

DR/24/19

committee DEVELOPMENT & REGULATION

date 23 August 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16-30 hours on Good Fridays

Location: Land at Greenacres, Packards Lane, Wormingford

Ref: ESS/09/18/COL

Applicant: CSH Environmental

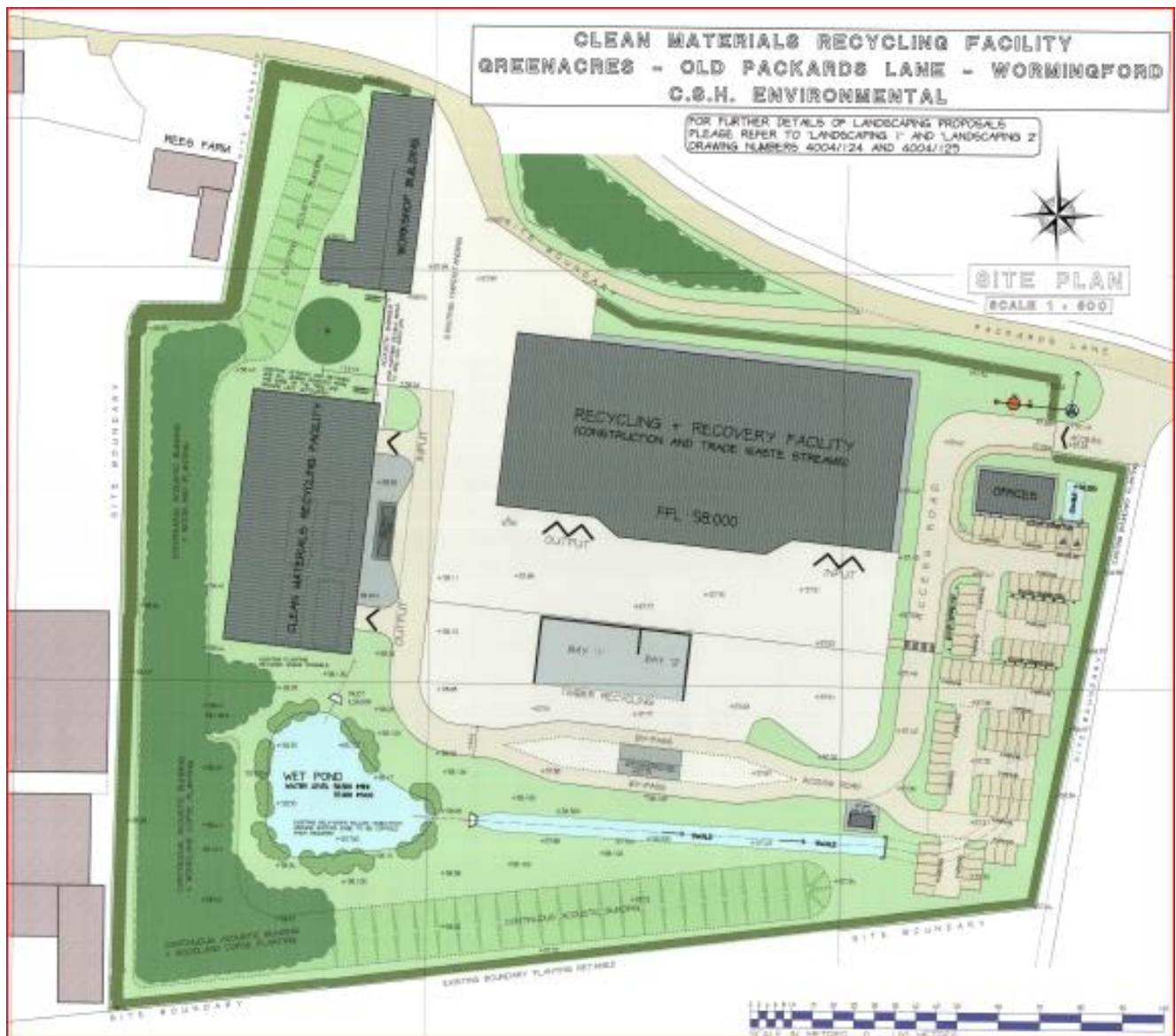
Report by Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at www.essex.gov.uk/viewplanning



Extract from submitted Location Plan



Extract from submitted proposed site layout

1. BACKGROUND AND SITE

The present Colchester Skip Hire waste management facility was granted approval on appeal in July 2012. The presence of the operator's business at this location goes back to the late 1980's. Implementation of the appeal permission has taken place with the commissioning of the recycling/recovery building in 2014.

The business is restricted by planning condition restricting a yearly throughput of some 50,000 tonnes comprising a mix of commercial; industrial; construction and demolition wastes. Food wastes are diverted away from the site directly from source to off-site energy recovery facilities.

The business sees the above waste types collected in the operator's own skip/dustcart type vehicles. Collected loads are then delivered to the site during the business day and sorted within the recovery building the largest of the sites three buildings (the other two comprise the site offices and the storage/maintenance building). A number of planning applications have been determined for the site addressing:

- ESS/21/16/COL (approved July 2016) that provided for the use of the end bay in the workshop/maintenance building to be used for the storage of dry bales and upgrading of part of the northern site perimeter fence. All other activities of waste handling are required to be taking place within the recovery building.
- ESS/29/16/COL (approved October 2016) that provided for continuation of timber processing within designated outside storage bays.
- Good Friday working - ESS/18/17/COL; ESS/05/18/COL with the most recently permitted; ESS/15/19/COL, these three permissions provided for site operations and HGV movements to take place on the respective 2017; 2018 and 2019 Good Fridays.

Since the recovery building was commissioned in 2014 the site operator has been implementing various aspects of the planning condition requirements. These have included, amongst other matters, the landscaping, foul/surface drainage and water catchment provision, revised colour cladding of the facility (approved July 2015) and a welfare building (portacabin style approved as a non-material development June 2016).

At the time of the original application and subsequent appeal, the site saw the involvement of the local action group, Residents Against Skip Hire (RASH), principally comprising the occupiers of the site's three nearest local properties. Their involvement post the appeal Inquiry has continued and relations between the local residents and the site operator have been strained. Over the years the complaints received by the Waste Planning Authority have, amongst other matters, comprised noise (mainly reversing beepers), odour, lighting, cladding requirements of the buildings and the positioning of bunding.

In an effort to establish better relations and understanding on both sides of each other's concerns, a site liaison meeting was established comprising the site operators, two of the three local residents (the third being involved during the early stages although subsequently, and at their request, left out of being party to liaison minutes and invitations), Local Member, County Council Portfolio Holder for Waste; Parish Councils (both Wormingford and Fordham), the WPA and Environment Agency. Invites are also extended to the District Council Member and Planning and Environmental Health Officers.

To date meetings are held about twice a year and the two original residents have now moved on. Invitations to the new local residents to attend have not been taken up. Whilst issues remain between the remaining original local resident comments received from them do get raised at the meetings. It is always open to that local resident and for others to raise issues and use the liaison meeting as an avenue for issues to be raised and for following site progress. The meeting has been useful in maintaining face to face contact between interested parties.

The Committee will be aware from previously presented reports that local residents had felt a slow uptake of the operator to implement some of the approved schemes as well as actioning reversing beepers on vehicles/site noise, odour and outside storage aspects and use of the company skips. This feeling also extended to the Waste Planning Authority (WPA) and Environment Agency who it was felt were

ineffective in their dealings with the operator.

The WPA has been working to help steer the operator to achieving its responsibilities as well as addressing activities that have developed as the business has grown and which required regularising. The WPA has had, and continues to progress, meetings with both the operator and agent (together and separately) in identifying and working through the site operator's activities and future aspirations whilst also liaising with local residents separately as well as acting as a mediator between the parties, where appropriate.

Site

The existing waste management facility comprising some 4.2 hectares of land, takes access off and lies to the south of Packard Lane which links the Fordham Road (Fordham to Wormingford) and the B1508 (Wormingford to West Bergholt). Immediately bounding the northern site perimeter is a narrow single track lane, Old Packard's Lane, which forms a crescent shape link on to and separated from Packard Lane proper by a narrow belt of mature woodland and which provides access for a number of the residential properties that lie immediately adjacent to the application lands western boundary. Agricultural land lies beyond both the road and to the south and east of the application land. To the immediate north west beyond the application lands bunding and vegetated perimeter boundary lies the nearest of the three closest residential properties, Rees Farm. "The Coach House" and "Rochford's" (a Grade II Listed Building) are situated further to the west beyond the garden of Rees Farm.

A Public Right of Way follows the eastern perimeter. Abutting along the western/south western boundary lies a small light industrial/warehousing complex. Further north west sited beyond Fordham Road lies a large crisp manufacturer together with an associated onsite anaerobic digester facility.

The extant permission based on a full planning application with no environmental statement, was granted approval on appeal in 2012. This permission accommodates an existing recycling/recovery building (measuring some 97 x 47 metres x just over 11 metres to ridgeline) with the applicant's facility handling limit of 50,000 tonnes per annum of principally commercial and industrial waste streams with a small proportion of commercial and demolition.

Permitted operating hours are Monday to Fridays 07:30 – 18:30 and Saturdays 07:30 – 13:30 hours. There is no Bank Holiday working; however, the operator has been permitted over the last three Good Friday periods provision to operate HGV movements from and back to the site for collection purposes only.

Provision allows restricted HGV movements outside of the normal permitted hours.

HGV movements are restricted to 150 movements per day Monday to Fridays and 74 movements per day on Saturdays.

2. PROPOSAL

The development proposes:

- (i) An additional Recycling/Recovery Facility building. This building would measure some 60 metres x 30 metres x 11.43 metres to ridgeline and be sited towards the western site boundary;
- (ii) The relocation of an existing staff welfare facility that comprises a portacabin style building that was permitted for siting on the south eastern edge of the car park (itself located on the eastern site boundary);
- (iii) Provision of additional staff parking that would extend the existing staff car parking arrangements from some 42 spaces to 85, this would be achieved through (iv) below;
- (iv) Culverting of a section of the existing swale that runs between the existing site office/car parking facilities on the eastern side of the site and the site perimeter fencing;
- (v) Provision of additional Landscaping and Rainwater Harvesting features as a result of the proposed design feature alterations within the existing site; and
- (vi) Amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16:30 hours on Good Fridays.

The application states in support of the application that *"In the past few years the UK has seen a rapid growth in the volumes of plastic collected and separated for recycling across both the public and private sectors. These newly available tonnages of waste plastics present the waste industry with the challenge of how best to convert a waste resource into valuable new material and products.*

There are many benefits to be gained by the responsible recycling of plastics:

- *Provides a sustainable source of raw materials to industry*
- *Greatly reduces the environmental impact of plastic-rich products*
- *Minimises the amount of plastic being sent to the UK's diminishing landfill sites*
- *Avoids the consumption of the Earth's oil stocks*
- *Consumes less energy than producing new, virgin polymers".*

Planning permission was originally granted in 1993. This enabled the applicant to recycle waste on site and to extend an existing building to provide a covered area for the recycling activities. This existing building is used to process the construction and demolition waste (C&D). The C&D passes through a trommel screen and a picking station to segregate soils and aggregate and remove items such as wood and metal.

