

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 28 July 2023 at 10:30.

Present:

Cllr Lynette Bowers-Flint (Chairman)	Cllr Dave Harris
Cllr Jeff Henry	Cllr Barry Aspinell
Cllr Luke Mackenzie	Cllr Mike Garnett
Cllr Ian Grundy	Cllr Mike Steptoe
Cllr Paul Thorogood (departed after item 5.1)	

1. Election of a Chairman

Cllr Jeff Henry proposed, and Cllr Ian Grundy seconded the election of Cllr Lynette Bowers-Flint as Chairman for this meeting. Following a unanimous vote in favour, Cllr Lynette Bowers-Flint was duly appointed.

2. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr Carlo Guglielmi for whom Cllr Jeff Henry substituted, Cllr Mike Steel for whom Cllr Ian Grundy substituted, and from Cllr John Jowers, Cllr Mark Stephenson, and Cllr Mike Hardware.

Cllr Paul Thorogood declared an interest in item 5.1 of the agenda (Minute 3) concerning the Land at Rivenhall Airfield as he had previously campaigned against the site and was also a member of Braintree District Council who had objected to the application. Cllr Thorogood considered that as he was predetermined on the issue, he would sit at the back of Committee Room 1 after his public speaking slot and not participate in the debate or vote on this item.

Cllr Luke Mackenzie declared an interest in item 5.2 of the agenda (Minute 28) concerning Phoenix Freight International Limited, Swinborne Road, Basildon as the site was in his division, he was the Chairman of the TOVI Liaison Group which was a neighbouring site, and he was a member of Basildon Borough Council who had objected to the application. Cllr Mackenzie considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Cllr Jeff Henry declared an interest in item 5.1 of the agenda (Minute 3) concerning the Land at Rivenhall Airfield as he had been a member of the Development and Regulation Committee from 2017 to 2020 and had been lobbied extensively on the site in that period. Cllr Henry considered that as this did not impact on his decision making, he was not precluded from participating in the debate and voting on this item.

Cllr Jeff Henry also declared an interest in item 5.2 of the agenda (Minute 28) concerning Phoenix Freight International Limited, Swinborne Road, Basildon as he was a Cabinet Member at Basildon Borough Council who had objected to the application. Cllr Henry considered that as he had not previously expressed a view on

the proposition, he was not precluded from participating in the debate and voting on this item.

Cllr Lynette Bowers-Flint declared an interest in item 5.1 of the agenda (Minute 3) concerning the Land at Rivenhall Airfield as she was a member at Braintree District Council, who had objected to the application, and she knew Cllr Staines who was speaking against the application. Cllr Bowers-Flint considered that as she had not previously expressed a view on the proposition, she was not precluded from participating in the debate and voting on this item.

3. Minutes

The minutes of the meeting held on 23 June 2023 were agreed as a correct record and signed by the Chairman.

4. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

1) Land at Rivenhall Airfield

To consider report DR/25/23 relating to the continuation of development of the Integrated Waste Management Facility (IWMF) with deletion of condition 66, approved details thereunder and associated conditions (Plan of Action if development not taken forward within 5 years) of planning permission ESS/34/15/BTE. ESS/34/15/BTE was amended planning permission for "The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; Deinking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks."

Location: Land at Rivenhall Airfield, Coggeshall Road, Braintree, CO5 9DF

Ref: ESS/39/23/BTE

Public speakers:

- On behalf of the group Parishes Against Incinerator: Mr Michael Staines – speaking against
- Local Member: Cllr Paul Thorogood
- Local Member: Cllr Ross Playle

- 2) Phoenix Freight International Limited, Swinborne Road, Basildon
To consider report DR/26/23 relating to the change of use to Waste Transfer Station (part retrospective), with continued use as Operating Centre and vehicle maintenance depot.

Location: Phoenix Freight International Limited, Swinborne Road, Basildon, Essex, SS13 1EF

Ref: ESS/124/22/BAS

Public speakers:

- On behalf of the applicant: Mr Gerald Price – speaking for

5. Land at Rivenhall Airfield

The Committee considered report DR/25/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to the recommendation.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and addendum.

The Committee noted the key issues:

- The original purpose of condition 66;
- What was approved under Condition 66 in March 2022;
- Changes in case law since determination of the submission under condition 66;
- The consequences with respect to planning control that would arise from the deletion of condition 66, the details approved thereunder and associated conditions;
- The environmental impacts that would arise from the deletion of C66; and
- Relationship to outstanding appeal with respect to C66.

In accordance with the protocol on public speaking the Committee was addressed by Mr Michael Staines, speaking on behalf of the group Parishes Against Incinerator. Mr Staines made several points:

- The planet recorded its hottest temperature in over 120,000 years in July, which was part of a phenomenon linked to the burning of fossil fuels.
- A future potential enforcement test would be the breach of a condition that the incinerator would have no visible plume. Parishes Against Incinerator believed that this condition was significantly more likely to be breached as the developer sought technical changes to meet the >50MW generation capacity as it pursued

National Infrastructure status and sought to take any future plans away from the Committee and Waste Authority.

