencement of development unless and until the proposed scheme of recording measures have been approved in writing by the Local Planning Authority. The Scheme of Recording Measures shall include proposed measures and procedures to:

- 1 Accurately record the date, origin, tonnage and type of all material entering and leaving the Site. Allow for the verification of such date through weigh ticket data;
- 2 Provide the Local Planning Authority with information as to materials entering and leaving the site on a quarterly basis (and verification if requested) or for alternative periods at the Local Planning Authority's request;
- 3 Provide the Local Planning Authority with details of the percentage of materials imported that are recovered and exported and the percentage to be disposed of to on-site landfill.

From the date the commencement the operator(s) shall maintain records of their monthly output and input and shall make them available to the Local Planning Authority in accordance with the agreed scheme of recording measures or upon request. All records shall be kept for the duration of the importation and extraction and shall be available to the Local Planning Authority upon request.

**Reason:** To allow the Local Planning Authority to monitor adequately activity at the site and to ensure compliance with the permission.

42. **Material Stocktaking**

Following the 1st anniversary of the date of this permission and on the every anniversary thereafter the Local Planning Authority shall be supplied with a plan showing the location of each soil storage mound, details of the quantity and nature of the material therein and how they are to be used in bringing about the restoration of the site.

**Reason:** To facilitate soil stocktaking and monitoring of soil resources to ensure compliance with the conditions attached to this permission and the timely restoration of the site.

## **RECYCLING**

### **43. Recycling and fill**

When measured over a six month periods starting from the commencement of development;

- up to 50% of the total quantum of inert waste brought to the site shall be recovered (when measured by weight);
- a minimum of 50% of the total quantum of inert waste (when measured by weight) brought to the site shall be retained on-site and used for in-filling the existing and enlarged void spaces in order to bring about the restoration and closure of the site.

**Reason:** Subjecting CD&E waste to practical levels of treatment reduces reliance on primary aggregates in line with National and Regional Policies and the emerging LDF Policy CSTP31. The benefit of recovery needs to be balanced against the need to restore the site in an expeditious manner and reduce the impact upon sensitive receptors. To accord with PPS10, MPS1, emerging LDF Core Strategy Policy PMD1.

## **RESTORATION**

### **44. Restoration to pre-settlement contours**

The final landform, the finished contours and surface restoration levels shall strictly accord with the landform shown on submitted plan M07124.16 Revision B 'Restoration Proposals'. Upon the completion of restoration operations, no part of the restored land shall exceed the pre-settlement contours shown on aforementioned plan.

For each phase as agreed pursuant to this permission, a competent land surveyor shall check the levels on-site once;

- i. Formation levels have been created and prior to the placement of the low permeability cap;
- ii. Following the formation of the low permeability cap;
- iii. Following the completion of the restoration layer.

The operator shall give the Local Planning Authority 5 clear working days notice to enable an inspection to be made prior to the formation of the low permeability cap and following its completion. The operator shall submit to the Local Planning Authority within 21 days of the completion of the restoration layer on any phase a topographical survey demonstrating that the site has been restored in strict accord with the approved plans.

**Reason:** To minimise the impact upon the landscape and ensure proper restoration of the site in accordance with the approved plans, in accordance with Local Plan Policy BE26 and emerging LDF Core Strategy Policies PMD1, CSTP29, CSTP23 and PMD1.

45. **Restoration layers**

The restoration layers shall follow the details included within the report 'Installation of Low Permeability Restoration Layer ('Cap') (AMEC, June 2010). Notwithstanding this, within 4 months of the prior to the commencement of development, a full specification for the restoration layers detailing;

- the fundamental material requirements,
- construction specification,
- construction method statement,
- controls to be adopted,
- compliance testing arrangements,
- materials handling / sourcing,
- extent of the restoration layers,
- phasing,
- measures to prevent unnecessary trafficking of soil by heavy equipment and vehicles

shall be submitted to, and agreed in writing with, the Local Planning Authority.

The low permeability capping layer shall be designed to allow restoration in accordance with the final contours and extend to at least the area detailed on plan M07124(i)/01 (Sept 2010). The low permeability capping layer shall achieve a maximum permeability of  $1 \times 10^{-6}$ m/s.

Restoration shall be in strict accordance with the agreed details.

**Reason:** To ensure the restoration is undertaken in such a way as it allows for the beneficial after use and minimises the migration of landfill gas to the atmosphere, in the interests of amenity and the environment. In accordance with PPS10, MLP8 and MLP9.

