

**DR/01/13**

committee                      DEVELOPMENT & REGULATION

date                              25 January 2013

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Change of use of land to a Waste Transfer Station to include the erection of a building for the transfer/bulking of municipal waste, together with ancillary development including dual weighbridge, weighbridge kiosk, office and staff welfare building, fire water holding tanks and pumphouse, underground surface water drainage tanks and pipework, package sewage treatment plant and pipework, vehicle wash system, staff car and cycle parking, vehicle hardstanding, fencing, landscaping, formation of accesses to site and associated works.**

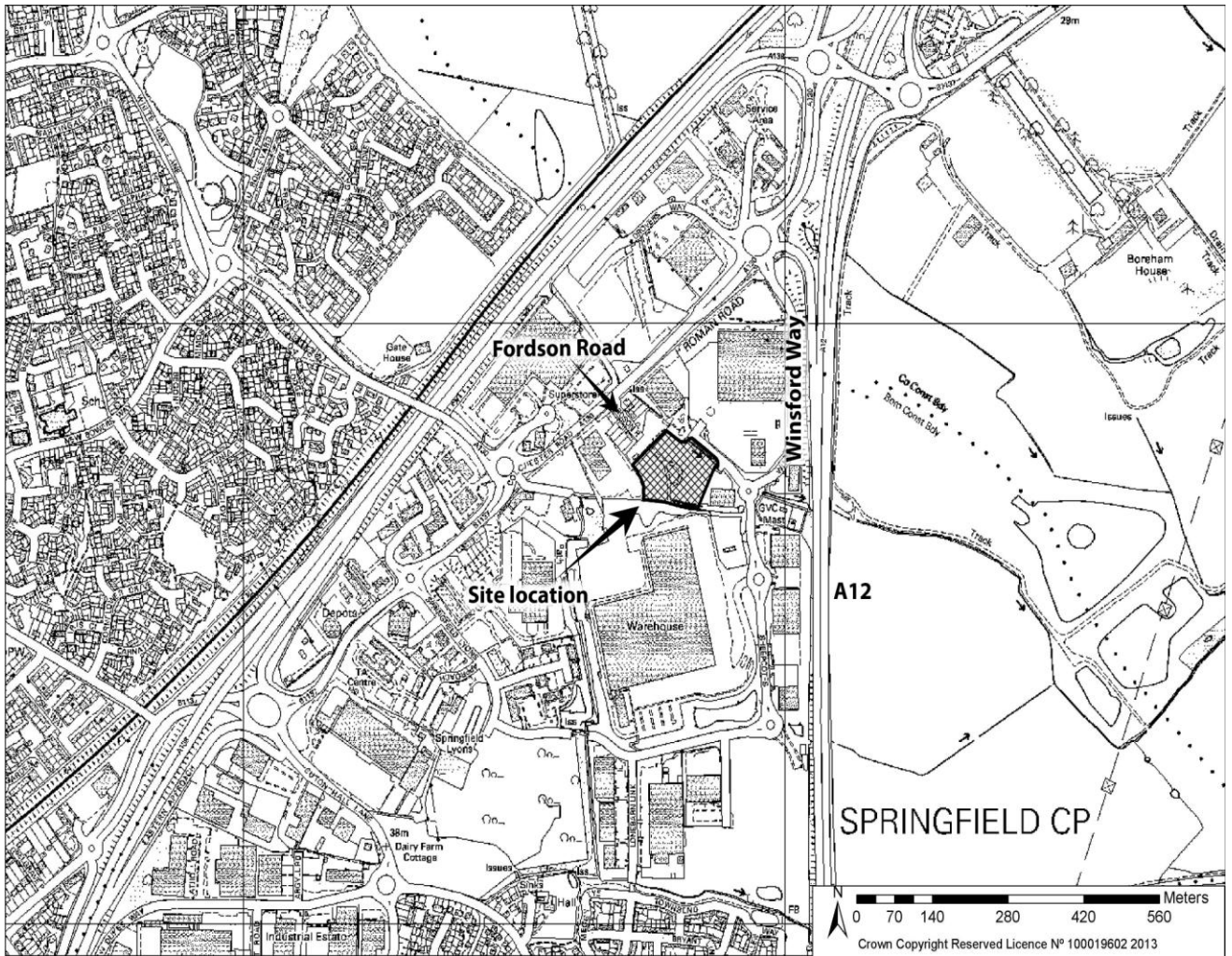
Location: **Land on the west side of Winsford Way, Chelmsford, CM2 5AA.**

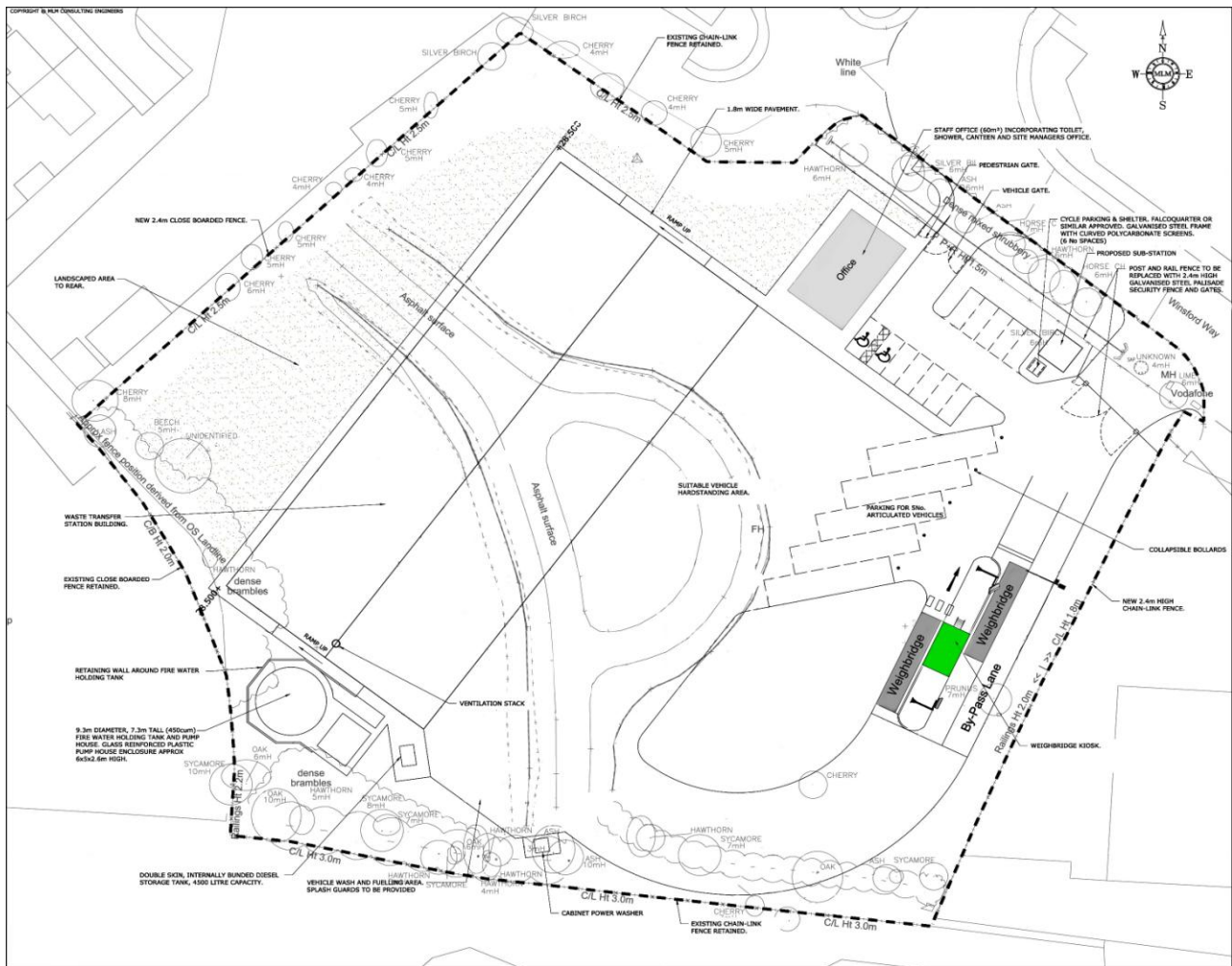
Ref: **ESS/65/12/CHL**

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Report by Assistant Director of Sustainable Environment and Enterprise

Enquiries to: Shelley Bailey Tel: 01245 437577





## 1. BACKGROUND & SITE

The application site is 1.3 hectares in size and is located off Winsford Way in Springfield, Chelmsford.

