

**DR/14/13**

committee                      DEVELOPMENT & REGULATION

date                              19 April 2013

### **MINERALS AND WASTE DEVELOPMENT**

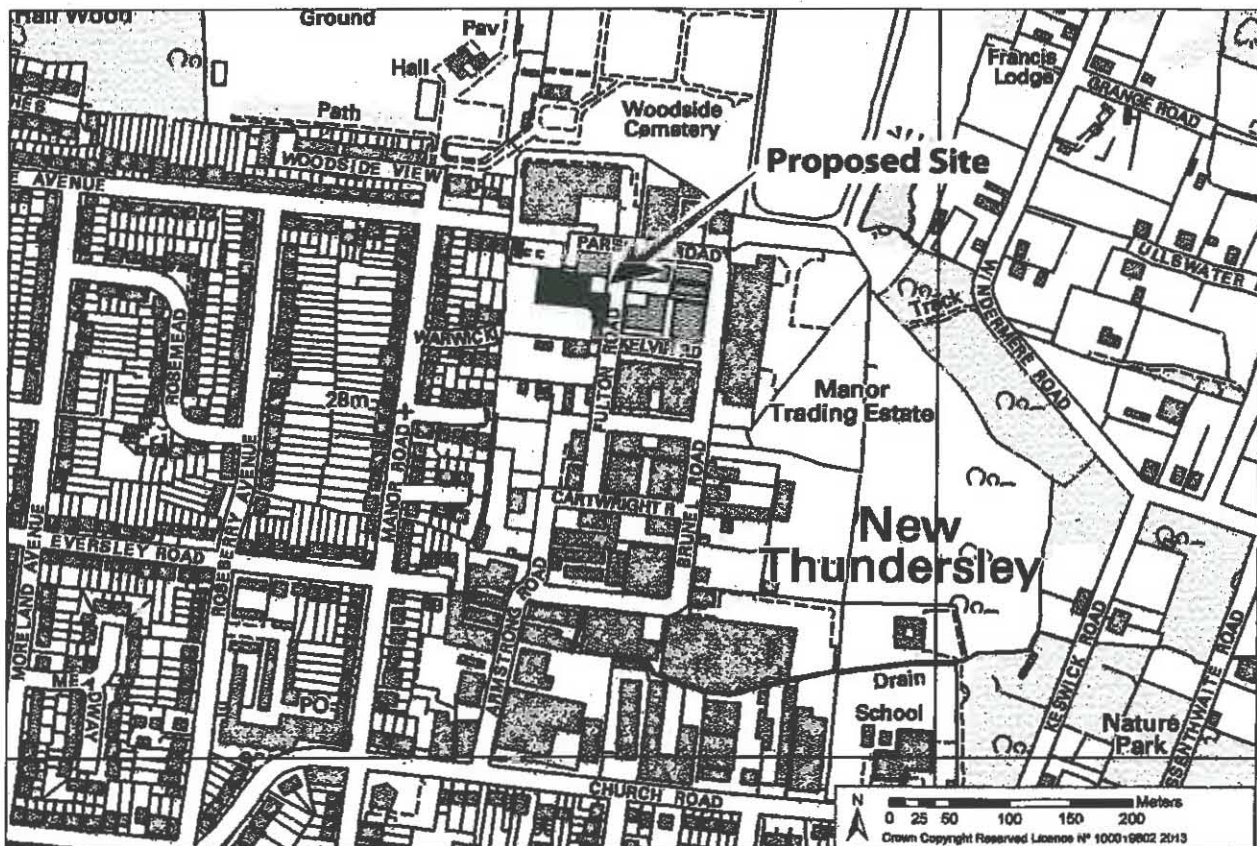
**Proposal: Retrospective planning application for the change of use of the site from storage land to the manufacture and storage of blocks using waste tyres as raw material and the storage and sale of waste tyre products and the use of existing offices**