Following the successful appeal decision in July 2012 a new waste management facility was commissioned in August 2014 which enabled all recycling facilities, with the exception of timber, to be undertaken within the building.

The site operates in accordance with an Environmental Permit issued by the Environment Agency. The Agency undertakes regular inspections of the site and the operations are compliant with the Permit.

The building has been sized to accommodate all waste processing plant, as well as incoming waste material, storage of recovered fractions and vehicle turning areas.

As a result of this, no waste material will be stored outside as is currently undertaken.

The building will lift the lid on recycling plastics by giving them a new life:

- The baled plastics arrive at the facility*
- A trammel and ballistic separation help remove materials that are not bottles*
- A metal separation is employed using magnets*
- Finally, a type and colour separation ensuring clear and mixed colour plastics go their separate ways*
- Plastics are granulated and then separated, cleaned and dried before going through a separate packaging process and quality tested clear plastics by sampling flakes and then test the mixed coloured plastics by sampling the pellets produced*
- The end-product then heads off to be remanufactured*

The UK has a plastic packaging recycling target of 57% by 2020. Nearly all UK Councils now offer householders some form of plastics recycling as part of the local authority waste collection system and this is increasing annual tonnages of post-consumer plastic packaging waste as they input to the recycling sector. Across the construction, manufacturing and retail sectors the importance of capturing potentially valuable streams of waste plastics and channelling them into efficient recycling and recovery routes is recognised as a key way to save costs and reduce environmental impacts”.

And that “The use of the Clean Materials Recycling Facility will allow the CSH Environmental to divert waste from landfill disposal, which meets Government Policy in moving waste up the management hierarchy but also reduces the Greenhouse gas emissions that are associated with landfill disposal.

The ability to convert all waste plastic to an end product to be remanufactured.....

The building will operate a unique processing line that will accept either pre-baled or loose plastics on arrival. These materials will travel via a trammel and ballistic separation process to help remove materials that are not bottles, any metal will be separated using magnets. Following this stage in the recycling process a type and colour separation will take place to ensuring clear and mixed colour plastics go their separate ways.

The recycled plastics are then granulated and then separated, cleaned and dried going through a separate packaging process and quality tested clear plastics by sampling flakes and then testing the mixed coloured plastics by sampling the

pellets produced. The end products then head offsite to be remanufactured”.

In terms of economic issues the application states *“The applicants are considered to be a significant employer in the rural environment, employing up to 48 people, which contributes to the rural, local economy. The proposed development will secure the existing employment, as well as secure long-term job opportunities for 20 to 40 additional jobs”.*

The application states that the design features include the following environmental performance qualities:

- A curved roof to provide a more sympathetic profile
- Use of energy efficient light fittings for all offices and external areas.
- Use of infra-red sensor lighting for car parks to ensure that lights are only used during the permitted hours of darkness.
- Implementation of a Travel Plan (car sharing, provision of bicycle facilities, for example).
- Provision of a vehicle manoeuvring area, which is separate from the car park/office area, to ensure efficient flow of traffic. Thus avoiding, queuing and unnecessary manoeuvring.
- Use of baling machines for more efficient transport of material (e.g. cardboard and plastic).
- Collection of roof water for reuse purposes (water harvesting).
- Greywater recycling for offices and mess facilities.
- Use of secondary aggregates in building foundations and new areas of hardstanding. These materials will be derived from the existing on-site operation and will therefore not result in additional HGV movements delivering secondary aggregates.
- Use of secondary aggregates will prevent use of primary aggregates.
- Development of a Site Waste Management Plan for the construction phase which will reduce unnecessary waste by accurate ordering of materials and reuse of any surplus materials.
- Implementation of a detailed landscaping scheme.
- Provision of additional woodland planting, meadowland and wildflower meadowland to increase ecological value.
- The above measures have been developed in consultation with BREEAM guidance.

The application has been supported with assessments undertaken by appropriate consultants addressing:

- (i) Transport – The submitted information notes that *“The current recycling facility at the site is subject to a weekday maximum of 150 two way greater than 3.5 tonne movements per day, i.e. 75 in and 75 out, ‘traffic cap’.* Other vehicle movements under 3.5 tonnes in and out of the site are not restricted. *Therefore, the investigations in this report focus predominantly on HGV movements to/from the existing and proposed developments at the site. For the purposes of this report traffic flows will be categorised as light vehicles and HGVs, the latter being assumed to be vehicles in excess of 3.5 tonnes only.*

The existing operation at the site is open from 6:00 to 18:30 weekdays and therefore in order to ensure that all vehicle movements to/from the existing site were recorded the manual classification counts were undertaken between 06:00 to 19:00. As part of the turning counts CSH vehicles were identified separately. All CSH vehicles are 'sign written' and as such the latter could be accurately achieved.

The traffic flows demonstrate that on the day of the manual count survey the existing on-site development attracted 124 two-way HGV movements between 07:00 and 19:00 hours. It should be recognised that between 06:00 and 07:00 hours, an additional 4 HGVs were counted to leave the site. The total number of two-way HGVs counted at the site on the day of the survey was therefore 128. This figure falls significantly below the 'traffic cap' for the development i.e. 150 two-way HGV movements”.

The planning statement has noted that “The development would not result in an increase of CSH HGV movements. However, it is envisaged that an additional 20 to 40 staff members would be employed at the proposed development. Due to the increase in number of employees, additional car parking spaces would be provided to the south of the existing car park which is located towards the eastern boundary”. Also

“In terms of any additional traffic attracted to the site because of the proposed development, HGV flows are not expected to increase given that the proposed clean materials recycling facility would simply enable CSH to recycle materials that are already effectively present at the site, but which cannot currently be recycled. Furthermore, CSH do not seek an increase in relation to the existing HGV movements cap at the site in conjunction with the current application”.

- (ii) Heritage – The appraisal considered the setting of the adjacent Grade II* listed building (Rochfords) that lies to the west of the application site. The conclusion of the appraisal was “that the proposals would have no effect (other than minor benefit) on the character and setting of Rochfords as a Grade II* listed building”.
- (iii) Acoustics – The noise consultant states in conclusion that “The current site has a noise control criterion set by planning condition of 45 dB LAeq, at the boundary of the site. It is therefore suggested that an appropriate noise control criterion of 35 dB LAeq, 1hr is proposed.

Meeting the suggested noise control criterion would ensure that the existing noise control limit would not be compromised by noise from the proposed clean materials recycling building.

Noise levels have been measured at existing recycling facilities (including the existing CSH facility). Using these measured noise levels source sound power data have been derived for the proposed building, both open doors and the facade cladding.

The calculated noise levels for the proposed development, for all three of the

chosen boundary locations, are lower than the suggested noise criterion.

As noise levels are within the suggested noise criteria it is concluded that there is no requirement for additional noise mitigation.

It is further concluded that as noise levels meet the suggested noise criterion, that there should be no significant effect on residential amenity to nearby residential properties”.

- (iv) Visual and Landscape – The application considers that the “*proposed design features have then been assessed in terms of the local landscape character. The landscape assessment concludes that the proposed scheme will have minimal direct impact on the local landscape character. No trees will be lost and the existing hedges will be retained. Furthermore, the creation of extensive areas of woodland, woodland edge and wildflower grassland habitats will enhance the landscape. In the long term, the mitigation proposals are judged beneficial.*

The majority of the plant species would be native and selected to encourage the biodiversity potential of the site. Woodland shelterbelts would include climax species of oak, hornbeam and ash with an under storey of field maple, hornbeam, hazel, hawthorn and holly. Nurse species would comprise hybrid poplar and Corsican pine - both of which are found locally in neighbouring woodlands and copses, together with native cherry. A woodland edge/shrub mix would include field maple, hawthorn, hazel, blackthorn, privet, dog rose and goat willow”.

In visual terms the assessment notes that the sites visual envelope extends south and east; that from middle distance viewpoints that of Spring Cottages would be middle high adverse decreasing to medium low adverse by year 15, however this aspect is likely to be from first floor windows.

More distant views from Wormingford and from the valley to the east are assessed as not significant and mostly due to the distance involved.

Whilst the report notes that views from the two adjacent receptors would likely be assessed as medium-high adverse in year 1 post construction and following maturing of the vegetation the impact would become less adverse.

The assessment states that “*the proposal is for the construction of a large building in the countryside. However, the building is closely related to other large structures and commercial uses on adjacent sites. Furthermore, the form of the proposed buildings and materials used have been carefully selected to respond to the locality and create a composition more agricultural in appearance... As the planting steadily matures it will reduce the impact of the building in the countryside screening the structures over time so that the site will from the outside appear like a block of woodland similar to blocks of woodland in the area. The planting proposal will in time enhance the setting of the site and enable the integrate the buildings into the surroundings”.*

- (v) Ecology – A Phase 1 Habitat Survey was undertaken to record the floral interests on the land. The report noted that few reptiles are supported on site, although a Grass snake was found. The impact on reptiles and badger was assessed as neutral.

Overall the site was considered to be low importance to wildlife “with substantial opportunity for wildlife enhancement to be built into the scheme”

An updated Great Crested Newt survey was undertaken with the report completed in June 2019. This survey confirmed the presence of these newts within a pond located offsite. The conclusion of the report was that work could be undertaken lawfully under an appropriate European Protected Species License such that overall impact to the newts would be negligible.

In respect of atmospherics the planning statement notes “..... *there will be no increase in the permitted level of vehicle numbers and therefore no impact on air quality as a result of atmospheric emissions from traffic associated with the proposed development.*

The air circulating in the building would pass through filtration equipment that would remove dust, other particles and odours before it is discharged from the site. Based on these controls the proposed operations would not result in significant omissions to the local air. It can be concluded that the proposed development would not result in any significant change in local air quality”.

Following submission of the application and as a result of comments from representees and consultees additional information was submitted including photomontages from a local resident's garden; elevational details; landscape and ecological surveys. A re-consultation was undertaken to cover these aspects and addressed above.

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise.

The development plan comprises:

- i) The Essex and Southend Waste Local Plan (adopted July 2017)
- ii) Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).
- iii) Submission Colchester Borough Local Plan 2017-2033:

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) February 2019.
- ii) The National Planning Policy for Waste October 2014
- iii) The Waste Management Plan for England December 2013.
- iv) Planning Practice Guidance

- v) “Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018.

The following policies of the Essex and Southend Waste Local Plan (adopted July 2017) and the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).(paraphrased or in quotation marks if set out in full) are of relevance to this application:

In the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

Policy 10 (Development Management Criteria)

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- iii) Local amenity
- iv) Safety and capacity of road network
- v) Appearance quality and character of the landscape and visual environment.
- vi) The natural environment

Policy 12 (Transport and Access)

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

In the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).