Winsford Way itself bounds the site to the north east and the Post Office depot is located on the opposite side of the road. A distribution warehouse (ALDI) is located to the south west, and an industrial unit (Global Marine) is located to the north. Fordson Road is located beyond a compound to the north west of the application site.

The area is currently undeveloped and covered with scrub vegetation. Ground levels currently fall from the north west to the south east.

Prior to its demolition in the mid-1990's, housing forming part of the Fordson Road development extended into the development site.

The nearest residential property is located in Fordson Road. The boundary of the property is located approximately 28m to the north west of the application site.

A Grade II Listed Building (Sheepcotes) is located over 80m to the south east and is surrounded by the existing Employment Area.

The site would be accessed via Winsford Way from the Winsford Way roundabout at the Boreham Interchange.

The site forms the north west boundary of an Employment Area as designated by the Chelmsford Borough Council Adopted Proposals Map.

## 2. **PROPOSAL**

The proposed development would provide a facility for the bulking up of waste for more efficient onward transportation to waste treatment facilities elsewhere in the county. It forms part of the delivery of an integrated network of new waste management facilities for the County's municipal waste (household waste and any other waste collected by, or on behalf of, a council).

The proposed development has been designed to transfer waste collected in the Chelmsford City and Maldon District Council areas. It would accommodate up to 90,000 tonnes of waste per annum.

The main building would be 76.5m x 32.25m with a height of 11.8m to the ridge line in a range of grey colours. It would hold 13 bays to accommodate waste for onward transfer and a ventilation stack of 16.8m in height and 1.2m in diameter would be located on the western side of the roof.

The building has been proposed with a landscaped buffer on the north west boundary, in addition to the existing stand-off between the site and the properties in Fordson Road.

Proposed operating hours are as follows:

0600 hours – 2000 hours Monday to Friday

0800 hours – 1600 hours Saturdays and Sundays

Proposed vehicle movements would take place mostly between 1000 hours and 1600 hours Monday to Friday.

Vehicles would enter via the main entrance off Winsford Way and turn on a hardstanding area located to the east of the proposed building.

High speed doors would allow vehicles to access the building and ensure waste handling would be performed with the doors closed.

The peak time for vehicle movements associated with the development has been assessed to be between 1400-1500 hours, when 49 two-way vehicle movements could be generated. This would not coincide with peak times on the surrounding highway network, which have been assessed as between 0800-0900 hours and between 1700-1800 hours.

## 3. **POLICIES**

The following policies of the Essex and Southend Waste Local Plan, (WLP), Adopted September 2001, and the Chelmsford Borough Council Core Strategy and Development Control Policies Adopted 20 February 2008 and the North Chelmsford Area Action Plan, (CCS), Adopted July 2011 provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>CCS</u>
Securing Sustainable Development		CP1
Achieving Well Designed High Quality Places/ Ensuring Buildings are Well Designed		CP20
BPEO	W3A	CP21
Need	W3C	
Flood Control	W4A	
Water Pollution	W4B	
Access	W4C	
Integrated Waste Management	W6A	
Materials Recovery Facilities	W7E	
Proposed Sites	W8A	
Alternative Sites	W8B	
Planning Conditions and Obligations	W10A	
Development Control Criteria/ Minimising Environmental Impact	W10E	CP13
Hours of Operation	W10F	
Securing Economic Growth		CP22
Protecting Existing Amenity		DC4
Amenity and Pollution		DC29
Achieving High Quality Development		DC45
Employment Areas		DC48
Industrial and Warehouse Development		DC52

It is noted that, as of 03 January 2013, the Regional Spatial Strategy for the East of England (RSS) has been revoked and therefore no longer forms part of the development plan.

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration. It does not contain specific policies on waste, since national waste planning policy will be set out in the future National Waste Management Plan. In the meantime, Planning Policy Statement 10: Planning for Sustainable Waste Management, remains a material consideration in planning decisions.

Paragraph 214 of the NPPF states that, for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004<sup>1</sup> even if there is a limited degree of conflict with the Framework.

The Chelmsford Borough Council Core Strategy and Development Control Policies Adopted 20 February 2008 and the North Chelmsford Area Action Plan Adopted July 2011 are considered to fall into paragraph 214.

Paragraph 215 of the NPPF states that in other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

It is considered that the Essex and Southend Waste Local Plan (adopted 2001) falls within the meaning of 'other cases' under paragraph 215, and therefore due weight should be given to the relevant policies according to their degree of consistency with the Framework. Consideration of consistency in respect of each of the policies referred to in this report is noted at Appendix 1.

#### **4. CONSULTATIONS**

CHELMSFORD CITY COUNCIL – No objection subject to conditions controlling hours of use as submitted and to ensure that building doors would be closed during waste handling. Reminds the Waste Planning Authority that the application must be screen under the EIA Regulations.

ENVIRONMENT AGENCY – No objection subject to conditions relating to surface water drainage and the disposal of foul drainage. Comments that the development will require an Environmental Permit.

NATURAL ENGLAND – No comments received.

ENGLISH HERITAGE – No comments received.

ESSEX AND SUFFOLK WATER – No comments received.

ANGLIAN WATER SERVICES – No comments received.

ESSEX FIRE AND RESCUE – No comments received.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions relating to operational noise limits and monitoring of noise levels. Comments that construction noise would be controlled by Chelmsford City Council.

THE HIGHWAY AUTHORITY – No objection subject to conditions covering the following:

- Vehicular accesses to be constructed in accordance with proposed drawings prior to commencement of development.

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<sup>1</sup> In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan.

- Gates to be inward opening and located as shown on the proposed drawings.
- Visibility splays to be provided and maintained.
- Details of measures to prevent the discharge of surface water onto the highway to be submitted prior to commencement of development.
- Details of areas within the site identified for turning/loading/unloading/reception and storage to be submitted prior to commencement of development.
- Construction management plan including construction vehicle routes and hours of deliveries to be submitted prior to commencement of development.
- Details of wheel washing facilities, segregated from pedestrian users, to be submitted prior to commencement of development.

WASTE DISPOSAL AUTHORITY – Supports the application. Comments as follows:

- The development would serve the Chelmsford and Maldon areas.
- A network of 6 transfer facilities would enable efficient bulk transfer of waste to strategic treatment facilities in accordance with the Joint Municipal Waste Management Strategy for Essex.
- The strategy aims to achieve 60% recycling of household waste by 2020.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the imposition of conditions relating to:

- The assessment of the presence of invertebrates,
- Adherence to the recommendations in the Preliminary Ecological Assessment,
- Protection of existing habitats to be retained during construction,
- A landscape scheme incorporating biodiversity,
- A scheme of management and long term monitoring of new habitats,
- No removal of vegetation during the bird nesting season,
- A revised ecological assessment should commencement be delayed by more than 3 years,

and an informative requiring works to stop should Great Crested Newts or reptiles be found during construction.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. Recommends conditions relating to the tree works and tree protection measures proposed in the application. Requests a condition relating to tree and shrub planting details with a method statement and maintenance schedule.