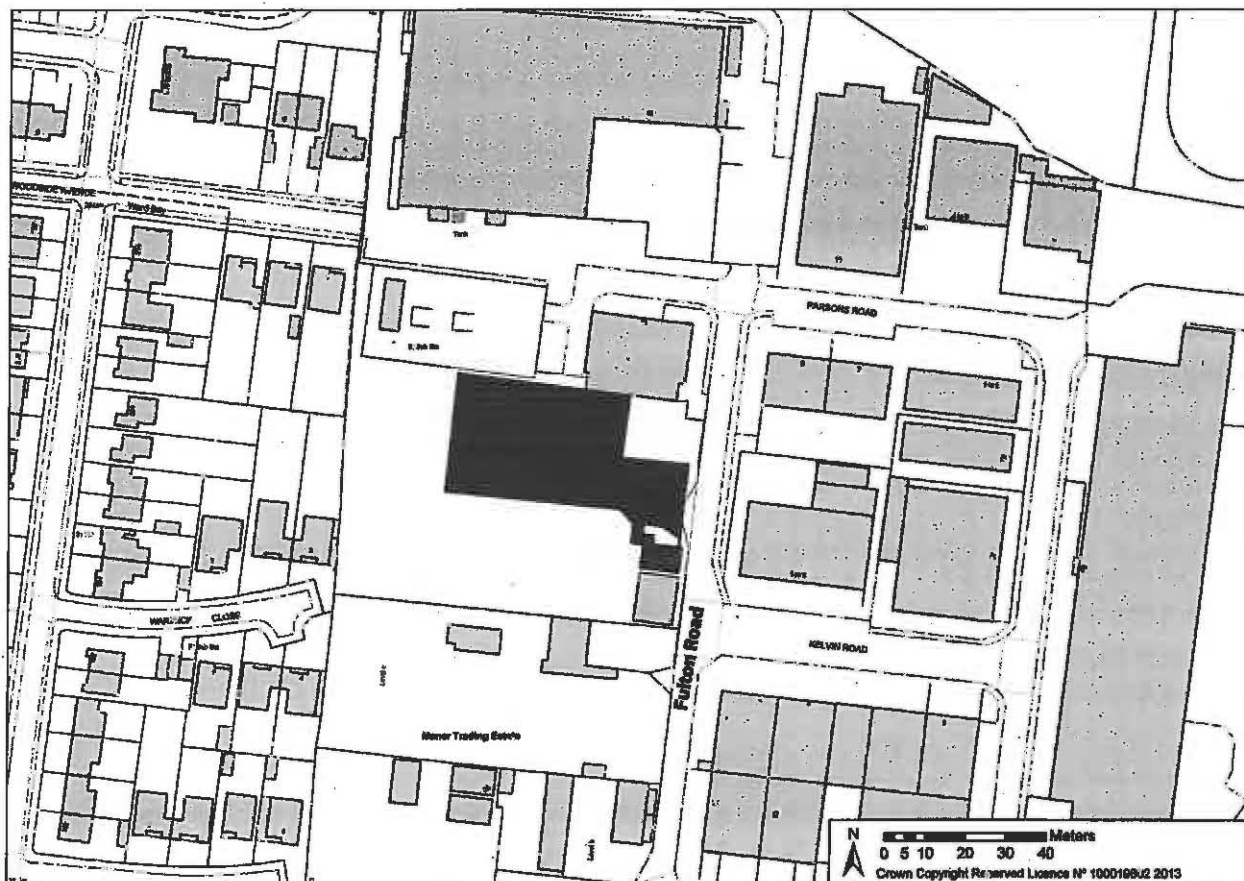
**Location: Unit 2, Level D, Fulton road, Manor Trading Estate, Benfleet, Essex, SS7**

**Ref: ESS/76/12/CPT**

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Glenn Shaw 01245 437117





## 1. BACKGROUND

In September 2010 planning permission ESS/28/10/CPT was granted at a site on Brunel Road, Manor Trading Estate for the change of use of site and buildings from "the sale of tyres and installation of equipment for the bailing and sale of waste tyre product" to a metal recycling site and end of life vehicle de-pollution facility. In June 2012, the facility was relocated to Unit 2, Level D, Fulton Road, Manor Trading Estate as the applicant downsized its operations.