- Counsel had been engaged by Parishes Against Incinerator and detailed why the Hillside judgement was not relevant and would not be sufficient for the applicant to avoid following the conditions previously applied.
- Parishes Against Incinerator requested that the Committee call in the decision made on the 19 May 2023 not to screen for an Environmental Impact Assessment of the applicant's revised plan. The negative screening decision was taken by officers without consultation with the Committee and was cited by the Secretary of State as a reason to refuse a separate Environmental Impact Assessment requested by Parishes Against Incinerator for residents.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Paul Thorogood, speaking as a Local Member. Cllr Thorogood made several points:

- The Met Office had warned that the record-breaking heat experienced by the UK in 2022 would be considered a cool year by the end of the century.
- The UN Secretary General had said that it would be possible to limit global temperature rises to 1.5 degrees Celsius, but only with immediate, dramatic action. Such action would necessitate the drastic cutting of carbon emissions by 2030 and hitting net zero before the current target of 2050.
- Once operational, the Rivenhall incinerator would be the single biggest source of carbon dioxide in Essex.
- The removal of Condition 66 would enable the construction of an incinerator without the conditioned integrated waste management recycling facilities. These other facilities (paper recycling, food waste and composting) were deemed the mitigating factors to the incinerator and therefore should be constructed in accordance with the original decision.
- The Hillside case bore little resemblance to Rivenhall's Condition 66 as Hillside was concerned with successive and mutually inconsistent planning permissions granted for housing development on the same site, and Rivenhall was concerned with a permitted industrial integrated waste management site that the developer said was no longer viable due to changes in the market.
- As a result, the application to delete Condition 66 should be tested in the courts, or, if the market for the Integrated Waste Management Facility had changed, the applicant should stop building the incinerator and submit a new application which should require a new Environmental Impact Assessment, which would be based on current scientific knowledge, rather than that of 2010.
- By not building the paper recycling part of the consented plant, the overall facility could no longer be classified as a Combined Heat and Power facility.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ross Playle, speaking as a Local Member. Cllr Playle made several points:

- When the request to remove Condition 66 came before the Committee in February 2022, it was stated that it was the view of the Waste Planning Authority, having taken legal advice, that the operation of an energy to waste facility alone would require different justification and consideration if the heat and steam were

to be used directly. The original permission had been granted based on the whole package of the Integrated Waste Management Facility.

- At that time, it was stated that air quality, noise impact and impact on the water environment could be different depending on the nature of a standalone waste facility generating power which would require reassessment. It had been highlighted that this reassessment would be most appropriately sought through a new planning application supported by an Environmental Impact Assessment, and that the Environment Agency could also require a new Environmental Permit.
- Residents had to deal with uncertainty surrounding the site, and potential future planning applications which sought to diverge from the original permission would increase this.
- Braintree District Council had highlighted how the proposed change made the site fundamentally different to what had been approved in the original planning permission. They had stated: “a single new application appears to be the only sensible way in which residents, stakeholders and statutory bodies can properly consider and engage in the proposals which are now before us, and consider them in the context of the current national and local planning policy framework.”

Following comments and concerns raised by public speakers, it was noted:

- The National Significant Infrastructure Project was now at pre application stage and would be determined by the Planning Inspectorate. If a positive decision was issued, it would come back to the local authority to administer the enforcement of planning conditions.
- A screening opinion request was a formal process which determined whether an application should be subject to an Environmental Impact Assessment. An opinion had to be decided within three weeks of an application being made, and so the decision on screening opinions had been delegated to officers. In this case, it was concluded that this application did not need to be supported by an Environmental Impact Assessment. A third-party request had been made to the Secretary of State (SoS) for a Screening Direction, and the SoS chose not to issue a positive Screening Direction.
- Whilst removing Condition 66 would remove the specifics of how the site would be built out, the site still had to be built in accordance with the original planning permission. If officers believed that the applicant was diverting from the planning permission, then the situation would be reviewed.
- This application concerned the lawfulness of Condition 66. Planning permission existed for an integrated waste management facility. The developer had outlined that it may not be economically viable for all elements to be built in the future. Future applications may be required, however, these were hypothetical as no further applications had been submitted yet.

Following comments and concerns raised by members, it was noted:

- Planning permission existed for an integrated waste management facility, rather than purely an energy from waste facility. This application considered whether everything in the initial permission had to be built out. Case law indicated that it was not unlawful for an applicant to choose not to build out all elements of a planning permission.

- The paper pulping element of the site was proposed in 2008, and since then the demand for paper had declined due to an increase in working online. As a result, the applicant had indicated that there was no longer a need for the paper pulping element of the plant.
- The Secretary of State had the right to call in the application prior to the decision being issued, regardless of the resolution. Part (a) of the recommendation should be amended to reflect that the Waste Planning Authority had to be directed to not issue a decision rather than just a request being made to the SoS for the application to be called-in.

There being no further points raised, the resolutions, including the amendment (above) to the recommendation as set out in the Addendum, were proposed by Cllr Mike Garnett and seconded by Cllr Jeff Henry. Following a vote of 5 in favour, 1 against and 2 abstentions it was:

Resolved

13.1 That planning permission be granted subject to the following:

- a) That the Waste Planning Authority are not directed by the SoS to withhold issuing the decision notice;
- b) Legal agreement: The prior completion, within 6 months (unless otherwise agreed with Chairman) of a Deed of Variation to the existing Legal Agreement to ensure all previous legal obligations remain associated with the new permission; and
- c) Conditions: Imposition of the previous conditions, except C66, and incorporating any details approved under the conditions or non material amendments granted to existing conditions as set in Appendix A

13.2 If the appellant fails to withdraw the appeal into Condition 66 decision (ECC Ref ESS/34/15/BTE/06/1APP and PINS Ref APP/Z1585/W/22/3306429) that ECC should not present further evidence and not provide representation at the Public Inquiry.