PLACE SERVICES (Historic Environment) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. Trial trenching has shown the area to be heavily disturbed.

PLACE SERVICES (Historic Buildings) ENVIRONMENT, SUSTAINABILITY AND

HIGHWAYS – No objection. The character of the historic setting of the Grade II listed Sheepcotes Cottages has already been compromised due to the surrounding industrial area.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the imposition of conditions covering the following:

- Details of boundary fencing colour and design.
- An amended landscaping drawing showing retention of planting up to the visibility splay on Winsford Road.
- Details of the gates' colour and design.
- Details of the substation design.
- Details of the office design, materials and colour.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No comments to make.

BOREHAM PARISH COUNCIL – Objects to the application due to the impact of traffic on the local area.

SPRINGFIELD PARISH COUNCIL – Objects to the application due to the following:

- Airborne particles dispersed by a fan would cause a health hazard.
- Carcinogenic fumes from lorries and machinery.
- Noise pollution and vibrations for Fordson Road residents.
- Odour.
- Vermin and associated lice particularly in summer.
- Visual impact and overshadowing for local residents.
- The Listed Sheepcotes is in close proximity.
- Natural habitats e.g. a pond nearby have not been assessed.
- Not suitable near to residential properties, ALDI, Sainsbury's and proposed Greater Beaulieu Park housing.
- Traffic congestion would be increased.
- Traffic modelling should include White Hart Lane and the increase in vehicle numbers from Greater Beaulieu Park.
- The road network from Chelmsford to Maldon is not suitable for increased traffic via Danbury or Hatfield Peverel.
- Lorries using the weighbridge twice would result in more movements than forecast.

LOCAL MEMBER – CHELMSFORD – Chelmer – Any comments received shall be reported.

## **5. REPRESENTATIONS**

45 properties were directly notified of the application. 61 letters of representation have been received together with 2 petitions containing 12 signatures and 96



signatures respectively. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
<u>Location</u>	
Not a suitable location close to a residential area. A remote location should be considered.	See appraisal.
Proximity to Grade II Listed properties.	See appraisal.
Proximity to a proposed retail/office block.	The location is appropriate - see appraisal.
The land to the east of A12 Junction 19 should be considered.	The exact location hasn't been provided. However, the Waste Planning Authority can only consider the application which is presented to it.
<u>Environment and Health</u>	
Odour from waste and traffic in addition to the smell of the existing Storms Way sewage works.	See appraisal.
Noise pollution from vehicles, reversing lorries (even white noise alarms) and doors opening and closing. The site is not large enough to accommodate forward vehicle movement only.	See appraisal.
Health impact on residents and school children and local businesses.	See appraisal.
Health implications from airborne waste particles of locating close to food - e.g. ALDI food distribution depot and Sainsbury's superstore.	See appraisal.
Environmental impact on residents and school children.	See appraisal.
Carcinogenic diesel fumes from lorries and machinery.	See appraisal.
Attraction of vermin, rats, gulls, wasps, flies, squirrels and foxes and associated	See appraisal.

lice/parasite infection.

Dust impact. See appraisal.

Absence of adequate landscaping. See appraisal.

Visual impact of the development itself. See appraisal.

Obscuring of the view of Little Baddow from Fordson Road properties. There is no right to a view in Planning law.

Health impacts of asbestos accidentally deposited in the waste. See appraisal.

Light pollution. See appraisal.

The proposed operating hours are unacceptable next to a residential area. Weekend and bank holiday opening would create noise when residents want to enjoy the time at home. See appraisal.

90,000 tonnes of waste per year would grow each year. CO2 emissions would be high. The total tonnage could be controlled by planning condition should permission be granted. Mileage travelled and fuel consumed would be less than if the waste transfer station was not built.

The noise assessment was carried out in rain and is not reliable. See appraisal.

There is a risk of fires. This is not a planning issue. An Environmental Permit would be required.

The proposed vent pipe will affect the health of nearby office workers. See appraisal.

Nearby businesses have workers outside who will be subjected to increased noise and air pollution. See appraisal.

The fresh air circulation in a nearby business will take contaminated air into the building. See appraisal.

The 16m vent pipe has not been evidenced to be sufficient to deal with emissions. There is only computer generated assessment. See appraisal.

How would a 3-day limit on the storage of waste be policed?	The applicant has confirmed that the operators' contracts would stipulate removal on a daily basis, with 3 days being a worst-case scenario to allow flexibility for Bank/Public Holidays if required.
The building would block natural light to neighbouring houses.	See appraisal.
Residents would be affected by vibrations.	An assessment has been included with the application which shows that vibrations would not have a significant effect on residents during construction; however the applicant proposes to use 'best practicable means' to control noise and vibration in any case.
Great Crested Newts may be sustained on site and the presence of badger setts can't be ruled out.	See appraisal.
<u>Traffic and Highways</u>	
There is already traffic congestion around the Sainsburys and nearby roundabouts during peak and off peak times and the A12 is of inadequate width.	See appraisal.
There is not the capacity for traffic from the proposal as well as the A12, service area, McDonalds, Royal Mail, ALDI, Sainsburys and proposed new schools, homes and train station (Beaulieu Park).	See appraisal.
Colchester Road and White Hart Lane are already congested and not constructed or maintained to cope with high levels of traffic.	See appraisal.
The site peak hour of 1400-1500 hours would generate 49 two-way vehicle movements. Would this affect White Hart Lane?	See appraisal.
Increased risk of accidents on the road.	See appraisal.

J19 of the A12 was voted the third worst in the Country in 2009 and the volume of traffic has increased since then.

Noted.

The roundabout is the dedicated route for the hospital, Stansted Airport and the police and emergency services accessing the A12 and will be grid-locked with the proposed level of traffic.

See appraisal.

Traffic lights along the A130 already cause congestion.

Noted.

Projected fuel savings proposed are incorrect and do not take account of all factors.

The applicant has further confirmed that there is a clear saving of mileage travelled and therefore fuel used with the development of the transfer station compared to the existing scenario and to direct delivery to Basildon.

The applicant should demonstrate nil detriment to the A12 to the satisfaction of the Highways Agency.

There is no requirement to consult the Highways Agency according to the Town and Country Planning Development Management Procedure Order.

Traffic surveys have not been carried out and data is based on out of date information from November 2011.

See appraisal.

Proposed double yellow lines along Winsford Way will impact on parking locally which is already a major issue.

Double yellow lines are not proposed in the application or required by the Highway Authority.

The statement of community involvement states that the lack of a WTS would result in increased vehicle movements by RCVs through the Boreham Interchange to the facility at Basildon, however the number of waste vehicle movements through the Interchange would increase as a result of the WTS as it would involve every RCV plus the bulk collection vehicles.

The SCI is incorrect. Traffic movements would increase at the interchange if the WTS is built but this is shown in the Transport Statement to be non-significant. The Transport Statement also refers to a 3% reduction in traffic flows over the past 3 years.

### Procedure

Why was the proposed development not made more public?

The application was advertised in accordance with statutory requirements.

A public consultation in 2011 indicated that a site 500m away opposite the B&Q store may be proposed. No mention of Winsford Way was made.

See appraisal.

Properties within 500m were leafleted regarding the exhibition, but some are not aware of the proposals. 500m is inadequate. The press advert was seen. The Council has failed to adequately inform residents.