46. **Restoration layers**

Notwithstanding the requirements of the conditions attached to this permission, prior to the commencement of restoration on any phase, details of the final 0.3m thick layer of top dressing shall be submitted to, and agreed in writing with, the Local Planning Authority. The top dressing shall be designed to meet the restoration objectives of the scheme, enable the permitted after uses and landscaping. The details of any phase shall be accompanied by a plan showing the proposed top dressing over the remainder of the site.

As soon as the ground is sufficiently dry, the top dressing and those materials immediately beneath it shall be ripped to a depth of 600mm 300mm unless otherwise agreed beforehand with the Local Planning Authority. Unless otherwise first agreed in writing in accordance with the above, all stones and other materials lying on the surface and which are in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Development shall be in strict accordance with the agreed details, unless a variation is submitted to, and agreed in writing with, the Local Planning Authority.

**Reason:** To ensure the restoration is undertaken in such a way as it allows for the beneficial after use, provides a satisfactory appearance, sustains vegetation and meets the restoration objectives. In accordance with PPS10, MLP8 and MLP9.

47. **Differential settlement**

In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Local Planning Authority, shall fill the depression with suitable imported soils, to a specification approved in writing by the Local Planning Authority.

**Reason:** To aid the rehabilitation of the site to a beneficial after use.

48. **Restoration in the event that works cease prematurely**

In the event that operations are terminated, or suspended for a period in excess of 12 months prior to the completion of the approved scheme which, in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, and following the receipt of written notification by the Local Planning Authority, a revised scheme of restoration and aftercare shall be submitted to, and approved in writing by, the Local Planning Authority within 4 months of the date of notification or an alternative period first agreed by the Local Planning Authority. The revised scheme of restoration shall cover all disturbed areas or other operational land. The approved revised scheme shall be fully implemented within the agreed timescale.

**Reason:** To ensure that the site is restored to a condition capable of beneficial use. To ensure that risks from the site to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with Policy BE26 of the adopted Local Plan 1997.

49. **Restoration Completion Report**

Within 5 years of the date of this permission, the operator shall submit to the Local Planning Authority a Restoration Completion Report having a base date for site conditions no less than 4 years and 6 months from the date of this permission. The Restoration Completion Report shall contain:

- i. A topographical site survey of the site contours undertaken within one month of the Restoration Completion Report;
- ii. A calculation of the remaining void space available for land filling at the date of the site survey to achieve the approved restoration contours;
- iii. The amount of unfilled void, if any, predicted at the date of closure established by condition 2 based on the previous 12 months waste imported into the site. In the event that the Restoration Completion Report predicts unused void at (the date of closure) a revised scheme shall be submitted within 2 months of the submission of the Restoration Completion Report to the Local Planning Authority for its written approval. The revised scheme shall set out;
- iv. Proposals for a revised scheme of restoration designed to deliver the satisfactory completion of the site prior to the date of closure established by condition 2 of this permission; and
- v. The sequence and timetable in which the works set out in (iv) above will be undertaken including final landscape works.

The revised scheme shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved revised restoration scheme shall be implemented by the operator in strict

accordance with the agreed details.

A further Restoration Completion Report shall be produced within 6 months of the operator receiving such a request in writing from the Local Planning Authority and the above provisions shall apply.

**Reason:** Permission is granted having regard to the very special circumstances. The applicant has been assessed on the basis that it will enable the restoration of the land within a specified time limit and address the harm arising from the current site. Provision is required to enable the site to be restored and the operations cease.

## **SOILS AND SOIL MOVEMENT**

### **50. Retention of materials**

All overburden, top-soils and sub-soils resulting from mineral extraction shall be retained on-site for the purposes of restoration of the site.

**Reason:** To ensure the retention of material on site to achieve satisfactory restoration.

### **51. Soil movement programme**

Prior to the commencement of development a Soil Movement Programme shall be submitted to, and agreed in writing with, the Local Planning Authority. The Programme shall include details of;

- a) the origin, intermediate and final locations of soils, sub-soils and waste for use in restoration together with details of quantities, depths and areas involved.

Topsoil, subsoil and soil-forming materials shall be stored in separate heaps / bunds. The heaps / bunds shall not be traversed by heavy vehicles or machinery except in the course of stacking, maintenance or re-spreading. Each heap shall be marked with signs for the duration of the storage period showing the soil type. The scheme shall be implemented in accordance with the approved details unless a variation is first agreed in writing by the Local Planning Authority.