Policy DP1: Design and Amenity (Revised July 2014) which requires development to be designed to a high standard, avoid unacceptable impacts on amenity, and to protect existing public and residential amenity, particularly with regard to amongst other matters noise and disturbance.

Reference to Submission Colchester Borough Local Plan 2017-2033 is being made within Colchester Borough Council planning application reports. In respect of this particular application, Policy SP1 “Presumption in Favour of Sustainable Development” within this emerging plan would be considered most relevant in

supporting such an application however, the plan is at present going through the Examination process. And at this stage the plan would be considered to have some weight given its advance stage.

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- Contribute to conserving and enhancing the natural environment and

reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

National Planning Policy for Waste (NPPW)

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is “the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through: delivery of sustainable development and resource efficiency

The NPPW sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

- “undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management,.....;
- drive waste management up the waste hierarchy recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;
- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;
- take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;
- work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;
- consider the extent to which the capacity of existing operational facilities

would satisfy any identified need”.

For the determination of planning applications the policy statement requires waste planning authorities to amongst other matters

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B [this referred to appendix sets out locational criteria] and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced

Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018.

This guidance strategy is primarily focussed on “preserving the stock of material resources through waste minimisation, promotion resource efficiency and moving towards a circular economy. The strategy blueprint is to eliminate plastic waste over the lifetime of the Governments 25 Year Environment Plan.

The strategy sets out steps to promote the market for recycled plastic via the tax system. It recognises and seeks improvements in the raising of recycling quality and quantity standards and investment in the domestic recycling materials market.

The Strategy seeks to preserve the stock of natural resources through waste minimisation, promoting resource efficiency and moving towards a circular economy. The strategic blueprint is to eliminate avoidable plastic waste over the life time of the Government’s 25 year Environment Plan.

The strategy seeks to promote the recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem. Within the strategy it acknowledges that valuable recyclate is lost to landfill/incineration and there is thus a need to preserve our stock of natural capital.

4. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL: Object on the following grounds:

“Due to the close proximity of residential property and the possible noise nuisance caused by 24-hour HGV movements and the expansion of operations at the site it is recommend existing noise conditions and existing restrictions on vehicle

movements be retained. Environmental Protection have serious concerns about the impact upon neighbouring residential amenity if the conditions and restrictions are altered.

With regard to general issues, careful consideration should be given to the impact of the proposal on the following:

- (i) Landscape character
- (ii) Setting of nearby Listed Building
- (iii) Wildlife
- (iv) Archaeology
- (v) Boundary trees and vegetation"

WORMINGFORD PARISH COUNCIL: Object "on the following grounds:

- Encroaching further on residents' amenity.
- Removing conditions that have been previously been put in place to protect the local residents i.e. Bank Holiday working, which are slowly being eroded over time.
- Additional traffic movements affecting direct neighbours, residents in Wormingford and neighbouring villages.
- Reduction in width of hedge boundary.

We would therefore ask you to reject this application.

We would like it noted that if you are minded to accept this application that you ensure that additional planting is required and reiterate that the doors must be kept closed at all times which is an existing condition but not always adhered to".

Additional comments received from the parish council:

- "We would ask that the planting round the site is increased in thickness and height in order to assist with the reduction of noise.
- We would ask that the main doors to the existing waste processing building be improved, possibly made automatic so that they remain shut as much as possible (as per the current planning conditions) in order to keep odours, noise and dust from encroaching on residential amenity. We would ask that this existing planning condition remains in place and is enforced more rigidly than today!
- The Parish Council are concerned regarding the possible noise impact of the process of chipping plastic should CSH decide to install such equipment in their proposed new building either at the onset or at some future date. It is important that before such developments take place full investigations of the noise potential are understood by all parties. We would ask that if CSH do decide to go ahead with this process at some stage, that another planning application must be submitted once the type and make of equipment has

been identified by CSH”.

FORDHAM PARISH COUNCIL: Any comments received will be reported at the meeting.

COUNTY COUNCIL’S AIR QUALITY CONSULTANT (CAC) – Comments *“As the EA regulate odour emissions as part of the Environmental Permit, MB3438RT/A001, I would expect them to pick up this particular issue as part of their consultation response. They should have historical information on the frequency of any odour complaints submitted by local residents, and also whether issues with the operation of the doors has impacted on these observations.*

Moving forward, any non-adherence to planning conditions would also fall within the remit of planning enforcement officer, therefore there are a number of mechanisms in place to ensure that any odour impact on residential amenity would be suitably controlled”.

COUNTY COUNCIL’S LIGHTING CONSULTANT – No objection and recommends lighting scheme condition.

COUNTY COUNCIL’S NOISE CONSULTANT (CNC) – The CNC has had a long involvement with this site and to the consideration of the noise aspects and these are presented later in this report. The CNC has summarised in his response that:

“With the understanding that the existing noise limits will remain to control noise emissions from the site, I am satisfied that the addition of the proposed clean material handling building is unlikely to result in non-compliance. The Noise Assessment presented, together with the further information requested and reviewed, would suggest that, despite a slight increase in noise emission at Reese Farm, noise levels should remain below 45 dB LAeq,1hr.

Notwithstanding the above, I have recommended that comments be sought from Colchester Borough Council with regard to potential noise nuisance matters under the Environmental Protection Act 1990.”

The CNC provides the following justification for seeking comments from Colchester Borough Council:

“The current stipulated noise limit on the site has its foundation in 2002, arguably based on unsuitable guidance. This noise limit has been maintained through subsequent planning permissions. The Appeal Decision in 2012 would appear to have determined that, as the site was historically controlled by a noise limit of 45 dB LAeq,1hr, and that the proposal should have improved the pre-existing situation, then the noise limit can remain. The Appeal Decision does not appear to consider the appropriateness of the noise limit in isolation, i.e. is it suitable to prevent adverse noise impacts?

It shall be noted that compliance noise monitoring undertaken by both AAD and Jacobs over the past year has demonstrated compliance with the noise limit of 45 dB LAeq,1hr. That is the monitoring exercise demonstrated that specific site noise varied between 34 dB LAeq,1hr and 44 dB LAeq,1hr in close proximity to Rees Farm. Therefore, compliance against the existing noise limit is evident. However, I am

aware that local residents continue to make complaints with regard to noise and it would be interesting to know if the Local Council Environmental Department have received and/or investigated complaints with regard to statutory nuisance (under the Environmental Protection Act 1990)? From my own observations made on site, noise from certain activities associated with the existing use of the facility is clearly audible at the boundary of the site, adjacent with Rees Farm; however, it would be for a local environmental officer to determine if this would be considered a statutory nuisance."

Notwithstanding the above the CNC advises the following should permission be granted for this application:

"Should permission be granted for this application, I would recommend that compliance monitoring be undertaken as soon as possible, to demonstrate the established noise limits are observed".

ENVIRONMENT AGENCY (EA): Any comments received will be reported at the meeting.

PLACE SERVICES (ARBORICULTURE): No objection. The Arboricultural Officer is concerned about the potential retention of debris and material around the base of the veteran tree and hedgerows and has requested that a suitable condition addressing the retention and protection of the veteran tree and hedgerows be imposed.

PLACE SERVICES (ECOLOGY) No objection subject to securing biodiversity mitigation and enhancement measures

The County Ecologist comments: *"We have reviewed the Preliminary Ecological Appraisal (Adonis Ecology Ltd (11th December 2018) and Great Crested Newt Report (Adonis Ecology Ltd, 12th June 2019) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly Great Crested Newts and identification of proportionate mitigation.*

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the WPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the WPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The proposal are acceptable, provided that all the recommendations in section 5 of the Preliminary Ecological Appraisal and section 5 of the Great Crested Newt Report are delivered, particularly as some of them should have already been undertaken as part of former permissions on this site. In addition, a long term landscape and ecology management plan should be conditioned and should be based upon the recommendations and the management which was permitted

under earlier planning permissions but not yet implemented. The mitigation measures identified in the Preliminary Ecological Appraisal and Great Crested Newt Report should be secured and implemented in full. The root protection zone of the mature oak tree should be protected and should not be used for storage of materials or parking of vehicles during or after the construction phase.

In addition, a Construction Environmental Management Plan should be provided to ensure that measures are undertaken for biodiversity during the construction phase, including mitigation of impacts to the adjacent land.

This is necessary to conserve and enhance Protected and Priority Species, particularly Great Crested Newts, Bats, Reptiles, Hedgehogs, and Common Toads.

This information is required to provide the WPA with certainty of likely impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent”.

The County Ecologist recommends a number of conditions.

PLACE SERVICES (HISTORIC BUILDINGS) No objection commenting: *“The applicant seeks to erect a new facility at an existing recycling/recovery facility to the south of Wormingford. The site falls in close proximity to Rochfords, a moated manor house which is listed grade II* and its associated Cartlodge, listed grade II. Whilst an initial cartographic assessment may suggest that the site falls within the setting of these listed buildings, a previous appeal decision, relating to an application on the site in 2010, is definitive that both in terms of visual impact and the erosion of historic association, the development of the application site is not considered to harm the contribution which the building's setting makes to its significance. This is a material consideration, and nothing which is proposed in this application is considered to be different enough to suggest that this conclusion would need to be re-evaluated”.*

PLACE SERVICES (HISTORIC ENVIRONMENT) - No objection

PLACE SERVICES (LANDSCAPE): Supports subject to conditions and comments: *“During the process of consultation and a site meeting held on 15th August 2018 I expressed some specific concerns regarding the landscape impacts and proposals relating to mitigation for the proposed new building and extended parking area. These were outlined in the site meeting note dated 7th September 2018.*

I am satisfied that these concerns have been largely addressed through the amended landscape proposals and Plans 120 Rev B, 124 A and 125 A.

1. *East boundary, I have expressed my concerns regarding the impact of*

bringing parking close to the boundary hedge, with the consequent loss of the open grass area and swale. This conflicts with the Inspectors appeal findings that the wide band of green space on this edge of the site would provide landscape mitigation. The mixed hedge and trees (oak, ash and field maple) on this boundary currently give good screening to the current facility, in the summer months. However in winter months and with the extended development footprint the hedge is unlikely to provide such effective screening for the car park.

The trees have now been indicated on the plan, although not specifically labled. There will be a need to condition the retention and protection of these trees. Management will be essential with specific monitoring of the ash in the event of ash dieback and decline. I consider there is a need to survey and plot these trees in order that the condition secures their retention.

The car park lighting proposals do not appear to be specified so will need to be conditioned. I have previously advised against placing along columns close to the hedge/trees at the eastern car park edge. This will place further pressure on the successful retention and management of hedges/trees. I would prefer to see lower level lights/bollard lighting placed within the car park zone.