On 3<sup>rd</sup> October 2011 Essex Waste Strategy held a public exhibition regarding the proposed development. Properties within 500m of the proposal site were prior notified by Essex Waste Strategy.

The Planning Authority has notified correctly using a 250m radius. The site notices were difficult to read and find. The planning application was not at the library during the specified time period and the fact that the documents were available online was not publicised.

The 250m notification radius is derived from the adopted Statement of Community Involvement. Site notices were placed on the site gate, on the post opposite the site, on a post at the top of Winsford Way and in Fordson Road. This exceeds statutory requirements. The library confirmed that it did have the application when the WPA telephoned to find out. The documents were published online by Essex Waste Strategy, not the WPA.

The consultation letter took 15 days to arrive.

The letters were posted on time.

How is the application being considered impartially if Essex County is the applicant and determining authority?

Essex County Council as Waste Planning Authority can and does legitimately and impartially determine applications from other departments within Essex County Council.

The library chosen to hold the public consultation documents was inadequate, being located too far away and having part-time opening hours.

Broomfield Library was chosen as the library for the placement of the application documents because it was identified as the closest to the application site.

The application was advertised in the Chelmsford Weekly News and not the Essex Chronicle which is more appropriate.

The planning application was advertised in the Chelmsford Weekly News. The most appropriate newspaper is automatically chosen through the County Council's advertising contract.

The ALDI depot was identified as a warehouse on the drawings. It should have been identified by name.

The Aldi premise's function is a distribution Warehouse, so is therefore correctly described. Aldi was sent an

	invitation to the public exhibition and, being within the required 250m radius of the site, the Waste Planning Authority has sent a direct neighbour notification letter to the property advising of the submission of the application. It has the opportunity to lodge any representation.
Only 1 notice was put up at the Business Park and this was inappropriate being at the exit onto the roundabout.	4 notices were put up at the site boundary, along Winsford Way and in Fordson Road. This exceeds the statutory requirements.
No reference to road names, a north sign or the ALDI store on the Location Map.	The location plan is fit for purpose. A further location plan was also included with the site summary.
The Council claim 420 leaflets were distributed prior to the public exhibition on 3 <sup>rd</sup> October, but there are only 40 companies on the Business Park and one states they didn't receive notification.	Leaflets were distributed to properties within 500m of the site boundary by a distribution company on behalf of Essex Waste Strategy. The distribution company did inform Essex Waste Strategy that one company refused to take a leaflet and so they made contact with them via other means.
The boards at the public exhibition showed traffic entering the A12 directly from the Winsford Way roundabout and travelling the wrong way up the A12 rather than using the 2 Boreham Interchange roundabouts.	Regrettably there was an error on the exhibition board promoted by Essex Waste Strategy, but this has been corrected in the submitted application
The applicant has not adequately researched the planning history of the site. Planning Officers should do so.	The background has been researched and Chelmsford City Council Planning Officers raise no objection.
A CD issued by the WPA contained more information than was contained on ECC's website. The consultation period may need to be extended to address this issue.	The Waste Planning Authority does not yet have the capability to display applications on its website. The Waste Disposal Authority chose to display documents relating to the application on its website.
	A CD was sent to this particular representee as they would have to travel a long distance to view the hard copies. It was made clear at the time that the definitive copy of the

application should be viewed in hard copy as advertised and that the WPA could accept no responsibility for the documents displayed by the WDA.

The correct procedure has been followed.

The statement of community involvement states that 50 local residents attended the public exhibition at Springfield parish centre, however it was a total of around 10 and the residents were only from Fordson Road.

The applicant has confirmed that the SCI is correct. Attendees included local councillors, Chelmsford City Council officers, representatives from surrounding businesses and residents of Springfield Road.

### Other

The area would be devalued.

Not a material planning consideration.

The external cable testing rig development ref 98/00637/FUL was permitted subject to conditions. Similar conditions should be imposed, namely: landscaping and maintenance; operating hours of 8am-6pm weekdays and 8am-12pm Saturdays; noise restrictions; controls over vibrations from machinery at Fordson Road; odour; dust; vermin.

This development was permitted by Chelmsford City Council on land between the proposal site and Fordson Road.

The impacts of the development are considered in the appraisal.

Article 8 (Right to respect for private and family life) of the Human Rights Act has been disregarded.

The requirements of the Human Rights Act 1998 should be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights; that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals.

In making that balance it may also be taken into account that the amenity of local residents could be adequately

safeguarded by conditions. However, in this instance it is not considered that there would be any disproportionate interference with the human rights of adjoining residents.

How were the waste transfer sites chosen and how can residents find out about them?

See appraisal.

The application is contrary to WLP Policy W8B – i.e. other sites have not been shown to be less suitable. The site WM6 at Sandon should be more seriously considered as an alternative. Consideration should also be given to splitting the site into two 45,000tpa facilities using the Springfield Depot site as the other location.

A split site proposal is not before the Waste Planning Authority for consideration. See appraisal.

The building design should be more modern with high quality materials for sound abatement and the use of negative pressure to prevent odours. In accordance with the NPPF, the applicant should consult adjoining neighbours on the design.

See appraisal.

The site is a designated Employment Area in the North Chelmsford Area Action Plan, located in allocated Site 19 in the AAP, and is not allocated for waste use in any waste policy.

See appraisal.

The proposal is a sui generis use not a B Class use and is not a depot of the kind envisaged by the AAP.

See appraisal.

The development is contrary to Policies CP22 and DC48.

See appraisal.

The proposed site was never included in the WDD Preferred Approach as one of the sites which would serve the County best.

See appraisal.

There should be appropriate failsafe measures and compensation if any of the simulated impacts are exceeded in

Planning conditions and enforcement control would ensure appropriate control of the development if expedient



any way.

to do so. Compensation is not legitimately through planning control.

## 6. APPRAISAL

The key issues for consideration are:

- A. Need and Principle
- B. Policy Considerations
- C. The Historic Environment
- D. Landscape and Visual Impact
- E. Impact on Amenity
- F. Traffic & Highways
- G. Water and Flood Impact
- H. Ecological Impact

In respect of Environmental impact Assessment, a Screening Opinion was requested by the applicant and subsequently issued by the Waste Planning Authority in October 2012 confirming that an Environmental Impact Assessment would not be required. The development has since been 're-screened' by the Waste Planning Authority and the same opinion has been issued – EIA is not required.

It is considered that sufficient information has been provided to determine the application.

In considering the impact of the proposed development, it should be noted that transport, noise, odour, flood risk, ecological and landscape and visual assessments are among the reports included with the application.

In the decision in “*Coventry -v- Lawrence [2012] EWCA Civ 26*” the Court of Appeal was asked to consider whether the noise arising through the use of land as a racetrack could constitute a private nuisance.

Jackson LJ summarised the law as follows:

- 1) *A planning authority, by the grant of planning permission, cannot authorise the commission of a nuisance;*
- 2) *Nevertheless the grant of planning permission followed by the implementation of such permission may change the character of the locality*
- 3) *It is a question of fact whether the grant and implementation of the planning permission does have the effect of changing the character of the locality;*
- 4) *If the character of the locality is so changed then*
  - a) *the question whether a particular activity in that locality constitutes a nuisance must be decided against the background of its changed character;*
  - b) *one consequence may be that otherwise offensive activities in that locality cease to be a nuisance.*

The Judge made it clear that the planning system exists to protect the public interest and not to protect private interests. The case law examined in the above case led the judge to comment that if the Planning Authority had made a decision in the public interest then the consequences had to be accepted.