Conditions:

1. This planning permission will have deemed to have been implemented and commenced from the date of the planning permission. The development permitted under planning permission ESS/34/15/BTE was notified as commenced on 1 March 2016 by letters dated 1 March 2016 and 3 March 2016 from Holmes and Hills Solicitors. The commencement was acknowledged by the Waste Planning Authority under reference ESS/34/15/BTE/1/1 on 14 March 2016.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall only be carried out in accordance with planning application ECC ref ESS/37/08/BTE (PINS Ref. APP/Z1585/V/09/2104804) dated 26 August 2008 (as amended) and

As amended by Non-Material Amendment application reference ESS/37/08/BTE/NMA2 dated 4 September 2012, accompanied by letter from Berwin Leighton Paisner dated 29 August 2012 and email dated 18 September 2012 as approved by the Waste Planning Authority on 25 October 2012.

and

As amended by planning application reference ESS/44/14/BTE dated 5 August 2014, accompanied by letter from Holmes & Hills dated 5 August 2014, report entitled "Business development since obtaining planning permission" dated August 2014, report "Changes in the Case for Need since September 2009" dated August 2014 and letters from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014 and granted by the Waste Planning Authority on 4 December 2014.

and

As amended by planning application reference ESS/55/14/BTE dated 12 December 2014, accompanied by letter from Holmes & Hills LLP dated 12 December 2014, SLR report "Justification for Removal of Fuel Sourcing Conditions" Rev 4" dated December 2014 and letter from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014.

And

As amended by planning application reference ESS/34/15/BTE dated 4 August 2015 and drawing numbers:

Drawing Ref	Title	Dated
1-1A	Land Ownership & Proposed Site Plan	21/12/15
1-2B	Proposed Planning Application Area and Site Plan	21/05/15
1-5B	Typical Arrangement and Architectural Features	21/05/15
1-8	Schematic Arrangement of Woodhouse Farm	21/05/15
1-9A	Simplified Process Flow	21/05/15
1-10A	Integrated Process Flow	21/05/15
3-3B	Site Plan Layout	21/05/15
3-8E	Building and Process Cross Sections	Dec 2015
3-12E	Building and Process Layout and Cross Sections	Dec 2015
3-14B	Upper Lagoon & Wetland Shelf	18/12/14
3-16	Services Plan	21/05/15
3-19D	General Arrangement & Front Elevation	Dec 2015
8-6A	Landscape Mitigation Measures	21/05/15

IT569/SK/06 A	Proposed Improvements to Site Access Road Junction with Church Road	05/08/08
IT569/SK/07 A	Proposed Improvements to Site Access Road Junction with Ash Lane	05/08/08
19-2C	Tree Survey	21/05/15
19-3C	The Constraints and Protection Plan	21/05/15
19-5A	Base Plan Woodhouse Farm	21/05/15
IWMF RP 01	IWMF Roof Layout Plan	24/12/15

As amended by Non-Material Amendment application reference ESS/34/15/BTE/NMA1 dated 10 August 2021, accompanied by letter from RPS dated 9 August 2021 as approved by the Waste Planning Authority on 30 September 2021.

As amended by Non-Material Amendment application Reference ESS/34/15/BTE/NMA2 dated 10 December 2021 accompanied by letter from RPS dated 16 December 2021 as approved by Waste Planning Authority on 31 January 2022.

As amended by Non-Material Amendment application reference ESS/34/15/BTE/NMA4 dated 10 December 2021 accompanied by covering letter dated 16 December 2021 as approved by the Waste Planning Authority on 13 January 2022.

As amended by Non-Material Amendment application reference ESS/34/15/BTE/NMA5 dated 25 April 2023 accompanied by covering letter dated 20 April 2023 as approved by Waste Planning Authority on 31 May 2023.

As amended by Non Material Amendment application reference ESS/34/15/BTE/NMA6 dated 5 May 2023 and covering letter dated 3 May 2023 as approved by the Waste Planning Authority on 7 June 2023.

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority and except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application drawings, details (except as varied by other conditions), to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12 and Braintree District Local Plan 2022 (BDLP) policies SP1, SP7, LPP1, LPP47, LPP52, LPP57, LPP63, LPP64, LPP65, LPP66, LPP67, LPP70, LPP71, LPP72, and LPP77.

3. The total number of Heavy Goods Vehicle (HGV¹) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed

Integrated Waste Management Facility (IWMF²) hereby permitted shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Friday);
202 movements 101 in and 101 out per day (Saturdays);

and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

¹ An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.

² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with, WLP policies 10 and 12 and BDLP policies LPP52 and LPP66.

4. The total number of HGV vehicle movements associated with the construction of the IWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits 404 movements 202 in and 202 out per day (Monday to Sunday). No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with, WLP policies 10 and 12 BDLP policies LPP52 and LPP66.

5. A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with, WLP policies 10 and 12 and BDLP policies LPP52 and LPP66.

6. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the extended access road and crossing points with Public Right of Way. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and include the following drawings:

Drawing Ref	Title	Date
IT569/PAA/01A	Horizontal & vertical alignment of extended access road Sheet 1	18/11/15

IT569/PAA/02C	Horizontal & vertical alignment of extended access road Sheet 2	18/11/15
IT569/PAA/03	Extended access road cross sections, Sheet 1	14/05/15
IT569/PAA/04	Extended access road cross sections, Sheet 2	14/05/15
IT569/PAA/05	Extended access road cross sections, Sheet 3	14/05/15
IT569/PAA/06	Extended access road cross sections, Sheet 4	14/05/15
IT569/PAA/07A	Extended access road cross sections, Sheet 5	14/07/15
IT569/PAA/08	Typical drainage details	May 2015
IT569/PAA/09	Typical access road detailed cross sections	May 2015
IT569/PAA/10	Drainage long section detail, Sheet 1	May 2015
IT569/PAA/11	Drainage long section detail, Sheet 2	May 2015
142064-DC-GA-C-116 C	Access road longitudinal section	17/12/15
142064-DC-GA-C-117	Access road cross sections	Jun 2015
IT569_WR_01_Rev A	Widening details for access road between Church Road and Ash lane	15/05/2015
IT569/S278_01G	Footpath crossing typical detail	12/11/15

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 and BDLP policies LPP42, LPP52 and LPP66.