- 2. With the respect to the southern boundary mound and original approved planting, these were never implemented. However I consider that the planting is not necessary here as the bund provides good visual mitigation from the south. The southern boundary hedge is mature and of good size. The retention and management of the hedge/trees will need to be conditioned.*
- 3. West boundary mound and planting. Whilst on site we discussed and agreed that this planting (some of which has been partially implemented) would be refined in terms of its form and species content. The new planting will sit behind and above the proposed new build but it is not practical to continue to the rear of the workshop building due to the height and profile of the existing bund. Natural regeneration of ruderal and shrubby species appears to be taking place.*

*The more recent submitted photomontages taken from 'Rochfords' to the west show how the planting (subject to time and positive management) will give good screening in terms of residential views of the new building. Native privet (*Ligustrum vulgare*) has been added for evergreen content and I advise that this be used on the western edge of the planting block. These matters have been largely addressed through the amended 'Landscaping 2' Plan 125 Rev A.*

- 4. West boundary hedge: this has been planted but needs management and beating up where it has failed. I advised using hawthorn. I advise that this be conditioned through landscape implementation.*
- 5. The large mature oak has now been plotted on the amended plans. We requested moving the Acoustic barrier away from the tree to secure a greater distance for protection. This is now shown as 13 metres clear from centre of trunk on the east side of the tree. I consider that there is a need to*

provide a BS 5837 survey for this tree in order that the condition secures its retention.

6. *Wet pond: the self-sown willow and its retention and occasional management by coppicing is indicated on the amended plans.*

My overall concerns have been largely addressed by the refined proposals. There is no doubt that at some times of the year both the new building and extended parking zone will be partially visible in the wider landscape.

All matters relating to the retention of existing vegetation, implementation of new planting, management of existing and new planting will need to be conditioned”.

The County Landscape Officers recommended conditions are set out in the Place Services response dated July 2019 at Appendix A to this report.

PLACE SERVICES (URBAN DESIGN): No Objection. The Urban Design Officer recommends that samples of the building materials are submitted to ensure finish and colour consistent with the existing development. Also supports the recommendation of the Landscape Officer to seek tree survey information to ensure protection of on site trees.

LOCAL MEMBER – COLCHESTER – CONSTABLE - Any comments received will be reported.

5. REPRESENTATIONS

Site, press (Essex County Standard) and neighbour notification (58 properties) was undertaken and as a result 65 letters of representation have been received concerning the original submission whilst a re-consultation process resulted in 7 further representations of which 3 were new responders.

The representations relate to, in summary:

<u>Observation</u>	<u>Comment</u>
Supporting the previous grounds of refusal made by the Waste Planning Authority at the time of the original application and noting these still apply.	Planning applications are determined on their merits with past histories being balanced in their considerations.
“The proposed location of the additional building is even worse being located on the boundary of residential properties which will make it highly visible, out of character, disproportionately massive and will overlook family rooms and gardens”.	See appraisal.
Why haven't CSH been guided to locate the proposed building on the eastern	

boundary of their land overlooking empty farmland rather than adjacent to people's homes?

The issues of odour, dust and noise are not currently being controlled by conditions and for the first time an application by CSH admits that the situation will be even worse

That County Court claims of dust nuisance against the operator have been successful and this application would make the situation worse.

The previous application required an EIA and yet this application with a proposed building bearing down on residential properties does not.

In respect of "Impacts on a heritage site" That "Rochfords" is a grade II* property. That the site operations will cause discolouration of the façade whilst increase in road traffic would impact the front of the property.

Anything in the curtilage of "Rochfords" as part of the heritage site and needs special consideration such as the covering of the swale which could impact the moat.

Notes no visual appraisal taken to take account of impacts on Rochfords Listed status.

No ecological surveys have been undertaken at Rochfords in support of this application. Great Crested Newts and other reptiles are present across the property. Survey data as presented could be misleading.

Raises concerns in respect of noise, dust and odour pollutants.

See appraisal.

Private claims are not a planning matter. Applications are considered on their merits and dust aspects are part of the consideration.

This present application was screened as below the thresholds required for an Environmental Impact Assessment, however the coverage and content of the application addresses the issues required for appropriate determination.

See appraisal and Consultee responses.

See appraisal and consultee responses

Subsequent assessment has been undertaken and consultees have taken into account this information.

Subsequent assessment has been undertaken and consultees have appraised this

Noise, dust, odour and landscape aspects are addressed in the report.

(i) Whilst noting the existing 07.00am

start which is already disturbing any increase at the site would be closer to the boundary and more sustained.

- (ii) Both existing site odour and the air fresheners used are both foreign smells and likely through increased site activities to decrease air quality and increase the foreign smell experience.
- (iii) Dust problem will increase as will deterioration of the property and impact on human health.
- (iv) Height of the building will affect the morning sun at nearby properties.
- (v) Noise level of 45db (sic) is likely to be exceeded through the constant reversing beepers; dragging and dropping of skips

Compromise local roads and local residents with increased vehicle movements and times.

Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.

Further deterioration of road network in Fordham; Moat Road and Mill Road.

Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal

Skip lorries already a nuisance and drive fast and increasing size and diversity of the facility is unacceptable.

Driver behaviour on the public highway is not a planning matter. Operators are encouraged to ensure good driving habits from their own and contractual drivers.
The application is not seeking to alter the range of waste already being received at the existing facility.

- (i) Traffic report ignores the various routes by which traffic serves this site.
- (ii) Traffic report ignores vehicles below 3.5 tonne which could be significant.
- (iii) Counterproductive to reducing/curtailing traffic movements and jobs not of high value.

Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.

Use of local roads as rat runs and

Application is not seeking to change

deterioration of the road conditions and danger to pedestrians and schools that they pass to get to the A12.	HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.
CSH are an industrial firm and not suitable for the area. Company should be moved to more appropriate location.	See appraisal
Essex already has an MRF in Barking and a recycling facility not appropriate for this location.	A recycling facility already exists at this location. The present application seeks to handle an existing waste stream.
Traffic data is out of date and has increased considerably.	See appraisal.
Current building already inappropriate and dominates the landscape. Floodlighting illuminates the locality.	See appraisal
Further growth of plastic recycling at the site inevitable diminution of enjoyment of countryside and amenity. Also sustainability of handling increased plastic wastes with no apparent end market.	Application seeks to deal with existing plastic waste stream and not to increase site throughput limits.
Inconsistencies in the Environmental Impact Screening Opinion relating to:	The Screening exercise is separate to the planning application. The comments relating to (i) to (iv) opposite relate to the Screening process which is not the subject of this application.
(i) "Installations" reference under which the site would only accept inert wastes which in themselves should not generate odour. The experience from the site is that inert wastes accepted at the site do smell.	
(ii) Under heading "Characteristics of Development" reference to no new development then why is applicant seeking additional car parking spaces if not to expand.	
(iii) References to no transfrontier effects is wrong as it would cross the site boundary and impact adjoining properties.	
(iv) Scale of the two buildings being more than 0.5 hectares and therefore in breach of the relevant paragraph in the Regulations.	
(v) In respect of future Good Friday	See appraisal

working; whilst sympathetic it opens door for further eroding local amenities.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (vi) References to existing filtration system that does not work now and any doubling of work at the site would double both odour and dust generation. | Process activities are controlled through the Environmental Permitting Regime. |
| (vii) That there would be an impact not that it is “likely” and that of the 22 conditions at the site they do not operate to 16 of them. | The representees view of impact is expressed. Consultees would consider the assessments and formulate their view. No elaboration is made as to which conditions are not being adhered to. |
| (viii) Good Friday working | See appraisal |

6. APPRAISAL

The principal issues in respect of this proposal are:

- A. Appropriateness of the location for the additional building.
- B. Environmental aspects –Landscape/Visual
- C. Ecology
- D. Dust and Noise
- E. Traffic

A APPROPRIATENESS OF THE DEVELOPMENT IN THIS LOCATION

The current CSH facility, approved on appeal, has since developed into a successful business with an established market serving both business contracts through the “dust cart” collections as well as skip hire.

Throughout the history of this site, there has been concern expressed from the local community as to the suitability of siting such a business in this particular location. The implications of the siting aspect were issues considered at the earlier planning appeal and ultimately considered acceptable to the Planning Inspectorate when it granted approval for this permanent waste management facility. The subsequent growth of the business has taken place against that original scheme.

Subsequent decisions taken by the Waste Planning Authority concerning use of various parts of the site such as storage bays or wood processing has been set against the fact that such proposals have not in themselves sought to increase either site throughput or HGV movements.

A backdrop to some of the various development requests in the history of this site, post appeal, has been third party expressions that the facility has not abided by its original conditions and that the operators has sought to ignore the conditions and

do what they please.

Whilst the business has developed, it has been undertaken either in line with the original planning approval or, as is the right of any operator, through subsequent applications which have been considered through the planning process. This application has been submitted on the basis of seeking additional space in which to handle, sort and process, the plastic product line to which the facility already caters for. Therefore, in this respect there is no intention through this planning application to seek additional tonnage throughput, extend the normal site operating hours nor seek additional increases in HGV movements.

The planning system exists to support development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override.

A number of representees consider the facility to be inappropriate and set within a rural setting. Whilst this may be so, there is the permanent planning status attached to this development site as noted earlier. The facility does exist in a rural setting, however it is also acknowledged that nothing is permanent and the rural area is not immune from change and development. Two small established industrial estate footprints lie immediately to the west of the existing facility and these have been established prior to the current CSH facilities being developed. A former chicken factory is located to the north west whilst a large crisp manufacturing complex and associated anaerobic digester unit lie immediately west of Fordham Road at Fairfields Farm. Beyond the crisp plant lies a former airfield which is used for leisure flying.

Such other industrial/agricultural business initiatives in the locality sit alongside the agricultural landscape and tempers the “rural” feel that the local community feel for this area.

As with any development aspirations these have to be balanced, as in this particular case, the environmental aspects including the consequences of the “rural dilution feel”; that the facility has a permanent waste management facility status but also the policy implications that stand to guide development.

National planning policy guidance has at its heart the delivery of sustainable development and resource efficiency. For waste management, and to secure the nations waste ambitions, the driving of waste management up the waste hierarchy is a key aspect of contributing to the sustainability goals.

The recent guidance “Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018 has sought to “preserve the stock of natural resources through waste minimisation, promoting resource efficiency and moving towards a circular economy. The strategic blueprint is to eliminate avoidable plastic waste over the life time of the Governments 25 year Environment Plan.

The strategy sets out steps to promote the recycled plastic market via the tax system. It recognises and seeks improvement in the raising of recycling quality and quantity standards and investment in the domestic recycled material market.

The strategy seeks to promote the recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem. Within the strategy it acknowledges that valuable recyclate is lost to landfill/incineration and there is thus a need to preserve our stock of natural capital.