**Reason:** To accord with Part 2 (3.8 of the ES). To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality. To prevent unnecessary trafficking of soil by heavy equipment and vehicles which may damage the soil. In the interest of bringing about the satisfactory restoration of the site.

### **52. Controls during winter months**

Following restoration of any part of the site and for a period of 2 years thereafter (unless otherwise agreed with the Local Planning Authority) unless specifically exempted by virtue of this condition, no vehicles shall be allowed on that part of the restored site during the period from 1st months of November to 30th March (inclusive) and April without prior written consent of the Local Planning Authority. Thereafter, no part of the restored site shall be traversed by heavy machinery except in order to facilitate Aftercare of that part of the site. For the avoidance of doubt, this prohibition of vehicles shall not extend to access for emergency works, health and safety inspections or for routine environmental monitoring as required by the Environment Agency.

**Reason:** In the interest of allowing the site to be restored to the required standard.

53. **Soil handled in a dry and friable condition**

Topsoil, subsoil and soil making material for bringing about the restoration of the site shall only be handled / moved when they are in a dry and friable condition and in accordance with Sheet 1-4 of the MAFF 'Good Practice Guide for Handling Soils' (Version 04/00). This includes a requirement:

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

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

**Reason:** To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Part 2 (para 4.3) of the ES.

**MISCELLANEOUS**

54. **Measures to control dust**

The measures to minimise dust emissions detailed in the 'Dust and Odour Assessment' (PDE Consulting) (Part 7 of the ES) accompanying the application shall be implemented upon the commencement of development and shall be maintained in a fully operational condition for the life of at the site. A copy of the measures shall be displayed within the site in a location which is readily accessible to any person undertaking the development.

**Reason:** To minimize the spread of dust in the interests of local amenity and to comply with policy policies BE1 of the Thurrock Borough Local Plan 1997 which seek to ensure the integration of new development with its surroundings and to ensure that residential amenity is not adversely affected.

55. **Lighting**

No floodlighting or external lighting shall be installed unless a scheme of external lighting, including details of the spread and intensity of light together with the size, scale and design of any light fittings and supports, has been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, external lighting shall only be provided in accordance with the agreed details or in accord with any variation agreed in writing by the Local Planning Authority.

**Reason:** In the interest of amenity and to ensure that the proposed development is integrated within its immediate surroundings. In accordance with Policy BE1 of the Thurrock Borough Local Plan 1997 and emerging Thurrock LDF Core Strategy Policy PMD1.

56. **Fences, walls etc**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 (as amended) no fences, gates, walls or other means of enclosure shall be erected on site unless;



- a) temporarily required in connection with the restoration of the site, such fencing to be removed post restoration unless its retention is otherwise first agreed in writing with the Local Planning Authority pursuant to this condition;
- b) Part of a scheme for first agreed in writing with the Local Planning Authority or;
- c) Shown on the approved plan ref: M07124.67a 'Restoration Scheme and Phased Boundaries' and the details of the design of the fencing, gates and means of enclosure together with details of how they would facilitate and control public access is submitted to, and agreed in writing with, the Local Planning Authority.

**Reason:** In the interests of; visual amenity, the character and openness of the site, ensuring public access and measures to mitigate the impacts upon ecology.

57. **Display of consent**

Throughout the period of inert landfilling and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