The applicant is currently operating at the Fulton Road site, without the benefit of planning permission and hence, following officer advice, the current retrospective application was submitted.

## 2. SITE

The site lies to the west of the Manor Trading Estate, Thundersley. Access to the site is off Fulton Road and all vehicles from the industrial estate have access to the A13 and A130.

The industrial estate accommodates a variety of industrial units including waste transfer operations on adjacent sites and is adjacent to residential areas.

Tyre UK operates in a small part of Unit 2, Level D, with the remainder of the site occupied by a builders yard which is used for storage. There is established planting

on the western side of the site.

The properties on Warwick Close have gardens which back onto Unit 2. There is a 30 metre strip from the residential properties on Warwick Close to the start of applicant's boundary within Unit 2.

Robert Drake County Primary School is approximately 500 metres to the south east of the site.

The site occupies an area of 0.13 hectares.

The site is surrounded by secure palisade fencing on three sides and a concrete wall on the fourth.

The site is located approximately 1.5 kilometres west of an area of Thundersley Great Common, a designated SSSI.

### **3. PROPOSAL**

This retrospective application proposes a change of use on part of the site to the manufacture and storage of blocks using waste tyres as raw material and the storage and sale of waste tyre products and the use of existing offices. Operations on site would include the storage of used tyres from cars, goods vehicles, agriculture and industrial vehicles. The tyres would then be compacted and baled to create 1 tonne blocks known as "Euro Blocks", the bales/blocks would then be stored on site prior to sale.

The proposed traffic movements include 2 – 3 transit vans per day (4 to 6 movements a day ) and 4 x 7.5 tonne lorries per day (8 movements a day) and a 26 tonne HGV per month (2 movements per month). There are 3 parking spaces for staff on site and adequate room for parking of visiting transit vans. The applicant has stated there would be no need for parking of vehicles associated with the business outside the site.

The estimated throughput per annum is 3,500 tonnes.

Hours of operation would be 07:30 to 16:30 Monday to Friday only. The site would not be operating at weekends or Bank holidays.

### **4. POLICIES**

The following policies of the Castle Point Local Plan (CPLP) adopted in November 1998. It was saved in its totality until 28th September 2007 and the Essex and Southend Waste Local Plan (WLP) 2001 provide the development framework for this application. The following policies are of relevance to this application:

	<u>CPLP</u>	<u>WLP</u>
Waste Strategy		W3A
Flooding		W4A
Highways		W4C

Materials Recovery Facilities		W7E
Preferred Sites		W8A
Alternate Sites		W8B
Development Control		W10E
Operational Hours		W10F
Design	ED2	
Residential Amenity	EC3	
Protection of Employment Areas	ED3	
Intensification of Access Use	T3	
Car Parking Standards	T8	

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

It is important to note that Castle Point District Council adopted its Local Plan document post 2004. The Framework (paragraph 214) states from the date of publication (27 March 2012) for a 12-month period the determining planning authority can give full weight to the relevant policies of those plans even if there is a limited degree of conflict with the Framework. This 12-month grace period has expired meaning the Local Plan falls into interpretation under paragraph 215.

Paragraph 215 states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Castle Point Local Plan and Essex and Southend Waste Local Plan (2001) is set out in Appendix 1.

## 5. CONSULTATIONS

**CASTLE POINT BOROUGH COUNCIL** – Objects to the proposals and supports local residents concerns in respect of fire risks, hazards to health and noise generated by activity on site.

**ENVIRONMENT AGENCY** – No objection, however the operator has registered a Waste Exemption.

**ESSEX COUNTY FIRE & RESCUE SERVICE** – No objection but offers advice covering the following matters.

- Provision of additional water supply on site.
- Separate storage of loose tyres and blocks and keep to a manageable size.
- Fire breaks between the blocks.
- Secure fencing

**PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS** – No objection but would require the planting on the western side thickened.



HIGHWAY AUTHORITY – No objection.

FLOOD PARTNERSHIPS (Environment, Sustainability and Highways) – No objection but recommends sustainable drainage techniques.