The Waste Management Plan for England sets out the principal commitment “towards moving beyond our current throwaway society to a ‘zero waste economy’ in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It means reducing the amount of waste we produce and ensuring that all material resources are fully valued – financially and environmentally – both during their productive life and at ‘end of life’ as waste. The benefits will be realised in a healthier natural environment and

- reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation – a truly sustainable economy”.

The national planning policy for waste sees positive planning as contributing to the nations waste ambitions through:

“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.....;

ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;

providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;

helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and - ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.

Seeking to achieve higher sustainability should not however come at the expense to the local environment through say a marked increase in tonnage throughput and/or additional HGV generation. Such implications could, in the case of this particular location, be considered detrimental to the local amenity and hence conflict with policy guidance.

The present application is seeking neither of the above aspects; more that of provision of a new building and rearranged car parking facilities. As such the proposal is not regarded as introducing additional “intensification” of development by way of tonnage increase/additional waste streams/operating hours or HGV increases. The present CSH facility has achieved a high sustainability rate through recycling and minimising waste to landfill. The proposal introduces a

modern and more modest additional facility to house; enable more efficient handling; achieve a higher recycling rate with better value end product. Such would reflect best practice, be supportive of the sustainability principles and accord to policy.

The other aspects of the new building in terms of visual/design and vehicle movements over the Easter Holiday period are addressed further below.

In terms of its locational aspects the provision of a new building and the rearranging of the car parking facilities alongside the extant activities has not been found to conflict with the principles of Policies 10; 12; DP1 or SP1.

B LANDSCAPE/VISUAL

The existing site facilities are for the most part fairly well screened from outside public vantage points. A Public Right of Way (134-1) runs along the eastern site boundary from Packards Lane and separated from the existing site by a maturing hedgerow. Beyond the hedgerow lies the site offices and car parking facilities.

From the public highway there are views of the side elevation of the existing recycling building particularly from the junction of Main Road/Packards Lane travelling west and where the principal presence of the existing site infrastructure is felt.

From the adjacent residential properties north west of the site the existing site presence is represented by the screen mound, and likely from upstairs windows of Rees Farm, the closet property, of parts of the roof of the maintenance/storage building and recycling facility.

Long distance views are possible, with difficulty from a road user and for pedestrians looking over a hedge, from off the Colchester Road between the application land and West Bergholt. Such views of the recycling facility are set alongside existing vegetation and do not breach the skyline.

Such are the existing views which in all cases, save the side elevational view off the highway, are of partial aspects of the existing facility. Some representees have expressed the view that the new building itself would be an additional overly dominant feature in the landscape; will overlook their properties; is closer to properties and should be moved; that the historic setting of adjacent Rochfords would be impacted and that there are views of the existing car parking arrangements

Both the County Landscape Officer; County Ecologist and Historic Building Officer have been on site and considered the issues arising. Discussion has taken place with the operator's agent and respective consultants in addressing landscape and ecological matters.

The Historic Buildings Officer has not objected and previously made comment concerning the historic setting aspects. As a result of further supporting landscape and ecological work the County Landscape Officer also supports the proposal and has recommended conditions to address landscaping aspects and integrity of the natural screening.

Overall the proposed building set within an existing development footprint would not by virtue of its siting, design, cladding nor potential for skyline breaching is considered to introduce additional infrastructure that would impinge unacceptably on the local amenity. The design of the building is such that there would be no windows facing onto the adjacent residential properties.

From the principal viewpoint experienced off Packards Lane and part of Main Road, of the side elevation of the existing recycling building, this view would remain with the new building screened behind it.

From the same location noted above views can be taken, together with glimpses afforded off the Public Right of Way of the older industrial units situated on the application land's western site boundary. These structures, coloured both blue and green, stand out in the landscape. At the time of the appeal decision the existing recycling building was constructed in a white colouring with subsequent approval to a brown cladding. Together with the same livery on the other site infrastructure, has resulted in a more sympathetic colour scheme which blends the infrastructure into the landscape. The proposed new building is of a more modest size compared to the existing building and no closer than the maintenance/storage building to Rees Farm. The building would be clad in the same livery and screened from the highway viewpoints by the existing recycling building. The new building would, from the perspective of the residential properties, not impinge the skyline and would be set behind the existing screen bunding. Were any views glimpsed from these properties/gardens of the new building such views are likely to be of the top of the roof span if that.

It is worthwhile mentioning that the existing screen bund was itself requested by the local residents to be lowered to avoid visual intrusion post appeal.

The proposal to enlarge the footprint of the car parking area would take place through the partial covering over of the swale (ditch) that exists between the existing car park and the expanse of grass verge and hedgerow along the eastern site boundary. Such covering over and appropriate standoffs from the existing hedgerow tree lane has been undertaken in consultation with the County Landscape Officer. The operation of the swale in dealing with the sites surface water drainage aspects would not be interrupted. The applicant is further proposing the use of porous car park surfacing to further address site drainage.

The standoff from the perimeter vegetation would ensure the future growth and integrity of the screening belt.

Any long distance viewpoints of the new building taken from vantage points further to the east would be similar to that experienced of the existing recycling building whereby its presence if discerned is set amidst existing landscape vegetation and without breaching the skyline.

An enhanced landscape management programme is proposed, drawn up in consultation with the County Landscape Officer. Should permission be granted recommended conditions are proposed to include annual site visits and written reports to review, and if necessary form the basis for enforcement control, if the

stated programme and objectives are not being met.

Visually the provision of the new building and car parking design amendments are not considered to introduce an unacceptable impact over and above what is already experienced of the existing site presence. The layout, design and cladding proposals are considered appropriate and acceptable and in policy terms would not conflict with Policies 10 and DP1.

C ECOLOGY

The County Ecologist supports the proposal and their comments are set out earlier in the report. In respect of the local resident's comments regarding protected species these aspects were addressed through the most recent ecological survey. The County Ecologist has recommended conditions that would address ecological aspects, should permission be granted.

Overall it is not considered that ecology would be in conflict with Policies 10 and DP1.

D DUST AND NOISE

The Environment Agency would control the operational elements of the proposals through the Permitting Regulations as they do for other site activities.

In respect of odour concerns these would similarly be controlled via Permitting and the planning system is advised in guidance to avoid parallel controls in such circumstances.

Dust

In respect of dust generation from the proposals the proposed building envisages similar dust and odour control systems as exist for the existing recycling building. Whilst there have been previous local resident concerns about dust generation this has related primarily to the wood processing facility and an instance with an on-site sweeper. The former aspects whilst liaison took place with the resident these complaints were not substantiated. Similar involvement on this matter is believed to have taken place with the District Environmental Health Officer (EHO) although further action is not thought to have been taken by the EHO. The road sweeper issue was addressed and the matter rectified.

Dust generation from the existing building has not to date been considered an issue, and whilst there were requests at the time of the appeal for the building to have its doors closed during operations, subsequent conditions did not require this to take place. In the event the building regularly operates with doors open.

The new building is proposed to be orientated on a similar pattern with access/egress doors facing into the site and having the solid back wall of the building orientated towards the site perimeter.

Was planning approval to be forthcoming, waste handling would be taking place within an enclosed building. The potential for dust generation is considered minimal and at no greater level than presently experienced from the existing main

building. Dust issues are not considered to conflict with Policy 10 and DP1.

Noise

In respect of noise generation there is an extant condition imposed at the time of the appeal restricting noise generation from the site activities – to no more than 45dB LAeq,1hr. Noise control limits were set by the Planning Inspectorate at the boundary with Rees Farm.

Subsequent periodic noise monitoring undertaken by the operator's noise consultant has not demonstrated exceedance of the site's noise limit (45dB LAeq, 1hr) at the specified monitoring locations.

Noise-related issues at the site in the past arising from local residents have principally concerned the dropping and movements of skips off lorries; discharge of material into skips and reversing beepers.

The operator has been made aware of such instances primarily through the Waste Planning Authority passing on comments received from one of the local residents. Despite encouragement to contact the site as and when issues arise, the local resident has through the history of this site been unwilling to engage with the site operators. The Committee has been appraised of this situation on occasions in the past when applications at this site have been considered.

The WPA and Environment Agency has engaged with the operator to identify and address, where possible, the concerns of the local resident. The latest noise related aspect expressed by the local resident earlier in July; that of an extractor fan creating noise and having an associated odour aspect has not been substantiated. The operator has been unable to identify the source and an offer to the local resident for a meeting to identify the source by the WPA has not been taken up.

In recognising the noise sensitivities of the site, the County's Noise Consultant (CNC) has been in discussion with the applicant's own noise consultant and a joint site noise monitoring exercise was undertaken in November 2017. Whilst this exercise demonstrated compliance with the site noise limits, the CNC has remained concerned in respect of the appropriateness of the extant noise condition in being fit for purpose to safeguard local amenity and its implications in terms of considering this present application.

To explain how these concerns have arisen, the CNC has set out the history of this site and the relevant policy guidance that has developed those concerns. The CNC has in his formal responses of 13th August 2018 and 7th May 2019 [the full copies are set out in Appendix A to this report] stated:

"The Applicant has employed Applied Acoustic Design (AAD) to produce a Noise Assessment (NA) to support the planning application. I provide comments below on the pertinent aspects of the application making reference to the NA were relevant.

Policy and Criteria

The history of this site is summarised as follows:

- 1988 – permission for light industrial use. Colchester Skip Hire (CSH) commenced occupation at about this time as a skip hire depot.
- 1993 – planning permission granted for a Waste Transfer Station on site. This consisted largely of external works and plant. Conditions were imposed on CSH but no limits on noise emissions were applied.
- 2002 – a variation in conditions on the 1993 permission was granted. A condition controlling noise emission was set which essentially restricts noise levels from the site to 45 dB LAeq,1hr when measured at the nearest residential property (Rees Farm).
- 2005 – permission granted to permanently retain containment walls, together with a conveyor and hopper for the existing recycling centre. The previously established noise limit of 45 dB LAeq,1hr at nearest residential property was maintained.
- 2012 – permission granted through Planning Appeal for the redevelopment of the recycling/recovery facility. The Planning Inspectorate maintained the 45 dB LAeq,1hr limit. In considering the Appeal Decision, it would appear that the Inspector considered that, as much of the activities will be brought inside, that would be beneficial when compared to the pre-existing situation.

It shall be noted that through review of the planning history, it is apparent that the initial noise limit of 45 dB LAeq,1hr was set with reference to Minerals Planning Guidance 11 (MPG11). By definition, it can be observed that the use of guidance specific to mineral working is perhaps not entirely suitable when considering a waste facility. More relevant is BS 4142 (both the 1997 and 2014 versions), which is specific to determining the potential impact from industrial/commercial noise on residential properties.

Noise emanating from the site is currently controlled through condition 9 from the 2012 Appeal Decision, as follows:

Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (i) the pre-existing background level (LA90) plus 5dB; and
- (ii) the average residual level (LAeq 5 min) plus 1dB.