The question of whether a private nuisance may arise following the grant and implementation of a planning permission is a matter between the developer and the aggrieved party. Planning applications have to be determined in accordance with Section 38(6) of the Town and Country Planning Act 1990, which requires that they are "*determined in accordance with the Development Plan unless material considerations indicate otherwise*".

## A NEED AND PRINCIPLE

### Need

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) states that 'the overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste.'

Waste Local Plan Policy W3C (Need) requires waste developments with a capacity of over 25,000tpa to demonstrate a need for the development in the context of waste arising in Essex and Southend. Where the proposal has a capacity of over 50,000tpa conditions may be imposed to restrict the source of waste to that arising within the Plan area. It is considered that such a condition could be imposed in the event that permission is granted.

As explained further in the report, Essex and Southend Waste Disposal Authorities have identified a need for 6 waste transfer facilities to support the delivery of the Municipal Waste Management Strategies.

At the heart of these documents is the need to move the management of waste up the waste hierarchy.

WLP Policy W6A (Integrated Waste Management) also requires, in summary, that the Waste Planning Authority should work with the Waste Disposal Authority to support and promote initiatives to reduce, reuse and recycle waste in an environmentally acceptable manner.

There is, therefore, considered to be a strategic need for the development in accordance with WLP Policy W3C. The appropriateness of the proposed location and environmental acceptability in accordance with WLP Policy W6A will be considered further in the report.

### Principle

The Waste Development Document: Preferred Approach was published for consultation in 2011.

The 2011 Capacity Gap Report<sup>2</sup> shows that under both forecast scenarios, there should be a small surplus of waste transfer capacity at the end of the plan period (the year 2031). However, there are only eight waste transfer stations currently receiving Municipal Solid Waste and having regard to the Waste Disposal Authorities' requirements, there is an identified need for a network of six new waste transfer stations (5 in Essex, 1 in Southend) required early in the Plan period to support the delivery of the Municipal Waste Management Strategies. Information about the Joint Municipal Waste Management Strategy for Essex and the 6 waste transfer stations can be found at:

<http://www.essex.gov.uk/Environment%20Planning/Recycling-Waste/Waste-Strategy/Pages/Waste-transfer-stations.aspx>.

The WDD therefore identifies 4 sites as suitable for use as MSW transfer stations. The Chelmsford site was identified as the Springfield Depot site and a one-day public consultation event took place to this effect.

The Waste Disposal Authority has, however, chosen to put forward the site at Winsford Way as an alternative location due to the Springfield Depot being too small for the proposed tonnage.

The Replacement Waste Local Plan (RWLP) (the new name for the Waste Development Document) has yet to reach 'submission stage'. It is therefore too early in the development of the RWLP for it to be a material planning consideration, thus the Winsford Way proposals should be considered against the requirements of the existing Waste Local Plan.

The Companion Guide to PPS10 states that '...planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a DPD as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The key test is their consistency with PPS10 and the waste planning authority's core strategy. Where they are consistent they should be considered favourably.'

WLP Policy W3A (BPEO) requires, in summary, that the WPA considers the consistency with the goals and principles of sustainable development, best practicable environmental option, conflict with other options further up the waste hierarchy and conformity with the proximity principle (although this has been replaced by PPS10). The policy also requires promotion of the waste hierarchy and the identification of specific locations for waste management facilities.

According to the Joint Municipal Waste Management Strategy (JMWMS) and the benefits put forward by the applicant as explained further in the report, the

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<sup>2</sup> Limited weight should be attributed to the Waste Capacity Gap Report as it has not yet been independently tested at Examination in Public.

proposed development would comply with WLP Policy W3A.

With regard to location, the proposal site is within an Employment Area as designated by the North Chelmsford Area Action Plan. CCS Policy DC52 (Industrial and Warehouse Development) permits, in summary, the expansion, conversion or redevelopment of premises for uses falling within Use Classes B2 and B8 in the Springfield Business Park Employment Area.

It is acknowledged that the proposal is for a waste or 'sui generis' use, but it is considered that it is akin to a B2 use given the industrial nature. It is also noted that Chelmsford City Council considers the 'proposal would deliver an essential facility to serve Chelmsford City and Maldon District Council areas. The proposal is therefore considered to be acceptable in principle' in relation to Policy DC52.

In addition, WLP Policy W7E (Materials Recovery Facilities), in summary, supports waste transfer stations at locations subject to WLP Policy W8B (Alternative sites).

Accordingly, WLP Policy W8B, in summary, permits large-scale waste management facilities in Employment Areas if the locations shown in Schedule 1 are shown to be less suitable or not available.

Of the 6 sites in Schedule 1, only one is in Chelmsford, that being site WM6 Sandon. The applicant has assessed this site as unsuitable due to the inability to integrate the proposals with the restoration of the existing quarry void, as required by the adopted Waste Local Plan, and conflict with on-going permissions on the site.

WLP Policy W8B also requires the criteria of WLP Policy W8A (Proposed Sites) to be met. These criteria will be considered further in the report.

Therefore, the development is considered to comply with CCS Policy DC52 and WLP Policies W3A, W7E and W8B subject to compliance with Policy W8A.

Further, a representation has been received stating that the development would be contrary to CCS Policy DC48 (Employment Areas) which, in summary, requires refusal of redevelopment or change of use of business, general industry and distribution sites or premises for non-Class B1, B2 and B8 purposes unless the alternative use cannot be located elsewhere and there is no reasonable expectation of the B-Class uses being retained.

The application site is allocated for Employment Use but has been vacant since the mid-1990's, prior to which it contained housing. The site has been extensively marketed by the site owners and the applicant has stated that there is little prospect of an alternative use given the current climate. The applicant has demonstrated a need for the development, as explained previously in the report, and Chelmsford City Council has not raised Policy DC48 as relevant. It is therefore considered that there would be no conflict with this policy.

It is important to note that paragraph 22 of the NPPF states '...where there is no

reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

It is considered that the development would comply with this aspect of the NPPF.

## B POLICY CONSIDERATIONS

The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until then, PPS10 remains in place. However, local authorities taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.

The NPPF sets out a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions should be sought jointly and simultaneously through the planning system.

With respect to the proposed development, the economic role has been explained through an Economic Statement submitted with the application. It states that landfill is no longer a desirable way to manage the County’s waste due to an average gross cost of municipal waste management of £60.64 per tonne. In 2010, Essex County Council paid over £15.8 million in landfill tax and without a network of treatment facilities (of which this proposal would be one) that figure would rise over the coming years.

It is estimated that the implementation of the Joint Municipal Waste Management Strategy for Essex (as explained further in the report) would save Essex tax payers £750 million over the next 25 years.

The proposed development would also provide direct employment during the construction and operational phases. It is estimated that 4 full time equivalent jobs would be created through the construction phase (over a 12 month period) and 4 full time equivalent jobs would be created during operation.

CCS Policy CP22 (Securing Economic Growth) seeks to maintain high and stable levels of economic and employment growth in Chelmsford City. A representation has been received stating that the proposed development conflicts with this policy. Due to the economic factors above it is considered that there is no conflict with this policy. Indeed, the report by Chelmsford City Council does not mention this policy and there is no objection from the City Council.

The social role of the proposed development would be achieved by wider benefits to the environment through the reduction in landfill, which will be explained further in the report. Ultimately landfill capacity is reducing and it would benefit the community as a whole for alternative methods of waste management to be developed.

The environmental role will be considered further in the report.

CCS Policy CP1 (Securing Sustainable Development) seeks to promote and secure sustainable development. In connection with the environmental role explained previously, consideration of whether the proposed development achieves this will be made further in the report.