**Reason:** To ensure awareness of the approved plans and conditions attached to the permission.

## INFORMATIVES

1. This notice relates to the requirements for planning permission under the Town & Country Planning Act 1990 (as amended). You may require permission under the Building Regulations before commencing this development.
2. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it absolutely certain that nesting birds are not present. The RSPB publish a booklet "Wild Birds and the Law". English Nature also produces Guidance Notes relating to Local Planning and Wildlife Law – both of which are useful.
3. Reason(s) for Approval – A full list of relevant National Planning Policy guidance and development plan policies are provided in the Planning Committee Report and Supplementary Report. The Local Planning Authority has considered and assessed the content of the Environmental Assessment (EA) submitted with the application as well as consultation responses received from statutory bodies on particular technical matters. Consideration has also been given to the statutory planning policy framework and the views expressed by third parties. The Development Corporation considers that subject to the further information and mitigation measures identified in the ES being carried out, the conditions of the permission being complied with and the terms of the Planning Obligation met, the proposed development is acceptable. The conclusion and reason for approval contained within the Committee Report and Supplementary Report state;
  - (I) Local Plan Designation and Principle of Development:
    - The proposed after uses as a Country Park and for ecological purposes are appropriate uses in the Green Belt.
    - The continuation of waste processing operations and the restoration landform would affect the character and openness of the Green Belt. It is considered that the proposal constitutes inappropriate development in the Green Belt.
  - (II) Assessment of need for restoration:
    - Significant parts of the site have been degraded. The majority of areas do not benefit from current restoration obligations that would bring about the successful restoration of the site.
    - The 'do-nothing scenario' would; lead to a fragmented landform that is harmful to the landscape character of the area, not allow the use of the majority of the site for agriculture or give rise to a beneficial after use, not give rise to measures to address deficiencies to manage surface water and not address environmental issues arising from the historic underlying waste.
    - The site would benefit from a comprehensive scheme of restoration to address the current restoration liabilities and deficiencies.
  - (III) Assessment of proposed method of restoration:

- It is appropriate to utilise the excess material within the site for the purpose of bringing about restoration of the Waste Management Licensed areas.
- The formation of a cap and cover material follows guidance on remedial engineering for closed landfill sites and is supported by the Environment Agency.
- There is a shortfall of on-site restoration material. The applicant has not demonstrated that there is an absolute requirement to use indigenous soil for site restoration. Whilst the emerging Thurrock Council LDF identifies no requirement to create additional inert waste capacity, the benefits of using the indigenous soil resource are certainty and bringing about the early restoration of a substantial part of the site. Furthermore, moving away from this approach may jeopardise the viability of the scheme and result in the site continuing to have a restoration liability.
- The approach to, and restoration of, landform within the majority of the site has been informed by the constraints and the need to address environmental issues arising from the previous deposition of waste. There is scope to further reduce the quantum of material within the northern part of the site and to allow for the restoration of the land in a more expeditious manner.
- The proposed works are mainly necessary for restoration and do not amount to land raising for its own sake and, therefore, comply with the relevant parts of Deposit UDP Policies USP40 and WAS14 and emerging Thurrock Council LDF Core Strategy Policy CSTP29. With regard to the northern part of the site, it is considered that a key consideration is the extent of the harm arising from the proposed landform and the potential longer continuation of activities on-site.
- Phasing is logical, would assist in reducing impacts on nearby sensitive receptors, allow measures to mitigate the impact of the development on wildlife, give rise to the early restoration of a significant proportion of the site and to minimise the areas of ongoing working. The location of the processing plant and measures to mitigate its visual and aural impact are considered to accord with Essex MLP10.
- The restoration timescale is dependant upon achieving the maximum level of importation. Given that the applicant has been operating for a considerable period at the levels envisaged, it is considered that there are sufficient inert waste resources to fulfil the demand and that the restoration timescale should be achievable.

(IV) Conformity with waste policies;

- Subjecting C,D&E waste to practical levels of treatment is in line with National and Regional Policies and the emerging Thurrock Council LDF Policy CSTP31. The benefit of recovery needs to be balanced against the need to restore the site in an expeditious manner.
- The site would not meet Thurrock Council's emerging Policy criteria for a permanent waste management site. However, Essex MWLP5 and Thurrock Council Draft LDF Policy CSTP29 recognise that there may be a need for temporary waste management on sites, including the Green Belt, as part of a necessary restoration scheme. Co-location of recycling and disposal facilities has advantages in terms of reducing the transportation of waste thereby minimising the environmental effects associated therewith.
- To the extent that the proposal seeks to enlarge the permitted landfill capacity by c600,000m<sup>3</sup>, this is not supported by the emerging Thurrock Council LDF Core Strategy. Notwithstanding this, an important benefit of landfilling is to reclaim the existing and new voids and to finance the restoration of the wider site.
- To the extent that the proposal will make provision for between 111,000 and 217,000 tonnes of inert waste recycling capacity per annum, it can be held to be in accordance with

emerging Thurrock Council LDF draft Policy CSP29(2) and could assist in Thurrock and the Essex sub-region to manage its waste. However, the development would exceed the capacity shortfall for C&D recycling identified in the emerging LDF by up to 320,939 tonnes per annum. The site would continue to rely upon the importation of significant quantities of waste from outside the East of England and could act to discourage London from dealing with its C,E&D waste and the achievement of objectives and targets in the emerging London Plan. The proposal does not accord with the general principle of self-sufficiency and is contrary to PPS10, former RSS Policy WM3 and the emerging LDF Core Strategy Policy CSP29(2).