During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).

The frequency of monitoring shall not be less than once every three months.

The monitoring scheme shall be implemented as approved.

All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:2014.

The NA advises the proposed continued use of the above conditions.

Since 2012, there have been updates to various guidance documents and policy relating to noise. The most relevant being the following:

National Planning Policy Framework (NPPF)

The NPPF, initially published in 2012, and most recently updated in July 2018, sets out the Government's planning policies for England and how these are expected to be applied.

Under paragraph 170, it states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

....e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."

Whereas para 180 states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life60...."

Reference 60 pertains to the Noise Policy Statement for England (NPSE).

Noise Policy Statement for England (NPSE)

Published in 2010, i.e. prior to the Appeal Decision, the NPSE lists three noise policy aims (noted to be similar to the NPPF):

"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life;*
- Mitigate and minimise adverse impacts on health and quality of life; and,*

- *Where possible, contribute to the improvement of health and quality of life.”*

National Planning Practice Guidance (PPG)

PPG sets out how planning can manage potential noise impacts in new development. It advises that planning authorities should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

BS 4142:2014 – Methods for rating and assessing industrial and commercial sound

BS 4142:2014 updated the 1997 version, i.e. that version available at the time of the 2012 Appeal Decision. The Standard details procedures for rating and assessing sound from commercial or industrial facilities to determine the likelihood of impact that sound emitted from such facilities has upon nearby residential premises.

Using BS 4142:2014 the likelihood of disturbance is determined through comparison of the sound attributable to the existing or future source, defined as the ‘specific sound level’ (expressed as LAeq), against the typical and representative background sound level (expressed as LA90). Where applicable, the specific sound level is adjusted to take into account characteristic features such as tonality, discrete impulses and intermittency. The resulting ‘corrected’ specific sound level (the correction is 0 dB where no features are present) is defined as the ‘rating level’. In respect of the comparison between the rating level and the background sound level, BS 4142:2014 states the following:

- *A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.*
- *A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.*
- *The greater the difference between the rating level and the background level, the greater the magnitude of the impact.*
- *The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*

Through a noise monitoring exercise undertaken by Jacobs and AAD on November 2017, observed data indicates that the background sound levels were in the region of 30 to 35 dB LA90,1hr. Should BS4142:2014 be used to assess the site, a Rating Level in the region of 30 to 35 dB(A) would be anticipated. This is considerably lower than that required by the current noise limit conditions on the site.

Should the BS4142:2014 recommendations be applied to the current use of the

site, it is considered that a significant adverse impact is possibly occurring at present. That is, should the site operate at 45 dB LAeq,1hr, and taking a best case scenario that there are no further corrections for feature characteristics of the site sound source, then the rating level from the site could be at least +10 dB above the existing background sound level. It is noted above that BS 4142:2014 considers "A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context".

With regard "context", BS 4142:2014 states "The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.". It is arguable that context should include the current use of the facility

Notwithstanding the above, the NA presents a motion to ensure that noise emanating from the proposed clean material recycling building result in a noise level of 35 dB LAeq,1hr at the boundary of the site. The reasoning is that such a noise level, would ensure that noise from the entire site would theoretically continue to not exceed the current limit of 45 dB LAeq,1hr. Whilst this is theoretically correct, establishing an appropriate noise limit in the first instance is pertinent.

Summary

The current stipulated noise limit on the site has its foundation in 2002, arguably based on unsuitable guidance. This noise limit has been maintained through subsequent planning permissions. The Appeal Decision in 2012 would appear to have determined that, as the site was historically controlled by a noise limit of 45 dB LAeq,1hr, and that the proposal should have improved the pre-existing situation, then the noise limit can remain. The Appeal Decision does not appear to consider the appropriateness of the noise limit in isolation, i.e. is it suitable to prevent adverse noise impacts?

It shall be noted that compliance noise monitoring undertaken by both AAD and Jacobs over the past year has demonstrated compliance with the noise limit of 45 dB LAeq,1hr. That is the monitoring exercise demonstrated that specific site noise varied between 34 dB LAeq,1hr and 44 dB LAeq,1hr in close proximity to Rees Farm. Therefore, compliance against the existing noise limit is evident. However, I am aware that local residents continue to make complaints with regard to noise and it would be interesting to know if the Local Council Environmental Department have received and/or investigated complaints with regard to statutory nuisance (under the Environmental Protection Act 1990)? From my own observations made on site, noise from certain activities associated with the existing use of the facility is clearly audible at the boundary of the site, adjacent with Rees Farm; however, it would be for a local environmental officer to determine if this would be considered a statutory nuisance.

Guidance and policy that has emerged since 2012 (i.e. NPPF and PPG) looks for

the planning process to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. BS 4142:2014 provides guidance on determining significant adverse impacts when considering the effect of industrial/ commercial facilities on residential properties.

Should this be a new application, our advice would be to consider the potential effects in accordance with BS 4142:2014. In doing so, it is highly likely that we would conclude that the site, when considered in its entirety, would result in a likely significant adverse impact. However, it shall also be noted that the presence of the new building actually has the potential to result in an overall reduction in noise emissions from the site to that currently experienced at the nearest residential premises, i.e. Rees Farm. This is due to the new building providing a 'barrier effect' from existing noise sources on the site. Therefore, a paradox is apparent whereby the proposed new building has the potential to result in noise benefits, to that currently, yet the site would continue to operate at noise levels greater than would be considered acceptable.

Please note that the NA does not detail the predicted noise levels with the current operation of the site, versus what would result with the proposals. As noted above, given that the NA looks to demonstrate no increase of the 45 dB LAeq,1hr noise limit, the applicant may consider this a needless exercise. However, at the very least such an assessment would demonstrate any potential benefits, if any, to that currently. Which, may be viewed positively by all parties".

In terms of the Good Friday working the CNC responds "The application includes for site operations on Good Friday (Bank Holiday). The existing operating hours allow for working on Saturday and Sundays; therefore, the site already operates during 'sensitive' periods. Therefore, notwithstanding the matters discussed elsewhere in this response, I would not object to proposed Good Friday working of the site".

As a result of seeking additional information from the applicant's noise consultant (AAD) the CNC made a further response on the application in May 2019 stating:

"My response of 13/8/18 presented the planning history of the site and ruminated on potential noise level criteria that could apply, both in terms of this specific application and the site in its entirety. The AAD response of 9/10/18 provides comments on this, making reference to the Noise PPG and NPPF.

Although I would not necessarily agree with the comments provided within the AAD response, I am minded not to pursue this aspect. This follows discussion with the WPA at ECC, where advice was received that the planning history of the site shall be taken into account. In doing so, consideration should be given to the latest application on its own merit, specifically whether its introduction would potentially result in noise emissions from the entire facility exceeding the existing noise level limits imposed through historic planning permission.

As such, in considering this application, a determination will be reached on whether noise emanating from the entire site, including the additional building, would exceed a noise level of 45 dB LAeq,1hr at Reese Farm.

Notwithstanding the above, it is my opinion that, for those reasons identified in my response of 13/8/2018, that a potential noise nuisance could be arising from the facility on the nearest residential properties. I am not aware that any complaints have been made to Colchester Borough Council, i.e. the relevant authority who would receive and handle complaints of noise nuisance under the Environmental Protection Act 1990. It would therefore be prudent to seek their comments on this matter”.

Additional noise monitoring points were sought and clarification received concerning various scenarios at the site and these the CNC referenced as

“A further four noise contour plots are presented (Graphics 6 to 9) representing noise level changes comparing the current scenario versus the proposed scenarios.

The following comments are made on this additional information:

- *The addition of external plant items results in a negligible increase in predicted noise levels previously provided (Noise Assessment dated December 2017) when compared to those without the external plant.*
- *All scenarios show noise levels below the currently permitted limit of 45 dB LAeq,1hr.*
- *Predicted noise levels of approximately 38 dB LAeq,1hr are provided for the existing scenario (Graphic 1) at Reese Farm. This is not too dissimilar to the results of noise compliance monitoring that has been undertaken by both AAD and Jacobs over the past two years.*
- *Noise levels of approximately 34 dB LAeq,1hr are predicted at Reese Farm from the proposed clean material handling building and associated external plant.*
- *A total site noise level of approximately 39 dB LAeq,1hr is provided with the addition of the proposed clean material handling building (e.g. Graphic 5) at Reese Farm.*
- *This results in a theoretical noise increase of approximately 1 dB LAeq,1hr with the new facility operating compared to the existing scenario (e.g. Graphic 9) at Reese Farm. Albeit as noted above, the total site noise levels theoretically remain below the current site noise limit of 45 dB LAeq,1hr.*
- *A noise reduction of between -1 dB and -6 dB LAeq,1hr is presented at Rochfords, which results from the barrier effect of the proposed new building”.*

The upshot of the above CNC considerations has been his acceptance of the extant noise control limits as being appropriate for the present application and that the new building is unlikely to breach noise control limits. That said, the CNC has indicated in his responses an issue between planning control limits and that of nuisance.

One could consider addressing this aspect by seeking to impose more restrictive noise control limits at the site boundary. Seeking to retrospectively impose lower noise limits would likely have implications to the operating ability of the existing business and the need for potentially significant changes to operating practices and/or introduction of mitigation measures that themselves could be detrimental in

landscape; visual and ecological terms. Furthermore, seeking to retrospectively impose on an existing business could be considered unreasonable.

Were this a new application, as the CNC states, then its consideration would be set against the BS4142 guidance. This present application, principally that of a new building and car park extension, within an existing facility has been acknowledged as in itself not to increase site boundary noise limits. As such the new build element is no more likely to increase noise exposure as a result of its presence.

Reference has been made to statutory noise nuisance and the Planning Practice Guidance on Noise states that in respect of this *“When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the ‘character of the locality’.* The factors influencing the ‘character of the locality’ may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent. Local authorities have a duty to take such steps as are reasonably practicable to investigate a statutory nuisance complaint. It is a matter for them whether they take further formal action to remedy a statutory nuisance”.

The local planning authority referred to above would be the Environmental Health Officers (EHO) of the relevant Borough or District council.

From a planning perspective, were planning approval to be forthcoming, it is considered that the control of noise from the waste management facility, so not to impact on local amenity (the new and existing activities), may not be able to be suitably controlled through the extant condition, if carried forward. Nonetheless, should noise complaints arise in the future, and it be demonstrated that the noise limit of 45 dB LAeq,1hr is being achieved, then investigation, and where necessary action, could be taken by both the Environment Agency and/or the local authority EHO. The EHO could investigate under the separate regulatory process within the Environmental Protection Act 1990, whilst the EA would act under the Environmental Permitting Regulations (2016 as amended). Discussions have been held with the EA and EHO and both parties are aware of the limitations of the existing planning permissions in respect of noise as well as any new permission should the proposal herewith be granted.