## C THE HISTORIC ENVIRONMENT

The NPPF requires local planning authorities to require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. In this case, the applicant has provided a Heritage Statement with the application.

WLP Policy W10E (Development Control Criteria) permits waste management development where satisfactory provision is made in respect of the effect of the development on historic sites.

The closest heritage asset to the site is the Grade II Listed Sheepcotes Cottages located over 80m to the southeast. The property is located within grounds approximately 0.4ha in area, consisting of a lawn area surrounded by tree planting which adequately screens the property from the road.

The location of the cottages is on the western frontage of Sheepcotes close to the mini-roundabout with Winsford Way.

It is considered important to note that the original agricultural setting of the cottages has already been altered with the construction of the A12 and the surrounding Employment Area.

The roof of the proposed transfer building would be visible from the cottages unless screened along the southern boundary. However, due to the existing alterations to the area it is considered that the setting of the listed building would not be adversely impacted further.

The Historic Buildings Advisor has raised no objection to the development.

It is therefore considered that the proposed development would comply with the provisions of the NPPF and WLP Policy W10E.

## D LANDSCAPE AND VISUAL IMPACT

WLP Policy W10E (Development Control Criteria) permits waste management development where satisfactory provision is made in respect of the effect of the development on the landscape and the countryside.

The nearest residential property is located in Fordson Road. The boundary of the property is located approximately 28m to the north west of the application site and

beyond a storage area.

The application proposes a landscaped area to the north west of the building measuring approximately 30m wide. This would result in the nearest property in Fordson Road being located approximately 60m from the proposed building.

The planting would grow to a height of 6-8m within 5-8 years of planting to assist in mitigating and filtering views into the site.

The western and southern boundaries already contain existing vegetation and this is proposed to be retained where possible and supplemented with new planting to provide dense screening.

The south east boundary is proposed to be planted with new trees and hedge to screen views of the site from the adjoining property.

The eastern boundary along Winsford Way would contain retained planting sufficient to allow visibility splays for vehicles entering/exiting the site.

The Tree Officer has requested conditions relating to the tree works and protection methods proposed in the application as well as a method statement and maintenance schedule. It is considered that such conditions could be imposed in the event that permission is granted.

In addition, a 2.4m high close boarded fence is proposed along the north west boundary.

### Design

CCS Policy CP20 (Achieving Well Designed High Quality Places) requires, in summary, the layout and design of development to be sensitive to its context.

CCS Policy CP21 (Ensuring Buildings are Well Designed) requires, in summary, new buildings to be fit for purpose, appropriate for the site and its setting and to make use of sustainable construction techniques.

CCS Policy DC45 (Achieving High Quality Development) requires, in summary, well designed buildings, appropriate visual relationship with the surroundings and between buildings within the site, and well-proportioned elevations. Specifically with regard to commercial buildings, the policy requires the siting, scale, form skyline and elevations to contribute to the townscape of the area, car parks and service bays to be hidden from view, active street frontages, and the avoidance of monolithic buildings.

The form of the main building is largely dictated by the proposed function which requires a minimum internal building footprint and internal ceiling height to accommodate the amount of waste proposed and the dimensions of the loading shovel.

The roof would be comprised of profiled steel sheet cladding with transparent

rooflights at 6m intervals.

The walls would be grey cladding to fit with the surrounding buildings and the lower level of all elevations would consist of exposed concrete push walls.

The building itself would be orientated so that the 'rear' would be facing towards Fordson Road. There would be no vehicular entrances or exits on this elevation. Vehicles would only be allowed to travel around the rear of the building for maintenance purposes.

The building has also been located so that it would be set into the existing slope to reduce its apparent height when viewed from the north.

The development has been designed to achieve BREEAM 'Very Good' status. The main building would be unheated and has been designed to maximise the use of natural light and minimise the use of power through efficient lighting systems and fan motors.

The design would re-use materials and use recycled materials where possible. Excavated material would be used on site and the guidance issued by WRAP on resource efficient construction would be followed.

The Urban Design Officer has no objection to the proposals subject to conditions requiring precise details of the design of the boundary fencing and ancillary buildings as well as a landscaping scheme.

### Lighting

External lighting would be provided by free-standing 8m high columns and fixed to the main building. All lighting would be designed to minimise light spillage, details of which have been submitted with the application. A CCTV camera system is also proposed.

It is therefore considered that the proposed development would be appropriate within the Employment Area location and in this context there would be no significant landscape or visual impact in compliance with WLP Policy W10E and CCS Policies CP20, CP21 and DC45.

## **E IMPACT ON AMENITY**

CCS Policy CP13 (Minimising Environmental Impact) seeks to ensure that development has minimal impact on the environment and does not give rise to significant adverse impacts on health, amenity and the wider environment.

CCS Policy DC4 (Protecting Existing Amenity) requires all development to not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion, and the built form would not prejudice outlook, privacy or light for nearby properties.

CCS Policy DC29 (Amenity and Pollution) requires refusal of development which



would give rise to polluting development.

WLP Policy W10E (Development Control Criteria) permits waste management development where satisfactory provision is made in respect of the development on the amenity of neighbouring occupiers from noise, smell, dust and other pollutants.

The proposal site is located next to uses which are, in the main, commercial in nature as appropriate within the Employment Area. As mentioned previously in the report, the closest properties are in Fordson Road over 50m away from the proposed building.

As stated previously in the report, the building has been designed and orientated to take account the sensitivity of the properties in Fordson Road. The ground level is also proposed to be increased in the area to the north east of the building to assist in screening. This is notwithstanding the fact that the whole site has been deemed acceptable for the proposed use through its designation as an Employment Area.

#### Odour and Vermin

The development proposes the bulking and transfer of waste including food waste, which does have the potential to create odour.

All vehicles arriving at the site would be sheeted or enclosed. Waste would be unloaded onto the floor inside the building with the building doors automatically closed.

A loading shovel would then stack the waste against the 5m high push walls, thereby minimising the surface area of waste and potential for odour whilst also keeping the floor at the front of the building clean. Waste would be removed from site daily by sheeted articulated lorries.

Food waste would be immediately loaded onto sealed RORO containers and removed daily.

A comprehensive odour assessment has been included with the application. An odour control system would be in place in the form of a 5m high (above the ridge line) fan-based ventilation stack designed to meet the requirements of the Environment Agency. The system would extract air at a rate of 2.5 air changes per hour during the day and 1.0 air change at night. This would be sufficient to disperse odour concentrations to acceptable levels which would not cause any significant impact on amenity at commercial and residential premises surrounding the site.

Additionally, a misting system used to suppress air borne dust could also be used for odour suppression solutions if required.

It is noted that the NPPF states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the

use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

The Environment Agency has confirmed that an Environmental Permit would be required for the proposed development. The Waste Planning Authority is therefore confident that odour would be adequately controlled.

### Noise

The building would only be accessible via the south east façade, with all vehicle circulation taking place in this south east area, furthest from the residential properties.

To minimise noise nuisance for residents and businesses, the doors would be closed except to allow access vehicles and reversing alarms would be 'white noise'.

The applicant has provided additional information to support the noise measurements originally submitted with the application. The County Council's noise consultant is satisfied that representative background noise level data has been used to assess the impact of the development. The consultant has no objections to the scheme subject to the imposition of conditions relating to operational noise limits and monitoring of noise levels. It is considered that such conditions could be imposed in the event that permission is granted.

The proposed working hours are considered to be acceptable, taking into account the Employment Area location and the proximity of the nearest residential properties. Although conditions would not normally be imposed in relation to working hours in an Employment Area location, it is noted that Chelmsford City Council has requested that they are restricted to those proposed in the application. Taking this into account, together with the representations received from local residents, it is considered that such a condition could be imposed in the event that permission is granted, in compliance with WLP Policy W10F (Hours of Operation) which allows such a restriction.