WASTE MANAGEMENT - No objection

LOCAL MEMBER – CASTLE POINT – Thundersley – Any comments will be reported.

## **6. REPRESENTATIONS**

274 properties were directly notified of the application. 17 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Potential increase in noise on the residential area, park and cemetery.	See appraisal
The potential fire risk through spontaneous combustion or vandalism and resulting impact from smoke.	See appraisal
Increase in traffic volumes and the effect on the roads which are already in a poor state of repair.	See appraisal
Air pollution and odours arising from the manufacturing process on the local area.	See appraisal
Flooding due to blocked or failing drains within the Manor Trading Estate.	See appraisal
The Robert Drake County Primary School is close to the proposed site and already suffers from noise and air pollution.	See appraisal
Visual impact of the tyre operation	See appraisal
Unable to find the application on the web.	Only the application summary and site notice are currently available on the web.

## 7. APPRAISAL

The key issues for consideration are:

- A Need
- B Highways and Vehicle Access
- C Visual Impact, Odours and Fumes
- D Noise
- E Fire Risk
- F Flooding

### A NEED

Planning Policy Statement 10 (PPS 10) (Planning for Sustainable Waste Management) encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; the reduction of waste; re-use of waste; recycling/composting of waste and the recovering of energy from waste. It states that the disposal of waste should be the last resort. This principle is supported by WLP policy W3A (Waste Strategy) which pre dates PPS10.

CPLP policy ED3 (Protection of Employment Areas) states that within the Manor Trading Estate *"applications for development falling within Classes B1 B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, or any subsequent amendment of that order will be permitted, subject to compliance with any other relevant policy of the local plan. Sui generis uses will be considered on their individual merits, having regard to the relevant objectives of the local plan and any other relevant policy of the plan. Uses falling outside those classes specified in this policy will be refused"*.

This retrospective application proposes to utilise waste tyres from a variety of sources and compress them to make 1 tonne block/bale. These blocks/bales are then used for a variety of civil engineering uses such as coastal erosion, permanent sub-base for landfill and construction sites and the construction of farm and animal housing and are also exported for use as fuel source in power stations. In relation to this, it is considered that as the proposal would be re-using a waste source and it is considered to be in compliance with the objectives of PPS 10 and WLP policy W3A as it pushes waste up the hierarchy and reduces the amount going to landfill.

WLP policy W7E (Materials Recovery Facilities) encourages *"...the facilitation of efficient collection and recovery of materials from the waste stream..."*. Policy W7E goes on to indicate that in relation to material recovery facilities, which are essentially recovery and bulking up facilities would be supported at locations that comply with the criteria in WLP policy W8A and W8B.

WLP policy W8B (Alternate Sites) identifies types of location other than those in Schedule 1 of the WLP at which waste management facilities would be permitted subject to the proposal being in line with relevant criteria of WLP policy W8A (Preferred Sites); these areas include existing general industrial areas. Policy W8A

requires that there is a need for the type of facility proposed; that the proposal has regard to the waste hierarchy; that the proposal complies with all other relevant policies; that adequate highways access is provided; and that the buildings are of a high standard.

Unit 2 Fulton Road is located in an employment area, as defined in the Castle Point Local Plan and the applicant previously operated at a different unit within the Manor Trading Estate, which is an industrial estate. There are a number of waste management operations located on the industrial estate. Within CPLP policy ED3 it is suggested that Land Use Class 'B', (which includes business, general industrial and storage and distribution) is generally more acceptable on the Manor Trading Estate and this proposal is considered to be similar to B2 General Industrial use.

The National Planning Policy Framework (NPPF) dated March 2012 is of relevance.

*"An economic role requires by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure and further states in the chapter Delivering Sustainable Development should support existing business sectors, taking account of whether they are expanding or contracting and where possible, identify and plan for new or emerging sectors likely to locate in their area."*

The proposal would maintain the existing 6 permanent jobs and 3 part time jobs. It is considered that the proposal would comply with the economic dimension of sustainable development as supported by the NFFP.

Castle Point Borough Council has objected to the proposal.