Accordingly, whilst the noise emissions as a whole are considered not in accordance with the most up to date guidance (BS4142:2014), as the proposed new development will not add to the existing noise climate, the application is not considered to conflict with Policy 10; DP1 and SP1.

E TRAFFIC -

A large number of the representees to this application have expressed comment concerning the HGV movements associated with the operator's business and to traffic flows on the local highway network especially through Fordham.

Whilst noting the comments, this application is not seeking any changes to the HGV movements associated with the waste management facility other than in

respect of the Good Friday provision. The application is for changes to the internal infrastructure provision to enable better handling and management of the existing plastic waste stream that is already catered for through the existing facility.

Were any proposals to arise seeking amendments to the present permitted HGV movements then this would be subject to a separate planning application.

In terms of general HGV movement the operator's fleet of both skip lorries and the dust cart type vehicles travel the public highway as is their right to do, along with other road users, as they serve the various contracts. Given the nature of the skip hire business a number of local residents/businesses avail themselves of this service. Good site management and operating practices whilst these can be set out in any business ultimately it is down to individual considerate driver behaviour including adherence to speed limits that local communities pick up on.

This application also seeks to allow for the movement of a specified number of HGVs between the hours of 07.00 and 16:30 on Good Fridays to which a number of representees have objected on the basis of the nature of the holiday period and need to keep a rest day.

The extant permission has restrictions on the use of the site on Bank Holidays as well as to the generation of HGV movements during the working day. The operator has since 2017 made yearly requests to accommodate Good Friday working.

The format of the operating practices sought by the operator has remained as per the original application in that "12 refuse vehicles will be parked in line on the access road Thursday evening in the area hatched red on the attached plan and on return the vehicles will be parked in the area coloured blue ready for emptying from 07:30 on Saturday morning.

The parked vehicles will be located well away from local residents and their operation in the manner suggested is unlikely to cause any effects on local amenity. All vehicles leaving the site will exit the site by turning right only, towards the B1508 as per of the planning consent.

In commercial and waste management terms it is essential for CSH Environmental to service their customer base on Good Friday in line with other commercial waste operators. The vehicles will leave the site in the morning and not return until the afternoon. No other operations will take place on the site during Easter Friday."

These previous requests following approval have been undertaken without recorded complaints being received and with the earlier Good Friday activities having been monitored by the Waste Planning Authority.

The 2019 application report made an appraisal of the Good Friday request stating "As previously appraised under ESS/05/18/COL the issue of "catch up" servicing of customers on Good Friday has arisen previously at this site. In 2016 the operator made a verbal request to seek servicing of customers, although given the short notice and likely local objections, the operator was advised to seek alternative arrangements. In the event the operator did park their vehicles off-site although they returned into the site parking up at the end of the day. Local

residents raised objection noting at the time that any working would set a precedence; that the operator was flouting the planning conditions and that the use of the vehicles even when parked up off site and then used was in breach of the site permission stating no activities on Bank Holidays.

A report was subsequently taken to the Development and Regulation Committee 2016 April meeting to clarify the enforcement aspect for what was considered a technical breach of the permission through the return of the vehicles into the site. The recommendation of the report that was subsequently endorsed by the committee was that "It is not considered that the weight of "harm" caused to local amenity from vehicles returning to the site (at the end of the day on 25 March 2016 - Good Friday) had a significant adverse impact to local amenity and accordingly it is not considered expedient, in the wider public interest, to take enforcement action". In addition to this recommendation, Members required that a letter be sent to the operator warning that future infringements would not be dealt with in the same manner.

The operator subsequently submitted a formal application, ESS/18/07/COL, so enabling the proposal to be fully considered.

The applicant's justification for the application at that time was acknowledged and the report noted that the more frequent opening of businesses during Bank Holiday periods has necessitated a demand for the servicing of these activities which includes the collection of wastes. Such requests for working specific Bank Holiday days is not unusual and experience has been that where activities during such periods are unlikely to give rise to unacceptable environmental impacts on local amenity, such requests can be supported.

As with the previous applications, Wormingford Parish Council has expressed concerns over the potential for such activities setting a precedence. A local resident has also made representations, outlined earlier in this report. The concerns of both parties are similar to those previously raised by the parish and a third party concerning the loss of amenity. Such concerns have previously been acknowledged in the two earlier reports in 2017 and 2018 relating to the relaxation of hours requests regarding this potential erosion of local amenities. It being recognised that there is now an ever increasing world of commercial/industrial activity which has the potential, unless safeguards are in place, to erode local amenity. Therefore each application of this nature needs to be properly assessed on its individual merits. It was noted in the previous report in 2018 that a precedence in one area does not necessarily follow for the next site.

As reported earlier in this report, at the time of the ESS/18/07/COL application the applicant's agent had indicated that future applications may arise for seeking a relaxation of the Bank Holiday restriction in future years if the issues raised by the application to work the 2017 Good Friday were satisfactorily addressed.

Following the grant of permission for both ESS/18/07/COL and ESS/05/18/COL the site was operated during the last two Good Friday periods in line with the conditions and pre-positioning programme, discussed further below, and with the activities generating no local concerns as a result. What is being applied for this year is a repeat of the previous activities which have themselves demonstrated

that the activities can take place without disturbance to local amenity.

As was reported at the time of the ESS/18/07/COL application the facility operates from a location granted permanent approval through the appeal process and whilst local residents have previously referred to the rural locality in which they co-exist with the site, the applicant's business is not the only one in this locality. There are other industrial businesses, former agribusinesses and food processing industries in the locality and these have developed and grown alongside the rurality of the area.

In line with previous requests the applicant is only proposing the movement of 12 refuse vehicles that would already be pre-positioned on the internal site haul road the night before. Returning vehicles would be parked up in a similar location. The location of the parking area would be separated from the more sensitive western site boundary by the intervening recovery building, the existing timber processing stockpile area and the skip storage arrangements.

The principal elements of the proposal are that the activities for the Good Friday are primarily for vehicle movements only; that the operators acknowledgement of the sensitivity of the site has been reflected in the proposal for pre-positioning, and that there would be no other site activities taking place. On that basis, and subject to other environmental aspects being acceptable, the proposal would not conflict with policies aspects of maintaining a sustainable and efficient handling of the waste arising set out in the National Planning Policy for Waste and Policies 10 and 12 and DP1”.

The background to the Good Friday working requests remain valid today and as a result the operator is seeking the permanent relaxation and with the existing arrangements being kept in place.

The case for Good Friday working is acknowledged and in this particular case it is considered that the operator has demonstrated through the past few years Good Friday operating practices of the ability to undertake this activity without unacceptable disturbance to the local amenities.

Given that the application is not seeking changes to the general HGV movement/timings and that restricted Good Friday working has been demonstrated as being acceptable it is considered that the limited movements of HGV during the Good Friday periods would not conflict with Policies 10; 12 DP1 and SP1.

7. CONCLUSION

The report finds that the existing waste management facility operates within a locality that also accommodates other third party extant light industrial activities and food manufacturer/energy infrastructure with a wider rural setting.

Set within an existing waste management complex the siting of the building is considered appropriate and not to present an unacceptable impact on adjacent interests nor to be an overly dominant feature within the landscape. The design and cladding of the building would be in keeping with the existing structures and its

function complimentary to the existing waste management handling activities. The building would provide suitable space to house, handle and enable the recycling and enhanced recovery of the existing plastic waste stream handled through the CSH complex. This ability would provide a better value waste product driving waste up the waste hierarchy and further reducing the potential for the waste stream to go to landfill.

The rearranged car parking facilities are designed such as not to impinge on the perimeter screen planting and their proposed porous surfacing to support the complexes existing sustainable drainage network. Coverage of the swale is not found to interrupt site drainage nor to compromise offsite interests.

Environmentally the proposal would take place within an existing waste management facility complex utilising an already available waste stream; adding value to a waste whilst further reducing the potential for residual waste going to landfill. The proposed development is considered to support the sustainable aspects of waste recovery; providing a societal benefit through enhanced recovery of communities' waste arisings. The proposal would support the aims of the Resources and Waste Strategy that seeks to promote the plastic recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem.

In terms of traffic impacts, the proposed development does not seek alterations to the existing site traffic generation. Movements of a restricted number of HGVs to accommodate Good Friday working have taken place over the last three years with no discernible detriment to the local amenity. The preparation of lining vehicles up on both the night before Good Friday and at the send of the collection round has been considered appropriate and taking account of local sensitivities.

In terms of potential for noise impacts, the existing site activities are subject to noise control limits and monitoring arrangements. The proposed development is primarily to relocate existing handling facilities between the existing and proposed new building. Such activities are proposed to be undertaken within the enclosed structure to which the submitted noise assessment confirms there would be no contributing noise generation such as to increase the noise limits already imposed at the site boundary monitoring points.

The report acknowledges the noise complaints from local residents over specific site activities and that the present application has also elicited noise concerns from other representees. The CNC comments are reported and that overall has not objected to the application. The issue of whether there is separate ground for statutory nuisance is highlighted and that there is a separate legislative process under which this can be investigated and actioned if necessary.

In terms of dust/odour generation the existing site activities are subject to dust management control with the Environment Agency regulating the odour aspects through the separate Environmental Permitting Regime. The proposed building is intended to replicate the design and operation of the existing building and its provision does not represent any intensification of overall site throughput or changes to waste streams already handled through the existing facility.

In terms of potential visual impact, the report finds that the existing waste management activities are to the most part well screened from outside vantage points. The most visible feature being the existing recycling/recovery building; which whilst visible from some aspects has through its design profile and cladding integrated well into the landscape features. The proposed new building would be of a smaller footprint albeit similar height and designed and clad to replicate that of the main building. Its locational aspect is not considered to prejudice the amenities of local adjacent residents. Its siting on the western side of the site keeps the new build located alongside the existing infrastructure in the locality both physically and visually compact avoiding any perceived feel of development spreading into the countryside and diluting the rural aspect of the area.

In landscape terms the report outlines the enhanced landscape management programme that the County Landscape Officer is supportive of. A number of recommended conditions address the landscape management and protection measures for existing site features that in the medium to long term would assist screening and integration of the proposals into the local landscape.

In terms of the local heritage asset, the existing Grade II Listed 'Rochford's' lies in proximity to both the existing waste management activities together with the other neighbouring light industrial units further to the south. The heritage asset is not physically impacted by these activities and its setting was not considered impacted at the time of the appeal determination of the existing waste management facility. The provision of a new building to be sited wholly within the existing waste management site boundary is considered to introduce a scale, design and siting aspect unlikely to introduce, nor add to, a significant presence such as to prejudice significantly the environmental sensitivities of the heritage asset.

8. RECOMMENDED

That planning permission be **granted** subject to:

COMMENCEMENT

1. At least seven days written notice shall be given, to the Waste Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include the ground preparation works of any soil stripping; ground levelling/grading; culverting works of the swale).