7. No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

Reason: In the interests of highway and pedestrian safety, safeguarding local amenity and to comply with, WLP policies 10 and 12 and BDLP policies LPP42, LPP52 and LPP66.

8. No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 and BDLP policies LPP42, LPP52 and LPP66.

9. No vehicles shall park on the access road between the A120 and Ash Lane.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 BDLP policies LPP42, LPP52 and LPP66.

10. Intentionally blank
NB Condition fully discharged see application reference ESS/55/14/BTE/10/01

11. Intentionally blank
NB Condition fully discharged see application reference ESS/55/14/BTE/11/1

Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with WLP policy 10, BDLP policy LPP57 and in accordance with the NPPF.

12. The development hereby permitted shall be implemented in accordance with the ecological works and works to the Woodhouse Farm moat approved on 17 August 2022 under condition 12 of planning permission ESS/34/15/BTE. The approved details are set out in the application for approval of details reserved by condition dated 12 November 2021, email from Indaver/RPS dated 27 Jul 2022 and document "Rivenhall IWMF – Moat Plan of Action.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to protect the setting of the Woodhouse Farm Listed Buildings and in accordance with, WLP policy 10 and BDLP policies LPP47, LPP57, LPP63, LPP64, LPP65, LPP66 and LPP67.

13. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 [which can be found in the S106 legal agreement dated 30 October 2009 associated with ESS/37/08/BTE]). The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings & documents:

Drawing Ref.	Title	Dated
135	Site plan & signage proposals	Jul 2015
	APC Communications solutions – Internet & voice solutions V2	14/07/15
	Pell Frischmann – Exterior lighting design	23/07/15
DW40019H001/P1	Proposed lighting layout	22/07/2015
CW40019H001	Proposed lighting to car parking and pedestrian areas	23/07/2015
	The Pharos LED bollard – Urbis Schreder	
	The Axia (the Green light) - Schreder	

The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with WLP policy 10 and BDLP policies SP1, SP7, LPP52, LPP57, LPP70 and LPP77 .

14. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the design and maintenance of the stack. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and specifications:

Drawing Ref.	Title	Dated
LA01A	Chimney stack top cladding details plan & elevations	23/07/15
LA02A	Chimney stack top cladding details fixing details	23/07/15
	Alucobond reflect- technical data sheet	
	Alucobond – cleaning & maintenance of stove-lacquered surfaces	
	Genie – Self-propelled telescopic booms - specifications	
	Genie – Self-propelled telescopic booms - features	

The stack shall be constructed and maintained in accordance with the approved details throughout the life of the IWMF.

Reason: In the interest of visual amenity and to protect the countryside and to comply with WLP policy 10 and BDLP policies LPP1, LPP47, LPP52, LPP57 and LPP67.

15. Prior to construction of the IWMF buildings or the structures to the rear of the main building details of the IWMF buildings and structures including the design and samples of the external construction materials, colours and finishes of the external cladding of the, and design and operation of the vehicle entry and exit doors, shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

Reason: For the avoidance of doubt, in the interests of visual and landscape amenity and to comply with WLP policy 10 and BDLP policies SP7, LPP1 and LPP52.

16. Intentionally blank
NB Condition not used by SoS in 2010
17. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the management plan for the CHP plant to ensure there is no visible plume from the stack. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and documents referenced:

- S1552-0700-0008RSF entitled “CHP Management Plan for Plume Abatement” Issue no. 5 dated 16/02/16 by Fichtner; and
 - S1552-0700-0013RSF entitled “Plume Visibility Analysis” both by Fichtner.
- The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP67 and LPP70.

18. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the green roof for the main IWMF building. The approved details include the application for approval of details reserved by condition dated 4 August 2015, statement by Honace “Condition 18 Green Roof” and document entitled “Bauder extensive biodiverse vegetation (XF301)”. The green roof shall be implemented in accordance with the details approved.

Reason: In the interests of visual and landscape amenity and enhancement of ecological biodiversity and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP63 and LPP66.

19. No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the layout and configuration of the process equipment and plant would not give rise to impacts not assessed as part of the application and Environmental Statement and to protect local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

20. The development hereby permitted shall be implemented in accordance with the details submitted with respect to construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and as set out on drawing CCE-HZI-50043049 Rev 0.3 dated 17/12/15. .

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP57, LPP63, LPP67, LPP70 and LPP77.

21. No beneficial operation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP57, LPP63, LPP67, LPP70 and LPP77

22. The development hereby permitted shall be implemented in accordance with the details submitted with respect to foul water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The foul water management scheme shall be implemented in accordance with the details.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policy 10 and BDLP policies LPP70 and LPP77

23. The development hereby permitted shall be implemented in accordance with the details submitted with respect to surface water drainage and ground water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The surface water drainage and ground water management scheme shall be implemented in accordance with the approved details.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policy 10 and BDLP policies LPP70 and LPP74.

24. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme of ground water monitoring. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing ref	Title	Dated
SOD-24 Rev A	Ground water borehole monitoring points	29/07/15
6-4	Groundwater Monitoring points	12/05/11
13 Rev A	Ground water Monitoring points	20/03/14
213033-150	As-built borehole locations	17/09/14
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

- Appendix A – Bradwell Quarry Groundwater Monitoring plots Jan 2008 to Jul 2015
- CC Ground Investigations Ltd – Key to exploratory hole logs
- CC Ground Investigations Ltd – Rotary borehole log for borehole nos. BH10 (sheets 1 to 4) dated 2014, BH11 (sheets 1 to 6) dated 2014, BH19 (sheets 1 to 4) dated 2014,
- Email from Honace dated 11/02/16 (09:19)
- Email from Honace dated 11/02/16 (13:59)

Reason: To minimise the risk of pollution to ground and surface water and to comply with WLP policy 10 and BDLP policy LPP70.