As discussed above, it is considered that the proposals meet a need to provide an alternative to disposal of tyres and their re-use in bales in various ways meets the requirement to push waste management up the waste hierarchy. The facility is located within an industrial estate on a site identified in Castle Point Local Development plan as an employment area. The facility would maintain existing jobs and therefore considered to be in compliance with WLP policies W3A, W7E, W8A, W8B and CPLP policies ED3, PPS10 and the NPPF.

While the principle of the development would seem to be in accordance with local plan policies and is considered acceptable, it is nonetheless necessary to consider the environmental impacts of the proposals as set out below.

## B

### HIGHWAYS & VEHICLE ACCESS

CPLP policy EC2 (Design) details that proposals should have regard to:

*"i. The scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings;*

- ii. The appearance and treatment of spaces around buildings which shall be enhanced by appropriate hard and soft landscaping;*
- iii. The need to ensure that all modes of movement are made safe and convenient."*

*CPLP policy EC3 (Residential Amenity) states that inter-alia development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.*

**CPLP policy T2 - intensification of access use**

*Proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development.*

*Where such demonstration cannot be shown, or where there is a policy objection from the highway authority, permission will be refused.*

*When considering applications that would affect these roads the council will consult the highway authority and will take the advice received into account when determining applications for planning permission.*

**CPLP policy T8 - car parking standards**

*The council will apply, with specified exceptions<sup>1</sup>, the revised standards for car parking in Essex, published by the Essex county council.*

**WLP W4C (Access).**

*Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the structure plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.*

The type baling facility would generate both LGV and HGV movements, however these would be limited in view of the small scale of the operation a total of approx. 10 movements a day. On the previous site the scale was larger with 20 movements a day and did not result in complaints or problems with respect to traffic volumes.

Representation has been received that the roads within the estate are in a poor state of repair and this proposal would further add to the congestion on the site and add more to traffic outside the Robert Drake County Primary School located on Church Road.

The Highway Authority and Castle Point Borough Council have not objected on highway safety or capacity grounds and the applicant has stated that the responsibility for the repair of the roads on Manor trading Estate lies with the owner of the Trading Estate.

CPLP T8 Car parking standards states, in summary, that Essex Planning Officers Association (EPOA) Vehicle Parking Standards will apply. The current Parking



Standards Design and Good Practice adopted September 2009 states that for B2 General Industrial there should be 1 space per 50 sqm. The site is approx. 1,300sqm, suggesting a large number of spaces would 26 spaces are required, however, the applicant has stated due to the nature of the business only 3 car parking spaces and 6 spaces for light good vehicles are required. The applicant has stated that there are 3 existing car parking spaces to be retained and within the operating area there are spaces available to accommodate the 6 light good vehicles and there would be no need for parking on Fulton Road.

In conclusion the number of vehicle movements associated with this proposed operation have decreased and the previous larger facility operated without complaint, taking into account that the facility is on the industrial area design for businesses requiring LGV and HGV vehicles, this proposal would be in accordance with CPLP policies EC2, EC3, T2 and T8 and WLP policies W4C and W10E.

## C VISUAL IMPACT, ODOURS AND FUMES

CPLP policy EC3 (Residential Amenity) states *that inter-alia development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.*

WLP policy 10E details the necessary provisions in respect of the application that should be satisfied. *Criteria point 1 indicates, inter-alia that every application must take account, and mitigate against if necessary, the effects of the proposal in relation to amenity for neighbouring occupiers including noise, smell and dust.*

### Visual Impact

The properties on Warwick Close have gardens which back onto Unit 2. There is a 30 metre strip from the residential properties on Warwick Close to the start of applicant's boundary within Unit 2 and Robert Drake Primary School is located approximately 500 metres to the south east of the site.

1 letter of representation has been received regarding the visual impact of the manufacture and storage of the tyres and blocks.

The applicant has responded by stating that there is thick landscaping on the western boundary which minimises the views from the residential properties and there is a 30 metre strip between the boundary of the site and the perimeter boundary and the applicant's site has a combination of wall and fencing around the perimeter adding additional screening to the site. It is proposed that the blocks would be stacked to a height of 1.8 metres high. If planning permission were granted an appropriate condition could be attached limiting the height of the stacked blocks to 1.8 metres, such that the bales would not be visible from outside the site.