APPROVED DETAILS

2. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4th July 2012 comprising:
 - (a) Drawing Numbers:
 - (i) No 220 entitled "Site Layout Plan" dated January 2011
 - (ii) No. 221 entitled "Floor Plan" dated December 2010

- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013.
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
- (ii) AAD "Acoustic Report" dated 21/12/12.

(e) For Sound Insulation those details set out in:

- (i) Letters of 23rd January 2013
 - (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled "Sound Insulation" (Condition 10) dated January 2013 and revision dated February 2014
 - (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 2013; 9th December 2013 and
 - (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.
- (f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:
- (i) Letter of the 14th January 2013
 - (ii) Application form dated 14th January 2013
 - (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.
- (g) For foul and surface drainage those details as set out in:
- (i) Letters of the 7th November 2012
 - (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 44218 dated November 2012;
 - (iii) Letter of 21st November 2012.
- (h) For Habitat protection scheme those details as set out:
- (i) Letters of the 22nd February 2013
 - (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.
 - (iii) Letter of 12th April 2013
 - (iv) Email of the 3rd May 2013 and 19th March 2013.
- (l) For Habitat Management Scheme those details as set out in:
- (i) Letter of the 22nd February 2013
 - (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012

- (iii) Letter of and 12th April 2013
 - (iv) Emails of the 15th March 2013 and 19th March 2013.

- (j) For Tree and hedgerow Protection Scheme those details as set out in:
 - (i) Letter of the 28th January 2013
 - (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

- (k) For Landscaping Timetable and Management Plan those details as set out in:
 - (i) Letter of the 13th September 2012
 - (ii) Application form dated 13th September 2012
 - (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

- (l) For Archaeology those details set out in:
 - (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

- (m) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:
 - (i) Letters of the 14th January 2013
 - (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
 - (iii) Letter of 22nd April 2013
 - (iv) Emails of the 4th February 2013, 20th May 2013.

- (n) For Materials to be used for all hard surfaces those details as set out in:
 - (i) Letter of the 7th November 2012

- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012,

(o) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(p) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(q) As amended by the Non-Material Amendment for the Welfare Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non-Material Amendment Staff Welfare Facilities" dated May 2016.

(r) As amended by the planning application ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iv) Drwg No: 165 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance

- Building/Dry Storage and Containment Walls to Northern Boundary” dated May 2016.
- (v) Drwg No: 166 entitled “Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary” dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3-page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled “Variation of Condition 06 (Waste Handling) “Greenacres” Old Packards Lane, Wormingford” dated May 2016;
- (ii) Drwg No: 155 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” dated Feb 2016
- (iii) Drwg No: 156 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled “Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound” dated May 2016.
- (v) Letter from AAD Applied Acoustic Design dated 3rd October 2016 entitled “Acoustic Survey Note”.
- (vi) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18th October 2016.

(E) As amended by the planning application ESS/09/18/COL comprising:

- (i) Letter from The Johnson Dennehy Planning Partnership dated 9th April 2018
- (ii) Planning Application form from CSH Environmental dated 9th April 2018
- (iii) Planning Statement for the “Clean Materials Recycling Facility, ‘Greenacres’, Old Packards Lane, Wormingford, Essex” dated April 2016.
- (iv) Letter from The Johnson Dennehy Planning Partnership dated 3rd October 2018 and accompanying Drwg Nos;
 - 122/A entitled “Proposals” dated Oct 2018
 - 123/A entitled “Acoustic Barrier” dated Oct 2018
- (v) E mail from The Johnson Dennehy Planning Partnership dated 13th December 2018 and accompanying report from Adonis Ecology entitled “Preliminary Ecological Appraisal of Land at Greenacres, Wormingford to Support a Planning Application” Project ref 1093 dated 11th December 2018.

- (vi) Letter from The Johnson Dennehy Planning Partnership dated 25th January 2019 and accompanying Drwg Nos:

4004/120/C entitled "Site Layout" dated October 2018
4004/121/A entitled "Proposals" dated August 2017
4004/122/B entitled "Proposals" dated August 2017
4004/123/B entitled "Proposals" dated October 2018
4004/126 entitled "Drainage Site Layout" dated January 2019.
- (vii) Letter from The Johnson Dennehy Planning Partnership dated 13th April 2019 and accompanying Drwg Nos:
B17062.PMO4A - Viewpoint 4 Comparison Images.
B17062.PMO4A - Viewpoint 4 Existing Situation
B17062.PMO4A - Viewpoint 4 Wireframe of Proposed Building
B17062.PMO4A - Viewpoint 4 Photomontage
B17062.PMO4A - Viewpoint 4 Photomontage Year 15
- (viii) Letter from The Johnson Dennehy Planning Partnership dated 13th June 2019 and accompanying report from Adonis Ecology entitled "Great Crested Newt report for Proposed Works at Greenacres, Wormingford to Support a Planning Application" Project Ref: 1144 dated 12th June 2019.
Email from The Johnson Dennehy Planning Partnership dated 24th July 2019 at 15:25 and accompanying Drwg No: 4004/125/C entitled "Site Layout Landscaping 2" dated November 2018.
- (ix) E- mail from The Johnson Dennehy Planning Partnership dated 24th July 2019 and accompanying drawing no: 4004/124C entitled "Site Layout Landscaping 1" dated November 2018.

Availability of Plans

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

Ecological Appraisal and Great Crested Newt Report

- (4) No construction works including ground disturbance clearance and levelling in advance of any new building or car parking extension shall take place until the Waste Planning Authority has been provided in writing with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require

a licence.

Veteran Oak and Eastern Boundary Hedgerow

- (5) No construction works including ground disturbance clearance and levelling in advance of any new building or car parking extension shall take place until a scheme for the retention; protection and future management of the veteran oak, identified on Drwg No: 4004/123/B "Proposals" dated October 2018 and the eastern boundary hedgerow, the latter including the listing and identification of boundary trees, has received the written approval of the Waste Planning Authority.

Construction Environmental Management Plan (CEMP): Biodiversity

- (6) No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features including Protected Species and such relevant priority species.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs (If applicable)
 - i) Management and Implementation programme.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details

Landscape and Wildlife Sensitive Lighting Design Scheme

- (7) No additional (to that already in place) external lighting shall be erected or installed until a lighting design scheme for landscape and biodiversity has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and other nocturnally mobile animals and that are likely to cause disturbance along important routes used for foraging. The scheme shall show:

- (i) How and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings (which may include spill light contour lines on to Ordnance Survey mapping) and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- (ii) The height, tilt, lighting controls (including switching off or dimming after hours), design of lighting columns that may require covering, illuminance levels, uniformities;
- (iii) Design summary to ensure the lighting is designed to an appropriate lighting standard, will minimise the potential nuisance of light spillage on the local environment, adjoining properties and highways.

The materials used on this building will also need to be considered as the reflective properties could have an impact on the amount of light pollution it generates

All external lighting shall be installed in accordance with the specifications including design of lighting columns/bollards to be covered and locations set out in the scheme and maintained thereafter in accordance with the approved scheme.

Car Parking

- (8) No commissioning of the new Clean Materials Recycling Building shall take place until the revised car parking arrangements as depicted on Drwg No: 4004/120/C entitled "Site Layout" dated October 2018 have themselves being provided and available for use.

Business Travel Plan

- (9) No commissioning of the new Clean Materials Recycling Building shall take place until an updated Business Travel Plan based on the previously approved scheme comprising the letters from the Johnson Dennhey Partnership of the 14th December 2012; application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013 together with the letters of 7th January 2013 and 21st January 2013 has received the written approval of the Waste Planning Authority The scheme shall include:
 - (i) Initial commitments and these being amended and supplemented through a yearly review.
 - (ii) Provision of a Travel Plan coordinator within the site who can give advice.

Environmental Protection Operating Hours

- (10) The development hereby permitted shall only be carried out during the following times:

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

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

HGV Movement times

- (11) (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays:	150 (75 in/75 out) movements
Saturdays:	74 (37 in/37 out) movements
Sundays and Bank/Public Holidays:	none

- (ii) Outside the hours specified in Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays:	06.00- 07.00:	6 (3 in/3 out) movements
	07.00- 07.30:	6 (3 in/3 out) movements

Sundays and Bank/Public Holidays: none

For the avoidance of doubt, all movements permitted under Condition 3

- (i) shall count towards the daily limit for that day as set out under Condition 3 (i).

- (iii) All movements before 07.30 on any day, permitted under Condition 3 (ii) above shall be limited to out-bound movements only.

- (iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.

- (v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Noise

- (12) Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle

movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (A) (i) the pre-existing background level (LA90) plus 5dB; and
(ii) the average residual level (LAeq 5 min) plus 1dB.
- (B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (LAeq,1hr).
- (C) The frequency of monitoring shall not be less than once every three months.
- (D) The monitoring scheme shall be implemented as approved.
- (E) All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:2014.

Noise Monitoring

- (13) Noise levels shall be monitored by the operator within two weeks of the commissioning of the clean materials recycling building at the previously agreed noise monitoring location points to confirm compliance with the site noise limits.

Waste Handling

- (14) All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

Waste Types

- (15) All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the waste planning authority on request.

Waste Throughput

- (16) The maximum quantity of waste materials handled at the site within any 12- month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

Boundary Maintenance

- (17) The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

Dust Suppression

- (18) Within one month of the date of this permission a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used for dust suppression purposes when required.

Landscape Implementation

- (19) The landscape planting as provided for on Drawings 4004/125/B entitled "Site Layout Landscaping 2" dated November 2018; 4004/120/C entitled "Site Layout" dated October 2018 and 4004/124B entitled "Site Layout Landscaping 1" dated November 2018 shall be implemented within the first available planting season of the date of this permission. The landscaping shall then be managed in accordance with the Landscape and Ecology Management Plan provided for in Condition 20 of this permission.

Landscape and Ecology Management Plan

- (20) Within two months of the date of this permission "A Landscape and Ecological Management Plan" (LEMP) shall be submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:
- a) Description and evaluation of features to be managed this shall include boundary hedges, mature trees, the veteran oak identified on Drwg No: 4004/123/B and all new planting areas.
 - b) A review of the schemes as identified in the above Condition 2 (i) - Habitat Management; (j) - Tree and Hedgerow Protection and (k)- Landscaping Timetable and Management Plan submissions.
 - c) Implementation of any outstanding recommendation points of those submissions set out in b) above and the recommendations of the accompanying report from Adonis

Ecology entitled "Preliminary Ecological Appraisal of Land at Greenacres, Wormingford to Support a Planning Application" Project ref 1093 dated 11th December 2018.

- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Programming and timetabling for remedial actions.
- j) Timetable for implementation and ongoing monitoring.
- k) Annual site visit and annual report reviewing performance.

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

Landscape Management

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

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

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

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of

The Conservation of Habitats and Species Regulations 2017 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality 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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

Constable ED