### Dust

A mist spray system would be included in the building for dust suppression, together with hose reels for cleaning purposes.

### Light levels

A Daylight and Sunlight Assessment has been included with the application. It concludes that there would be some overshadowing of one property in Fordson Road between the hours of 0600 and 0700. The report concludes that this would be a negligible impact. The impact on the amount of daylight received by that property was also concluded to be negligible.

All of these aspects are considered to contribute to the protection of the

surrounding population in terms of health and amenity, as well as the general environment. It is therefore considered that the development would result in no significant harm to the amenities or health of the neighbouring residents or businesses in compliance with CCS Policies CP13, DC4 and DC29 and WLP Policy W10E.

## F TRAFFIC AND HIGHWAYS

WLP Policy W10E (Development Control Criteria) permits waste management development where satisfactory provision is made in respect of the impact of road traffic generated by the development on the highway network.

WLP Policy W4C (Access) promotes an approach in accordance with the County's road hierarchy, and primarily requires access for waste management sites to be by a short length of existing road to the main highway network via a suitable existing junction.

The application includes a Transport Statement.

Access to the site would be off Winsford Way, an existing road 9m in width within the Employment Area. This cul-de-sac section of Winsford Way is accessed via a mini-roundabout which connects the remaining section of Winsford Way to the A130 Colchester Road roundabout to the north. From there, the A12 is readily accessible to vehicles.

The application has made use of existing traffic data from surveys undertaken for the Beaulieu Park development, which is an application for 3,600 houses and employment uses being dealt with by Chelmsford City Council. The data was collected in November 2011.

The proposed traffic generated from the development would be 4 vehicles during the local network a.m. peak (0800 – 0900 hours) and 2 vehicles during the p.m. peak (1700-1800 hours). The peak hour for the site would be between 1400 – 1500 hours when it has been predicted that the development would generate 49 movements. The overall development traffic would equate to 1% of total flows on Winsford Way.

Vehicle types would include staff cars, roll-on roll-off vehicles, articulated vehicles, street sweepers and Refuse Collection Vehicles (RCV's). The smaller vehicles would deliver the waste and it would then be transferred to the larger vehicles before being removed from site. Approximately 10% of vehicles may need to be weighed twice due to carrying two waste types.

The application proposes the removal or reduction of existing vegetation along the eastern boundary to ensure the achievement of sightlines adjacent to the accesses but vegetation would be retained where possible.

10 car parking spaces plus 2 spaces for disabled users are proposed, together with 6 cycle parking spaces.

There would also be a staff office and welfare building including a shower and changing room facilities should staff choose to cycle.

The nearest bus stop to the site is within 400m on Colchester Road. There are also cycle routes nearby. Therefore, staff would have the opportunity to use a variety of travel methods to get to and from work.

Therefore, the impact on the highway network as a result of the proposed development would be neutral. It is further noted that the provision of the transfer facility would reduce travel times, journeys and fuel use for waste-carrying vehicles from the Chelmsford area.

The Highway Authority has raised no objection subject to the imposition of conditions, which it is considered would be acceptable should planning permission be granted.

The development is therefore considered to comply with WLP Policies W10E and W4C.

## G WATER AND FLOOD IMPACT

WLP Policy W4A (Flood Control) requires, in summary, that waste management development will only be permitted where there would not be an unacceptable risk of flooding, surface water run off or interference with flood defences.

WLP Policy W4B (Water Pollution) requires that waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.

A Flood Risk Assessment has been included with the application. It identifies the site as located within Flood Zone 1 – the low probability flood zone which is suitable for all types of development.

Surface water would be discharged from site at an appropriately attenuated rate. Water from the vehicle washdown area would be discharged via a package treatment plant or to the foul sewer.

Foul water is proposed to be discharged to the foul sewer to the east in Winsford Way because the site falls in this direction.

The FRA concludes that there would be no increase in flood risk to others caused by the development of the site.

The Environment Agency has raised no objection subject to conditions relating to the submission of a surface water drainage scheme and details of a suitable method of foul drainage. This is because the Environment Agency considers it is unlikely that a package treatment plant would be agreed as part of the Environmental Permit due to the presence of the main sewer network. It is considered that such conditions could be imposed in the event that permission is

granted.

It is therefore considered that the development would comply with WLP Policies W4A and W4B.

## H ECOLOGICAL IMPACT

WLP Policy W10E (Development Control Criteria) permits waste management development where satisfactory provision is made in respect of the effect of the development on nature conservation.

The site has no formal ecological designation.

A Preliminary Ecological Assessment has been carried out which concluded:

- a survey of potential breeding ponds for Great Crested Newts should be carried out,
- a survey for reptiles should be carried out,
- clearance of trees and shrubs should be done outside of the bird nesting season unless a prior survey has confirmed no active nests,
- No badger setts were found but precautionary measures are recommended,
- Care should be taken not to harm other BAP species such as hedgehogs.

Accordingly, a protected species survey was undertaken for Great Crested Newts and Reptiles. No evidence of either species was found and no further recommendations were made.

The County Council's Ecologist has no objection subject to the imposition of conditions relating to:

- The assessment of the presence of invertebrates,
- Adherence to the recommendations in the Preliminary Ecological Assessment,
- Protection of existing habitats to be retained during construction,
- A landscape scheme incorporating biodiversity,
- A scheme of management and long term monitoring of new habitats,
- No removal of vegetation during the bird nesting season,
- A revised ecological assessment should commencement be delayed by more than 3 years,

and an informative requiring works to stop should Great Crested Newts or reptiles be found during construction.

In addition, the Waste Disposal Authority has registered the scheme with the Environmental Bank and fully supports the concept of Biodiversity Offsetting.

It is therefore considered that, subject to the imposition of suitably worded conditions, the development would have no significant impact on ecology and would comply with WLP Policy W10E.

## 7. CONCLUSION

In conclusion, it is considered that a need has been proven for the proposed waste transfer station in accordance with WLP Policy W3C. It would assist Essex County Council in reducing the amount of waste deposited at landfill in accordance with the Joint Municipal Waste Management Strategy and in compliance with WLP Policies W6A and W3A.

In principle, it is considered that the development would be appropriately located within an Employment Area in compliance with CCS Policy DC52 and WLP Policy W7E. Further, the sites identified in Schedule 1 of the WLP have been shown to be less suitable than the proposal site and the criteria stipulated in WLP Policy W8A are considered to have been complied with. The development is therefore considered to comply with WLP Policy W8B.

Given the length of time that the site has been vacant the current economic climate it is considered that there is little reasonable expectation of the site being used for B-Class use. The proposed development would be of significant benefit to the Chelmsford and Maldon areas and therefore complies with CCS Policy DC48 and the relevant section of the NPPF.

The original agricultural setting of the Grade II Listed Sheepcotes Cottages has already been altered with the construction of the A12 and the surrounding Employment Area. The construction of the waste transfer site would not be considered to have any further significant detrimental impact and no objection has been raised by the Historic Buildings Advisor. It is therefore considered that the proposed development would comply with the provisions of the NPPF and WLP Policy W10E.

The proposed location, design and layout of the development would be considered to be sympathetic to the surrounding context and to protect the amenity and health of the surrounding residents and businesses as far as possible, in compliance with WLP Policy W10E and CCS Policies CP20, CP21, DC45, CP13, DC4 and DC29. A condition to restrict working hours to that proposed within the application is considered appropriate and would ensure compliance with WLP Policy W10F.