25. The development hereby permitted shall be implemented in accordance with the details submitted with respect to land contamination and land remediation and mitigation measures where contamination is identified approved on 16 February 2016 under condition 25 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 25 – Contaminated Land by Honace
- Rivenhall – Record Site Plan & Schedule of buildings
- Analytical Report Number : 14-59380 dated September 2014 by i2 Analytical Ltd
- Drawing no. 213033-150 As-Built Borehole Locations dated 14 July 2014

Reason: To minimise the risk of pollution to ground and surface water, to minimise the risk of flooding and to comply with WLP policy 10 and BDLP policy LPP70.

26. The market de-inked paper pulp plant shall only source its heat steam and energy from the IWMF with the exception of periods of start-up and maintenance and repair of the IWMF.

Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the countryside from inappropriate development and to comply with WLP policies 10 and 11 and BDLP LPP71 and LPP72.

27. No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.

Reason: In the interests of the environment by assisting the Essex and Southend-on-Sea waste planning authorities to become self-sufficient for managing the equivalent of the waste arising in their administrative areas, ensuring that the waste is transported in accordance with the proximity principle, minimising pollution and minimising the impact upon the local environment and amenity and to comply with WLP policies 10 and 11.

28. Intentionally blank
NB condition removed following planning permission reference ESS/55/14/BTE.

29. No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

Reason: To ensure the scale of the facility would not give rise to impacts not assessed as part of the planning application and Environmental Statement and to protect local amenity and to comply with WLP policy 10 and BDLP SP1, SP7, LPP52 and LPP70.

30. Intentionally blank
NB condition removed following planning permission reference ESS/55/14/BTE.

31. No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy 10 and BDLP SP1, SP7, LPP52 and LPP70..

32. All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

Reason: To ensure minimum nuisance from operations on local amenity, particularly litter and odour and to comply with WLP policy 10 and BDLP SP1, SP7, LPP52 and LPP70..

33. No vehicle shall leave the IWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

34. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:

07:00-18:30 hours Monday to Friday; and,

07:00 -13:00 hours Saturdays;

and shall not take place on Sundays, Bank and Public Holidays except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

35. The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery for the pouring and finishing works to concrete between May 2023 and December 2023, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

36. No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours:
07:00 and 18:30 hours Monday to Friday; and,
07:00 and 13:00 hours on Saturdays,
and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

37. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the signage for Public Rights of Way where they cross the access road. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawing no. IT569/S278_01G entitled "Footpath crossing typical detail" dated 12/11/15. The signage for Public Rights of Way implemented in accordance with the approved details and shall be maintained throughout the life of the IWMF.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with WLP policy 10 and BDLP policies LPP42 and LPP52,

38. During the commissioning and beneficial operation of the IWMF, except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties Location:

Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47
Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

39. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1 hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

40. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

Reason: In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

41. Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, the five locations shall be agreed with the Waste Planning Authority. Monitoring shall begin upon commencement of the commissioning phase of any element of the IWMF. The results of the monitoring

shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

Reason: In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

42. For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

Reason: In the interests of amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

43. The development hereby permitted shall be implemented in accordance with the details submitted with respect to lighting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following documents:
- Condition 43 Construction lighting By Honace; and
 - Hilcare Ltd – Project P118536R2a – Reschemed scheme as a flat open area using 6m columns and the specified number of flood lights dated 03/08/2015 including with data sheets, light locations and light level calculations.

The lighting shall be erected, installed and operated in accordance with the approved details throughout the life of the IWMF. The lighting details with respect to excavation of materials shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. No lighting for construction of the IWMF shall be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting shall be maintained such that no lighting shall exceed 5 lux maintained average luminance.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity and in the interests of highway safety and to comply with WLP policy 10 and BDLP policies LPP52 and LPP77.

44. No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with WLP policy 10 and BDLP policies LPP52 and LPP77.

45. The development hereby permitted shall be implemented in accordance with the details submitted with respect to phasing of the construction of the access road, creation of the retaining structures around the site of the IWMF and extraction of the minerals. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 as amended by Non Material Amendment applications ref. ESS/34/15/BTE/NMA2 application dated 10 December 2022 and ESS/34/15/BTE/NMA5 dated 25 April 2023 and the following drawings:

Drawing Ref	Title	Dated
IT569_PAA_12	Access Road construction phasing	Jul 2015
11780-0022-04	Proposed earthworks sequencing	Aug 2022

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with WLP policy 10 and BDLP policies SP7, LPP52 and LPP42, LPP63, LPP70.

46. The development hereby permitted shall be implemented in accordance with the details submitted with respect to soil handling, soil storage and machine movements and the end use of soils as approved on 16 February 2016 under condition 46 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:
- Condition 46 – Soil Handling by Honace
 - Figure 5-1 Agricultural land classification – Rivenhall Airfield RCF dated 10 July 2006

- Figure 5-2 Soil types – Rivenhall Airfield RCF dated 10 July 2006
- Drawing no. 5-4 Agricultural Land Classification – Site A2 Bradwell Quarry dated 11 May 2011
- Drawing 5-5 Soil types – Site A2 Bradwell Quarry dated 11 May 2011

Reason: To minimise structural damage and compaction of the soil and ensure sustainable use of surplus soils and to aid in the restoration and planting of the site and to comply with WLP policy 10.

47. Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition³ and no movement of soils shall take place:

During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

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

Reason: To minimise structural damage and compaction of the soil and to aid in the restoration and planting of the site and to comply with WLP policies 10.