Places Services (Landscape) has not objected to the proposal but has recommended that the existing landscaping on the western boundary needs

thickening. The applicant has responded that the existing landscaping is not within his control and therefore additional planting could not be secured.

Subject to the proposed condition with respect to bale heights, it is considered that would not be a significant visual impact from the proposals, such that they accord with CPLP policy EC3 and WLP policy W10E.

#### Odours and Fumes

Castle Point Borough Council and representees have objected to the proposal as the storage of the waste tyres and manufacture of the blocks would produce fumes and odours. The applicant has responded stating that the waste tyres are not known to produce odour or fumes and the baling process does not change the nature of the tyres. In addition contaminated, burnt or dirty tyres are not accepted at the site. The applicant also states that as this is retrospective application no representations have been received regarding odours or fumes, since commencement of operation in June 2012.

The Environment Agency has not objected to this proposal.

It is considered that this proposal would not give rise to odour of fumes and therefore accord with CPLP policy EC3 and WLP policy W10E.

#### D NOISE

CPLP policy EC3 (Residential Amenity) states *that inter-alia development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area will be refused.*

WLP policy 10E details the necessary provisions in respect of the application that should be satisfied.

*Criteria point 1 indicates, inter-alia, that every application must take account, and mitigate against if necessary, the effects of the proposal in relation to amenity for neighbouring occupiers including noise, smell and dust.*

Castle Point Borough Council and representees have objected to the proposal stating the development will increase the noise levels from the trading estate.

The applicant has submitted that the compactor for compressing the tyres is run on electricity and is very quiet. The applicant has also stated that the stacked blocks also act as a partial noise barrier. The applicant has also stated that 1 letter of complaint has been received regarding noise from the site at 07:00. The applicant has stated that operations on site do not begin before 07:30 and this noise was generated may have been from the adjacent builders' yard. It would not be appropriate to impose hours of operation as on an industrial estate hours of operation would not have been imposed on other businesses. No lighting is proposed such that operations could not continue after dark in any event and a condition could be imposed, if planning permission were granted, preventing the installation of lighting without details having been previously submitted and

approved.

Considering the industrial nature of the surroundings units and the general level of noise on the industrial estate, it is considered that any noise generated by this proposal would not significantly increase the noise emitted from the trading estate.

It is considered that this proposal accords with CPLP policy EC3 and WLP policy W10E and the NPPF.

## E FIRE RISK

CPLP policy EC3 (Residential Amenity) states that *inter-alia development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.*

WLP policy W10E details the necessary provisions in respect of the application that should be satisfied. *Criteria point 1 indicates, inter-alia that every application must take account, and mitigate against if necessary, the effects of the proposal in relation to amenity for neighbouring occupiers including noise, smell and dust.*

Castle Point Borough Council and representees have objected to as the proposal give rise to a potential fire risk and the blocks could spontaneously combust which would create fumes.

The applicant has submitted a fire risk assessment. The applicant has submitted that tyre blocks and loose tyres do not spontaneously catch fire and the site is appropriately fenced to prevent unauthorised access. The tyre blocks were thoroughly tested by HR Wallingford for the DTI & Environment Agency where it was found that it takes a very high and constant heat to set the blocks alight. It was seen that the blocks would only smoulder or burn on the outer edges due to the lack of oxygen. The fire risk assessment concluded that in the unlikely event that the tyres were set alight by the time it takes for the edges to start to burn, there would be sufficient time for the fire brigade to attend and control and contain the fire.

Essex County Fire & Rescue Service was consulted and noted there was good road access, however did suggest:

- Provision of additional water supply on site.
- Separate storage of loose tyres and blocks and keep to a manageable size.
- Fire breaks between the blocks.
- Secure fencing

The applicant has confirmed, following a visit by a Fire Officer and the advice from Essex County Fire & Rescue Service, that the following have now been installed:

- a 30 mm automatic hose reel;
- fire bell;
- fire extinguishers with mobile sand box;

- out of hours contact numbers and fire safety training for employees.