The application has shown that the development would generate just 4 vehicles during the local network morning peak and 2 vehicles during the afternoon peak. The peak traffic generation for the development would be 49 movements and this would not coincide with the local highway network peak times. Given that the impact on the highway network would be minimal and there has been no objection from the Highway Authority, subject to conditions, it is considered that the development would comply with WLP Policies W10E and W4C.

There would be no increase in flood risk to others caused by the development of the site and the Environment Agency has confirmed no objection, subject to conditions. Therefore the development would be considered to comply with WLP Policies W4A and W4B.

The development of the proposed site would have no impact on protected species. However, the applicant has committed to the Biodiversity Offsetting Scheme to ensure that any impacts to ecology would be compensated for. The County Council's Ecologist has raised no objection, subject to conditions, and the development is therefore considered to comply with WLP Policy W10E.

Thus, the economic, social and environmental strands of the NPPF are considered to have been achieved equally and the waste transfer station would be considered to constitute 'sustainable development' in accordance with the NPPF and CCS Policy CP1.

Furthermore, the WLP policies relied upon in this report are considered to be consistent with the NPPF and therefore approval of the application is recommended subject to the imposition of appropriate conditions as permitted by WLP Policy W10A (Planning Conditions and Obligations).

## 8. **RECOMMENDED**

That planning permission be **granted** subject to conditions covering the following matters:

1. COM1 – Commencement within 5 years.
2. COM3 - Compliance with submitted details.
3. HOUR3 – Hours of operation
  - 0600 hours – 2000 hours Monday to Friday
  - 0800 hours – 1600 hours Saturdays and Sundays and Bank/Public Holidays.
4. Construction hours:
  - 0800 hours – 1800 hours Monday to Friday
  - 0800 hours – 1600 hours Saturdays
  - No working on Sundays or Bank/Public Holidays.
5. Doors to be closed except to allow vehicular access.
6. NSE1 – Noise Limits (47dB).
7. NSE3 – Monitoring Noise Levels.
8. WAST1 – Waste Type Restriction.
9. WAST7 – Essex and Southend-on-Sea's Waste Only.
10. Waste tonnage restriction of 90,000 tpa.

11. ECO1 – Acceptable survey and mitigation plan – implementation of Preliminary Ecological Assessment recommendations.
12. CO4 – Habitat Creation Scheme.
13. ECO6 – Survey for Invertebrates before Commencement of Development.
14. ECO5 – Habitat Management Plan.
15. Protection of retained habitats during construction.
16. ECO3 – Protection of Breeding Birds.
17. ECO7 – Update of Survey before Commencement of Development.
18. LAND1 – Landscape Scheme (including retention of planting up to the visibility splay on Winsford Way).
19. LAND2 – Replacement Landscaping.
20. All tree works and tree protection measures to be implemented in accordance with the Tree Report.
21. POLL1 - Surface Water Drainage.
22. POLL1 – Foul Water Drainage.
23. HIGH1 – Site Access Road (Constructed First).
24. HIGH14 – Gates.
25. HIGH10 -Visibility Splays.
26. HIGH14 – Surface Water.
27. HIGH16 – Loading/Unloading.
28. Construction management plan including construction vehicle routes and hours of deliveries to be submitted prior to commencement of development.
29. HIGH4 – Prevention of Mud and Debris on Highway (Alternative). Facilities to be segregated from pedestrian users.
30. DET1 – Details of External Appearance of Boundary Treatments.
31. DET5 – Office and Substation Building Design and Construction .

## **BACKGROUND PAPERS**



Consultation replies  
Representations

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

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

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

## **EQUALITIES IMPACT ASSESSMENT**

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

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

The Waste Planning Authority has participated in pre-application engagement with the developer and other consultees for some time prior to the submission of the planning application, offering advice where appropriate to assist in the application process. The community engagement process was also overseen in accordance with Essex County Council's Adopted Statement of Community Involvement.

Throughout the determination of the application, the Waste Planning Authority has liaised with the applicant to resolve issues arising from the consultation process and to reach an appropriate resolution.

## **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Chelmer.

## **APPENDIX 1**

### Consideration of consistency of Policies

Ref: PPS10	Policy	Consistency with NPPF and
W3A	<p>The WPAs will:</p> <p>In determining planning applications and in all consideration of waste management, proposals have regard to the following principles:</p> <ul style="list-style-type: none"><li>• Consistency with the goals and</li></ul>	<p>Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p>

	<p>principles of sustainable development;</p> <ul style="list-style-type: none"> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> <p>In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</p> <p>Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</p>	<p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the NPPF and PPS10.</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposal with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh</li> </ul>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>Therefore, as Policy W3C is concerned with identifying the</p>

	<p>any harm caused;</p> <ul style="list-style-type: none"> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>amount of waste treated and it source the policy is considered consistent with the requirements of PPS10.</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the NPPF states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS10 highlights at section <i>a. protection of water resources</i> that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS10 and the NPPF.</p>

W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</li> </ol>	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the NPPF states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the NPPF and PPS10.</p>
W6A	The WPAs will seek to work with WDAS/WCAS to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle waste arisings in an environmentally acceptable manner in accordance with the policies within this Plan.	<p>PPS 10 at paragraph 3 highlights the key planning objectives for waste management development. two of the objectives are as follows;</p> <ul style="list-style-type: none"> <li>– Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last</li> </ul>

		<p>option, but one which must be adequately catered for;</p> <ul style="list-style-type: none"> <li>– Provide a framework in which communities take more responsibility for their ownwaste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities.</li> </ul> <p>Therefore, policy W6A is in conformity with the requirements of PPS10.</p>
W7E	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> <li>• Development associated with the source separation of wastes;</li> <li>• Material recovery facilities (MRF's);</li> <li>• Waste recycling centres;</li> <li>• Civic amenity sites;</li> <li>• Bulking-up facilities and waste transfer stations.</li> </ul> <p>Proposals for such development will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Other locations (subject to policies W8B and W8C);</li> <li>• In association with other waste management development;</li> <li>• Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).</li> </ul> <p>Provided the development complies with</p>	<p>See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the NPPF and PPS10.</p>

	other relevant policies of this plan.	
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C);</li> <li>• The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</li> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.</li> </ul>	<p>PPS10 at paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> <li>– allocate sites to support the pattern of waste management facilities set out in the RSS in accordance with the broad locations identified in the RSS; and,</li> <li>– allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.</li> </ul> <p>The WPA has identified sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced waste management facilities. Therefore, the policy is in conformity with the requirements of the PPS10.</p>
W8B	<p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> <li>• Existing general industrial areas;</li> <li>• Areas allocated for general industrial use in an adopted local plan;</li> <li>• Employment areas (existing or allocated) not falling into the above</li> </ul>	<p>Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development. Additionally, in conformity with paragraph 17 of the NPPF, the policy contributes to the</p>

	<p>categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area.</p> <p>Large-scale waste management development (of the order of 50,000 tonnes per annum capacity or more, combined in the case of an integrated facility) will not be permitted at such non-identified locations unless it is shown that the locations identified in Schedule 1 are less suitable or not available for the particular waste stream(s) which the proposal would serve.</p>	<p>conservation and enhancement of the natural environment. The NPPF goes on to state that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p>
W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction'.</p> <p>Furthermore, paragraph 203 of the NPPF states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations</p>

		<p>should only be used where it is not possible to address unacceptable impacts through a planning condition’.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the NPPF and PPS10.</p>
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations;</li> </ol>	<p>Policy W10E is in conformity with the NPPF in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the NPPF.</p>



	<p>and</p> <p>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</p>	
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the NPPF.</p> <p>Also see above regarding PPS10 and conditions.</p>