- The restoration of the site is reliant on the use of a quantum of additional inert waste to fill the resultant void space. There is a difficult balance between the continued importation of material from outside the region and achieving a sufficiently rapid rate of fill to complete the site restoration in a manner that is not unduly protracted. Given the location of the site, it is considered that restricting the sources of waste to the East of England may unduly protract restoration and lead to waste being transported over longer distances, contrary to the proximity principle.
- On balance, it is considered that the need to restore the site in an expeditious manner outweighs the harm arising through increasing the landfill void and continued reliance upon waste imported from areas outside the East of England.

(V) Conformity with mineral policies

- Whilst there is no proven need for the limited mineral extraction in its own right, there are benefits of using the indigenous soil resource overlying the minerals in bringing about the early restoration of a substantial part of the site and addressing the restoration liability. This would give rise to the exposure of the limited mineral resource which would be available to be won, assist in financing the wider restoration works and would otherwise be sterilised by the infilling of the void with inert waste. It is considered that this small mineral extraction should be seen as a windfall and the benefits arising from its extraction outweigh the lack of need to win this mineral resource to ensure a 7-year supply. It is considered that such an approach is consistent with Essex MLP4 and deposit UDP Policy USP39.

(VI) Assessment of after use:

- The proposal strikes an appropriate balance between recreational use and nature conservation and conforms to a range of National guidance and local policies.

(VII) Assessment of landscape and visual impacts:

- The current on-site situation has an adverse impact on a number of local receptors. As restoration progresses the number and severity of the visual impacts is reduced and ultimately has a beneficial impact.
- The existing landform, heavily affected by unauthorised activity, has an adverse impact on landscape character and much of the impact would remain during the operational phases of the development.
- Having regard to the authorised restoration schemes, the proposed restoration landform would harm openness and the landscape character of the area, contrary to Emerging Core Strategy Policy CSTP23. However, MPG7 recognises that final landforms should be the best available compromise between intended after-use, natural landform and technical requirements. The approach to, and restoration of, landform within the majority of the site has been informed by the constraints, the need to address environmental issues and to

create a sustainable landform. It is considered that for the majority of the site, this appropriate balance has been achieved.

- It is considered that there is scope for a more sympathetic landform in relation to the northern part of the site comprising the existing and proposed voids. It is considered that the harm to the landscape character arising from the treatment of this part of the site is limited given the landform to the north and proposed landscape treatment. It is considered that the harm needs to be balanced against the benefits arising from the comprehensive restoration of the site.

(VIII) Assessment of proposed measures to secure aftercare:

- The applicant has satisfactorily demonstrated the likely financial and material budgets for aftercare and after-use, and how they propose to make provision for such work during the operational life of the site. The development complies with the relevant parts of MPG7, Essex MLP8 and Deposit UDP Policy MIN6.

(IX) Effect upon ecology and nature conservation:

- The proposal would lead to short term impact on the ecology as a result of disturbance and loss of habitat. However, these impacts would be adequately mitigated by the restoration and continuing management package proposed. The proposal would make adequate provision to safeguard protected species, preserve and promote biological diversity and accord with PPS9, former RSS Policies ENV3 and SS8, Local Plan Policy LN12, Deposit UDP Policies WAS1, NEN12, NEN13 and NEN21 and emerging LDF Policy PMD7.

(X) Access and highway impacts:

- The continued use of the Corridor of Movement comprising the northern part of Buckingham Hill Road complies with the Emerging Thurrock Council LDF Policy PMD11. Whilst access to the CoM would be obtained via a 'secondary road', in light of the assessment of the impact upon capacity, road safety, environment, the measures proposed to mitigate impact and the Highway Authority's lack of objection, it is considered that an objection based upon the identified harm would be difficult to substantiate.

(XI) Flooding, surface water management and Protection of water resources:

- The proposal would make satisfactory provision for surface water drainage. Upon formation of the flood defence works, the proposal would decrease the risk of flooding within East Tilbury. The proposal complies with PPS25, former RSS Policy WAT4 and draft LDF Policy PMD15.