The applicant has also stated that 85% of all tyres delivered are baled that day and loose tyres are stored away from the blocks. The applicant also goes onto to state that the Fire Officer confirmed that there is a very low risk of fire to the site other than from malicious arson.

The Environment Agency and Essex County Fire & Rescue Service have not objected to this proposal.

It is considered that the applicant has taken reasonable steps to reduce and mitigate the fire hazards on site and as such the proposal is considered to accord with CPLP policy EC3 and WLP policy W10E.

## F FLOODING

W4A waste management development will only be permitted where:

- *There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;*
- *There would not be an adverse effect on the water environment as a result of surface water runoff;*
- *Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.*

Representees who live to the south of the trading estate have objected to the proposal as their properties have been flooded because the drains and road surface on the estate are in a very poor condition and an increase in traffic would only make matters worse.

Essex County Council is the Lead Local Flood Authority (LLFA) and is undertaking a series of Surface Water Management Plans (SWMP) throughout the county and these plans classify local catchment as Critical Drainage Areas (CDAs). Manor Trading Estate has been identified as a CDA in the South Essex SWMP. LLFA consider that this proposal would not increase the existing level of flood risk.

The Environment Agency and the Lead Local Flood Authority have not objected to this proposal on drainage or flooding grounds.

It is considered that this proposal would reduce the volume of traffic entering the site and would not increase the existing level of flood risk due to poor road surfaces and drains within the estate and that the proposal accords with WLP policy W4A.

## **8. CONCLUSION**

It is considered that there is a justified need for this proposal as it would re-use and recycle a waste source and push the waste stream up the waste hierarchy in accordance with PPS10 and maintain existing employment in accordance with the environmental and economic dimensions of Sustainable development as supported by the NPPF.

The applicant has also operated on another part of the site, without complaint and it is considered subject to appropriate conditions to ensure the proposals continue at the scale proposed, the development would not give rise to significant environmental effects and as such is considered Sustainable Development in accordance with the NPPF and is accordance with WLP policies W3A, W4A, W4C, W7E, W8A, W8B, W10E, W10F and CPLP policies ED2, ED3, EC3, T2 and T8.

## **9. RECOMMENDED**

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

1. COM3 – Compliance with submitted details
2. Stockpile heights at 1.8m maximum
3. Light 1- Fixed Lighting Restriction
4. Light 2 - Use of Lighting Restriction

## **BACKGROUND PAPERS**

Consultation replies

Representations

Ref: P/DC/Glenn Shaw ESS/76/12/CPT

## **LOCAL MEMBER NOTIFICATION**

CASTLE POINT – Thundersley

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

It is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required in respect of this application.

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

**WORKING WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**



In determining this planning application, the Local Planning Authority had pre-application discussions with the applicant and has worked 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) (Amendment No.2) Order 2012.

## Consideration of Consistency of Policies with NPPF

The Essex & Southend Waste Local Plan Adopted September 2001

Policy Ref No	Policy Title	Policy Wording	Consistency with the Framework and PPS10
W3A	Sustainable Development, National Waste Hierarchy & Proximity Principle	<p>The WPAs will:</p> <ol style="list-style-type: none"> <li>1. In determining planning applications and in all consideration of waste management, proposals have regard to the following principles: <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> </li> <li>2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste</li> </ol>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p> <p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS10.</p>

		<p>disposal in that order of priority.</p> <p>3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</p>	
W4A	Flooding & protection of the water environment	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The</p>

			<p>suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS10 and the Framework.</p>
W4C	Highway/Transport Access	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not</li> </ol>	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the Framework states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS10.</p>

		<p>feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	
W7E	MRF's, waste recycling centres, CAWTS	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> <li>• Development associated with the source separation of wastes;</li> <li>• Material recovery facilities (MRF's);</li> <li>• Waste recycling centres;</li> <li>• Civic amenity sites;</li> <li>• Bulking-up facilities and waste transfer stations.</li> </ul> <p>Proposals for such development will be supported at the following locations:</p>	See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the Framework and PPS10.