48. No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

Reason: To ensure that there are no adverse impacts on local amenity from the development not previously assessed in the planning application and Environmental Statement and to comply with, WLP policy 10 and BDLP LPP52 and LPP70.

49. Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply WLP policy 10 and BDLP policy LPP70.

50. The development hereby permitted shall be implemented in accordance with the details submitted with respect to temporary and permanent site perimeter fencing. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and as by Non Material Amendment application ref. ESS/34/15/BTE/NMA4 dated 3 January 2023 and the following documents and drawings:

Drawing Ref	Title	Dated
CCE-HZI-500430049 Rev 0.3	Construction site layout	17/12/2015
732.1/08A HDA D1	Rabbit proof fence detail	Jun 2015
732.1/10A HDA D3	Tree protection fencing – BS 5837:2012	Jul 2015
222009-DC-XX-XX- GA-C-1602 P03	Site Wide – Fencing Details	Sept 2022
SHA 1359	Arboricultural Method Statement Report by Sharon Hosegood Associates	Jan 2023

The fencing and gates shall be erected in accordance with the details approved and maintained throughout the life of the IWMF.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policy 10 and BDLP SP7, LPP52, LPP63, LPP65, LPP67.

51. (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to a scheme and programme of measures for the suppression of dust as approved on 16 February 2016 under condition 51a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:
- Condition 51a – Dust minimisation scheme by Honace; and
 - Construction dust – HSE Information Sheet no. 36 (revision 2).
- (b) No beneficial operation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:
- (i) The suppression of dust caused by handling, storage and processing of waste; and
 - (ii) Dust suppression on haul roads, including speed limits.
- In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policies LPP66 and LPP70.

52. (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to measures to control fugitive odour from the excavation of materials and construction of the IWMF as approved on 16 February 2016 under condition 52a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following document "Condition 52a – Odour minimisation scheme by Honace"

(b) No beneficial operation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.

Reason: In the interests of local amenity and to comply with WLP policy 10 and BDLP policies LPP52 and LPP70.

53. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the ecological information and mitigation. The approved ecological information and mitigation includes the following:

Ecological information approved on 27 July 2011 in accordance with condition 53 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE). The details approved included letter dated 19 May 2011 from Golder Associates with accompanying application form and Ecology report dated October 2010.

The application for approval of details reserved by condition dated 4 August 2015 and the information contained within the Ecological report by Green Environmental Consultants dated July 2015 and Appendix 7-1 Baseline ecology report August 2008.

Ecological mitigation shall be carried out in accordance with the approved details throughout the life of the IWMF.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance, WLP policy 10 and BDLP policies LPP64, LPP63, LPP65, LPP66 and LPP67.

54. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the habitat management plan. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the "Habitat Management Plan – revised July 2015 – report number 499/10" by Green Environmental Consultants and appendices A to E.

The development shall be implemented in accordance with the approved habitat management plan throughout the life of the IWMF.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with, WLP policy 10 and BDLP policies LPP63, LPP64, LPP65 and LPP66 and LPP67.

55. No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc. should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with WLP policy 10 and BDLP policies LPP63, LPP64 , LPP65 and LPP66 and LPP67.

56. Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85m Above Ordnance Datum.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, and LPP66 and LPP67.

57. The development hereby permitted shall be implemented in accordance with the details submitted with respect to bunding and planting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 as amended by Non-Material Amendment applications ref. ESS/34/15/BTE/NMA2 application dated 10 December 2022 and ESS/34/15/BTE/NMA5 application dated 25 April 2023 and the following drawings:

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
903.2/04E HDA SL3	Soft landscape proposals sheet 3 of 5	April 2023
903.2/05E HDA SL4	Soft landscape proposals sheet 4 of 5	April 2023
903.2/06D HDA SL5	Soft landscape proposals sheet 5 of 5	April 2023
732.1_09 HDA D2	Standard tree pit detail	Jun 2015
In respect of area W2-A only		
4321/PO2	Outline Planting W2-A	01/11/21
	IWMF W2-A Outline Landscape specification	02/11/21

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual

amenity, to protect the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP63, LPP66 and LPP67..

58. Any tree or shrub forming part of the retained existing vegetation or the planting scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of construction of the IW MF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP52, LPP63 and LPP66 and LPP67.

59. The development hereby permitted shall be implemented in accordance with the details submitted with respect to tree retention and protection measures. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and as amended by Non Material Amendment application ref. ESS/34/15/BTE/NMA5 application dated 25 April 2023 and the following drawings:

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
903.2/04E HDA SL3	Soft landscape proposals sheet 3 of 5	April 2023
903.2/05E HDA SL4	Soft landscape proposals sheet 4 of 5	April 2023
903.2/06D HDA SL5	Soft landscape proposals sheet 5 of 5	April 2023
732.1_10A HDA D3	Tree protection fencing	Jul 2015
732.1_08A HDA D3	Rabbit proof fence detail	Jun 2015

The tree protection measures shall be implemented at the time of planting and maintained throughout the life of the IW MF.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with WLP policy 10 and BDLP policies SP7, LPP52, LPP63, LPP64, LPP65, LPP66 and LPP67.

60. The development hereby permitted shall be implemented in accordance with the details submitted with respect to management and watering of trees adjacent to the retaining wall surrounding the IW MF. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the statement by HDA entitled "Rivenhall Integrated Waste Management Facility – Condition 60" dated 8 June 2015. The management and watering shall be carried out in accordance with the approved details throughout the life of the IW MF.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with, WLP policy 10 and BDLP policies SP7, LPP52, LPP63, LPP64, LPP65 and LPP66 and LPP67.

61. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the layout of parking area including hard and soft landscaping and lighting adjacent to Woodhouse Farm. The approved details include: the application for approval of details reserved by condition dated 4 August 2015, the Statement by Honace entitled "Condition 61 Woodhouse Farm Parking & Lighting" and the followings drawings:

Drawing ref	Title	Dated
IT569/CP/01 Rev B	Woodhouse car park layout and typical details	21/07/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
DW40019H001 Rev p1	Proposed lighting layout	22/07/15

The parking, lighting and landscaping shall be maintained in accordance with the details approved throughout the life of the IWFMF.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with WLP policy 10 and BDLP policies SP7, LPP52 and LPP77.

62. The development hereby permitted shall be implemented in accordance with the details submitted with respect to traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
IT569_S278_01G	Footpath crossing typical detail	12/11/15
IT569_S278_02C	Vole and otter crossing	24/07/2015
SignPlot v3.10	"Vole and otter crossing" sign	

The traffic calming measures shall be maintained throughout the life of the IWFMF in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10 and BDP policies LPP63 and LPP66.

63. The development hereby permitted shall be implemented in accordance with the details submitted with respect to the lining and signing of the crossing points of the access road with Church Road and Ash Lane. . The approved details include:

the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing ref	Title	Dated
IT569/S278/03 C	Proposed improvements to site access road junction with Church Road	June 2015
IT569/S278/04 C	Proposed improvements to site access road junction with Ash Lane	June 2015
SignPlot v3.10	"Heavy Plant crossing" sign	
SignPlot v3.10	"Stop" sign	
SignPlot v3.10	Priority sign	

The lining and signing shall be maintained in accordance with the approved details throughout the life of the IW MF.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policies LPP52, LPP42, LPP70.

64. Intentionally blank
NB Condition fully discharged see application ESS/55/14/BTE/64/1 as amended by ESS/34/15/BTE/NMA1.
65. There shall be no use of the access road from the A120 to the IW MF except by traffic associated with the IW MF, Bradwell Quarry or to access agricultural land for agricultural purposes.

Reason: In the interests of highway safety, as traffic movements above those associated with the IW MF, Bradwell Quarry and existing agricultural movements would need to be considered afresh and to comply with , WLP policy 10 and BDLP policies SP7, LPP42 and LPP52.

66. Intentionally blank
NB condition removed following planning permission reference ESS/39/23/BTE.
67. Intentionally blank
NB Condition fully discharged see application reference ESS/34/15/BTE/67/01.
- 68.. Woodhouse Farm and buildings shall be refurbished to a visitor and education centre no later than 1 March 2022.

Reason: To ensure the timely refurbishment of the Listed Buildings and their being brought into beneficial in order to protect these heritage assets and to comply with WLP policy 10 and BDLP policy SP7 and LPP57 and the NPPF.

- 69 Following the approval of details required by condition 19 and prior to the installation of process equipment and plant, an updated noise assessment shall be undertaken and submitted to the Waste Planning Authority for approval to demonstrate that the maximum noise levels set out in condition 38 would not be exceeded. Installation of process equipment and plant for the IW MF shall not

commence until the updated noise assessment has been approved by the Waste Planning Authority.

Reason: In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LL52 and LPP70.

Informative: This planning permission shall be read and construed in conjunction with the Legal Agreement dated 20 October 2009, as amended by deeds of variation dated 1 December 2014, 26 March 2015, 26 February 2016 and [date to be confirmed].

6. **Phoenix Freight International Limited, Swinborne Road, Basildon**

The Committee considered report DR/26/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed Condition 10.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and addendum.

The Committee noted the key issues:

- Need and Policy considerations
- Noise, dust & odour
- Traffic & Highways
- Legal obligations and conditions

In accordance with the protocol on public speaking the Committee was addressed by Mr Gerald Price, speaking on behalf of the applicant. Mr Price made several points:

- Waste-A-Way was the contracted bulk waste haulier to Essex County Council, moving all of Essex's household waste from transfer stations to final disposal points. They offered high-quality well-paid jobs, alongside training and development opportunities.
- Waste-A-Way was the only UK bulk waste haulier to have achieved Earned Recognition status from the Driver and Vehicle Standards Agency, which was the highest possible accolade a haulage company could achieve and required Waste-A-Way to consistently meet vehicle and driver compliance standards which exceeded statutory requirements.
- Waste-A-Way had received poor advice when the transfer facility was established, which only came to light once they sought advice on increasing capacity. There had never been any intention to circumvent the rules and Waste-A-Way had a strong compliance ethos, with local authorities being their first customers.
- Waste-A-Way's relationship with Environment Agency was strong, they had had several unannounced inspections and scored maximum marks for facility

operations, housekeeping and management. There had been no complaints about the site in the two years of operation.

- There was a need for this site, due to the closure of Tovi, and the site serviced two local councils without the site being under any pressure.
- Waste-A-Way was actively engaged in the consultation process with ECC for their residual waste disposal procurement, which was due for release in October 2023.

Following comments and concerns raised by members, it was noted:

- The application was for a permanent facility. Basildon Borough Council had requested that it be temporary, however, officers felt that this was not justified. The site was an employment site and allocated in the Waste Local Plan, so there was no requirement to justify need in the short and long term.
- There was enough capacity on the site for 25 HGVs to be parked.
- The exit for the site could not be onto the roundabout due to flow of traffic along Courtauld Road and the capability of the HGVs to turn onto the roundabout.

There being no further points raised, the resolution, including the amendments to Condition 10 in the Addendum, was proposed by Cllr Mike Steptoe and seconded by Cllr Dave Harris. Following a vote of 7 in favour, 1 abstention, it was

Resolved

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

1. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference ESS/124/22/BAS dated 15 December 2022 together with the following drawings:
 - Drawing WAW/SR/GLOC/01 - Site Location dated Dec 2022
 - Drawing WAW/SR/APP/01 – Site Boundary dated Dec 2022
 - Drawing No. WAWL/SR/LAY/01 -Site Layout dated Nov 2022

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend Waste Local Plan adopted 2017 (WLP) policies 4, 10, 11 and 12, Basildon District Local Plan Saved Policies 2007 (BDLP) policies E4 and BE12.