(XII) Impact upon amenity and air quality:

- Subject to suitable conditions, it is not considered that the on-site activity would have an unacceptable impact on the amenity of nearby occupiers from noise, odour, dust or vibration and, therefore, does not conflict with the relevant parts of PPS10 or the relevant criteria of Deposit UDP Policy WAS1. Furthermore, with regard to noise from activity generated on site, subject to conditions, it is considered that the proposal is not contrary to Deposit LDF Policy PMD1 and the guidance in PPG24 and MPS2.

(XIII) Impact on soils and agriculture:

- The proposal does not conflict with the relevant parts of MWLP8 and Deposit UDP Policy MIN1. The restoration makes best use of existing material and, therefore, complies with former RSS Policy ENV4

- (XIV) Archaeology and cultural heritage:
- Subject to a suitable condition regarding archaeological investigation of un-quarried areas, it is considered the proposal complies with PPG16.
  - The resultant restoration would not detract from the setting of the East Tilbury Conservation Area or nearby listed buildings.
- (XV) Socio-economic effects:
- It is considered that the benefits of the development purely in social and economic terms outweigh the dis-benefits.
- (XVI) Human Rights:
- Due regard has been given to the provisions of the Human Rights Act and, in particular, to the rights under Article 1, 2 and 8. In arriving at a recommendation, the rights of the applicants have been balanced against the interests, as expressed through the Development Plan and Central Government and other Guidance.

The application proposes inappropriate development in the Green Belt and needs to demonstrate very special circumstances to justify allowing it that outweigh the harm to the Green Belt, and any other harm. Planning policy also requires that planning authorities take into consideration the locational needs of waste management facilities and also the wider environmental and economic benefits that sustainable waste management may bring. With regard to very special circumstances, in light of the findings of this report, it is considered that it has been demonstrated that the site would benefit from a comprehensive scheme of restoration to address the current restoration liabilities and deficiencies. The proposal would bring about the restoration of 95 hectares over a 9 year period. In doing so, the proposal would; create a sustainable landform that would assist in managing landfill gas. The land would be restored to a substantial area of public open space and wildlife habitat and a compatible Green Belt use that would afford opportunities for recreation and nature conservation. The restoration of the site would also secure the long term funding for aftercare. In terms of harm arising, having regard to the analysis in the reports, it is considered that overall: the proposal would harm openness and the landscape character of the area, contrary to Emerging Core Strategy Policy CSTP23; the development would increase the size of the inert landfill void and site would continue to rely upon the importation of significant quantities of waste from outside the East of England; the applicant has demonstrated and, consultees confirmed, that, in the opinion of planning officers, the development can be achieved without unacceptable harmful environmental or other impacts.

Therefore, it is considered that the proposal represents an appropriate planning policy balance where the aims and objectives of long term Green Belt policy could be best achieved by a temporary waste management facility that would enable the restoration and beneficial use of the land. In light of this, it is considered that there are very special circumstances to justify allowing the development and these outweigh the harm to the Green Belt and the other identified harm.

In determining this application the Local Planning Authority have taken account of the Development Plan policies listed above, and given due weight to other material planning considerations. The policies referred to above are contained in the Thurrock Borough Local Plan 1997 which can be viewed at the Civic Offices, Grays.

## **TOWN AND COUNTRY PLANNING ACT 1990**

Notice to be sent to an applicant when a Local Planning Authority refused planning permission or grants 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 may appeal to the Secretary of State for the Communities and Local Government under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice. Appeals must be made on the correct Planning Appeal / Householder Planning Appeal / Listed Building Consent Appeal / Certificate of Lawful Use or Development Appeal form which are available from The Planning Inspectorate, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively, you may telephone the Planning Inspectorate on **01173726372** or email them at [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk). When requesting forms from the Planning Inspectorate please ensure you state the appeal form you require.

The Secretary of State can allow a longer period for giving notice of an appeal, but he/she 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 him/her that the Local Planning Authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provision of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on the direction given by him/her.

**NOTE:** The Planning Inspectorate have introduced an online appeals service that you may use to make your appeal online. You may find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of the appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only supply information, including personal information belonging to you, that you are content will be made available in this way. If you supply personal information belonging to someone else, please ensure that you have their permission. More detailed information about data protection and privacy matters is available in the Planning Portal (<http://www.planningportal.gov.uk/>).



## **Purchase Notices**

If either the Local Planning Authority or Communities and Local Government refuse permission to develop land or grant it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her.

These circumstances are set out in Section 114 and related provision of the Town and Country Planning Act 1990.