		<ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Other locations (subject to policies W8B and W8C);</li> <li>• In association with other waste management development;</li> <li>• Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).</li> </ul> <p>Provided the development complies with other relevant policies of this plan.</p>	
W8A	WM facilities – schedule 1	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C);</li> <li>• The proposal represents the Best</li> </ul>	<p>PPS10 at paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <p>– allocate sites to support the pattern of waste management facilities set out in the RSS in accordance with the broad</p>

		<p>Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</p> <ul style="list-style-type: none"> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.</li> </ul>	<p>locations identified in the RSS; and,</p> <ul style="list-style-type: none"> <li>– allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.</li> </ul> <p>The WPA has identified sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced waste management facilities.</p> <p>BPEO has been superseded by PPS10.</p> <p>Therefore, the policy is in conformity with the requirements of the PPS10.</p>
W8B	Non schedule 1 WM facilities	Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other	Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related

		<p>than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> <li>• Existing general industrial areas;</li> <li>• Areas allocated for general industrial use in an adopted local plan;</li> <li>• Employment areas (existing or allocated) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area.</li> </ul> <p>Large-scale waste management development (of the order of 50,000 tonnes per annum capacity or more, combined in the case of an integrated facility) will not be permitted at such non-identified locations unless it is shown that the locations identified in Schedule 1 are less suitable or not available for the particular waste stream(s) which the proposal would serve.</p>	<p>developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development. Additionally, in conformity with paragraph 17 of the Framework, the policy contributes to the conservation and enhancement of the natural environment. The Framework goes on to state that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p>
W10E	Development Control	Waste management development, including landfill, will be permitted	Policy W10E is in conformity with the Framework in that the policy is concerned with the

		<p>where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the</li> </ol>	<p>protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
--	--	---	--

		<p>development on land drainage;</p> <p>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</p> <p>9. 9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</p>	
W10F	Hours of operation	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>



CASTLE POINT LOCAL PLAN POLICIES adopted September 2007

ED3	Protection of Employment Areas	<p>Within the Manor Trading Estate "applications for development falling within Classes B1 B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, or any subsequent amendment of that order will be permitted, subject to compliance with any other relevant policy of the local plan. Sui generis uses will be considered on their individual merits, having regard to the relevant objectives of the local plan and any other relevant policy of the plan. Uses falling outside those classes specified in this policy will be refused".</p>	<p>The NPPF at paragraph 17 stipulates that planning policies should proactively drive and support sustainable economic development to deliver business and industrial units that the country needs. Plans should allocate sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities</p> <p>The NPPF at Paragraph 17 also states that policies should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings</p> <p>The CPLP under policy ED3 allocates sufficient land which is suitable for industrial development.</p>
EC2	Design	<p>"i. The scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings; ii. The appearance and treatment of spaces around buildings which shall be enhanced by appropriate hard and soft landscaping; iii. The need to ensure that all modes of movement are made safe and convenient."</p>	<p>The NPPF at paragraph 17 stipulates that planning policies should proactively drive and support sustainable economic development to deliver business and industrial units that the country needs. Plans should allocate sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities</p> <p>The NPPF at Paragraph 17 also states that policies should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings</p> <p>The CPLP under policy ED3 allocates sufficient land which is suitable for industrial development and the policy also seeks to strike a balance</p>

			between growth and safeguarding existing amenity
EC3	Residential amenity	Development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area will be refused.	See policy notes for EC2
T2	Intensification of access use	Proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. Where such demonstration cannot be shown, or where there is a policy objection from the highway authority, permission will be refused. When considering applications that would affect these roads the council will consult the highway authority and will take the advice received into account when determining applications for planning permission.	See policy notes for EC2 as these are relevant and demonstrate conformity with the NPPF.
T8	Car parking Standards	The council will apply, with specified exceptions <sup>1</sup> , the revised standards for car parking in Essex, published by the Essex county council.	See policy notes for EC2 as these are relevant and demonstrate conformity with the NPPF.