2. No waste other than non-hazardous, commercial, industrial and household waste shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate,

additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and BDLP policy BE12.

3. The operation of the waste transfer station hereby permitted shall not be carried out and no deliveries shall be received at, or despatched from the site outside of the following times:

0700 hours to 1800 hours Monday to Friday

0700 hours to 1600 hours Saturdays and Public Holidays

and at no other times, including on Sundays.

In addition the use for maintenance of HGVs shall not be carried out outside the following times 0600 to 1900 Monday to Saturday

For the avoidance of doubt the above sets of hours shall not apply to the use of the site as HGV operating centre which may operate 24 hours and 7 days a week.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy DM10 and BDLP policy BE12.

4. The throughput of waste the site shall not exceed 120,000 tonnes per annum.

Reason: To minimise the harm to the environment and to comply with WLP policy DM10 and BDLP policy BE12.

5. From the date of this planning permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days of a written request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP policy DM10 and BDLP policy BE12.

6. There shall be no ingress to the site by HGVs and/or refuse/waste collection vehicles other than via the access on Courtauld Road shown on drawing no. WAW/SR/LAY/01 dated Non 2022. There shall be no egress by vehicles via the access on Courtauld Road shown on drawing no. WAW/SR/LAY/01 dated Non 2022.

Reason: In the interests of highway safety, safeguarding local amenity and to comply WLP policy 10 and BDLP policy BE12.

7. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply WLP policy 10 and BDLP policy BE12.

8. The total number of heavy goods vehicle (greater than 7.5 tonnes) and refuse/waste collections vehicle movements associated with the operation of the Waste Transfer Station hereby permitted shall not exceed the following limits:

240 movements (120 in and 120 out) per day (Monday to Friday)

152 movements (76 in and 76 out) per day (Saturdays)

No heavy goods vehicle or refuse/waste collection movements associated with the waste transfer station use hereby permitted shall take place outside the hours of operation authorised in Condition 3 of this permission.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.

9. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles (greater than 7.5 tonnes) and refuse/waste collection vehicles. The records shall contain the vehicles' weight, registration number and the time and date of the movement and record whether the movement was associated with the HGV operating centre use of the site, the use of the site for maintenance of vehicles or operation of the waste transfer maintain hereby permitted. The records shall be made available for inspection within 14 days of a written request by the Waste Planning Authority.

Reason: To allow the Mineral/Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with WLP policy 10 and BDLP policy BE12.

10. The vehicle parking, cycle parking, disabled parking and electric charging point parking and associated turning areas as shown on drawing no. WAW/SR/LAY/01 dated Nov 2022 shall be retained at all times and shall not be used for any other purpose.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.

11. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on living and working environment.

Reason: In the interests of local amenity and to comply with WLP policy 10 and BDLP policy BE12.

12. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local amenity and to comply with WLP policy 10 and BDLP policy BE12.

13. The outside yard and circulation areas shall be kept swept and kept clear of litter and shall be dampened in periods of dry and/or windy weather to prevent escape of dust and litter/waste from the site.

Reason: In the interests of local amenity and to comply with WLP policy 10 and BDLP policy BE12.

14. The development shall be carried out in accordance with the Flood Risk Assessment – Phoenix Yard Basildon Report Ref 2278 Report 1 dated December 2022.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and BDLP policy BE12.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls where the volume of the bund compound shall be at least equivalent to 110% of the capacity of the tank. If there is a multiple tankage, the compound volume shall be at least equivalent to 110% of the capacity of the largest tank or 110% of the combined capacity of any interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and BDLP policy BE12.

16. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with WLP policy 10 and BDLP policy BE12.

7. Land on the South Western side of Ashwells Road, Pilgrims Hatch, Brentwood

The Committee considered report DR/27/23, by the Chief Planning Officer, relating to an unauthorised minerals and waste development.

Following comments and concerns raised by members, it was noted:

- The Local Member had received anecdotal reports of burying of waste taking place. The Local Member raised further concerns of pollution to the adjacent pond from the waste in-situ. The pond fed into a tributary of the River Wid.
- Officers had not found any evidence of burying of waste. Material had been spread across the site with further piles put on top. There was no evidence of contamination as a result of the waste on the site.
- Officers would contact the Environment Agency regarding the alleged pollution to the pond and River Wid with a view to carry out a joint visit.
- The area across the road had been cleared for the development of proposed housing.
- Any prosecution would not require the removal of material and any fines issued would be payable to the state. Officers felt that it was not in the public interest to prosecute at that stage, so had recommended no further action be taken at the current time. The enforcement notice would remain with the land until it was complied with.
- It would be possible to communicate the concerns of the Committee to the landowner.

There being no further points raised, allowing four weeks for the material to be removed from the site and, after this period, if not complied with, officers would instruct Essex Legal Services to seek prosecution was proposed by Cllr Barry Aspinell and seconded by Cllr Luke Mackenzie. Following a vote of 7 in favour, 1 abstention, it was

Resolved

To allow the landowner a final four-week period to comply with the Enforcement Notice in full and if, after this period, the Enforcement Notice had not been complied with, officers would instruct the legal team to seek prosecution.

8. Enforcement of Planning Control Update

The Committee considered report DR/28/23, by the Chief Planning Officer concerning an update on the enforcement of planning control.

The Committee NOTED the report.

9. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/29/23; applications, enforcement and appeals statistics, as at the end of June 2023.

The Committee NOTED the report.

10. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 25 August 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:18.