

**DR/60/13**

committee DEVELOPMENT & REGULATION

date 13 December 2013

## MINERALS AND WASTE DEVELOPMENT

**Proposal: The continued use of the existing site for the importation, treatment, storing, processing of inert waste materials and secondary aggregates with the addition of the importation, treatment, storing, processing of 6000 tonnes per annum of hazardous and non-inert waste and four sealed storage containers**

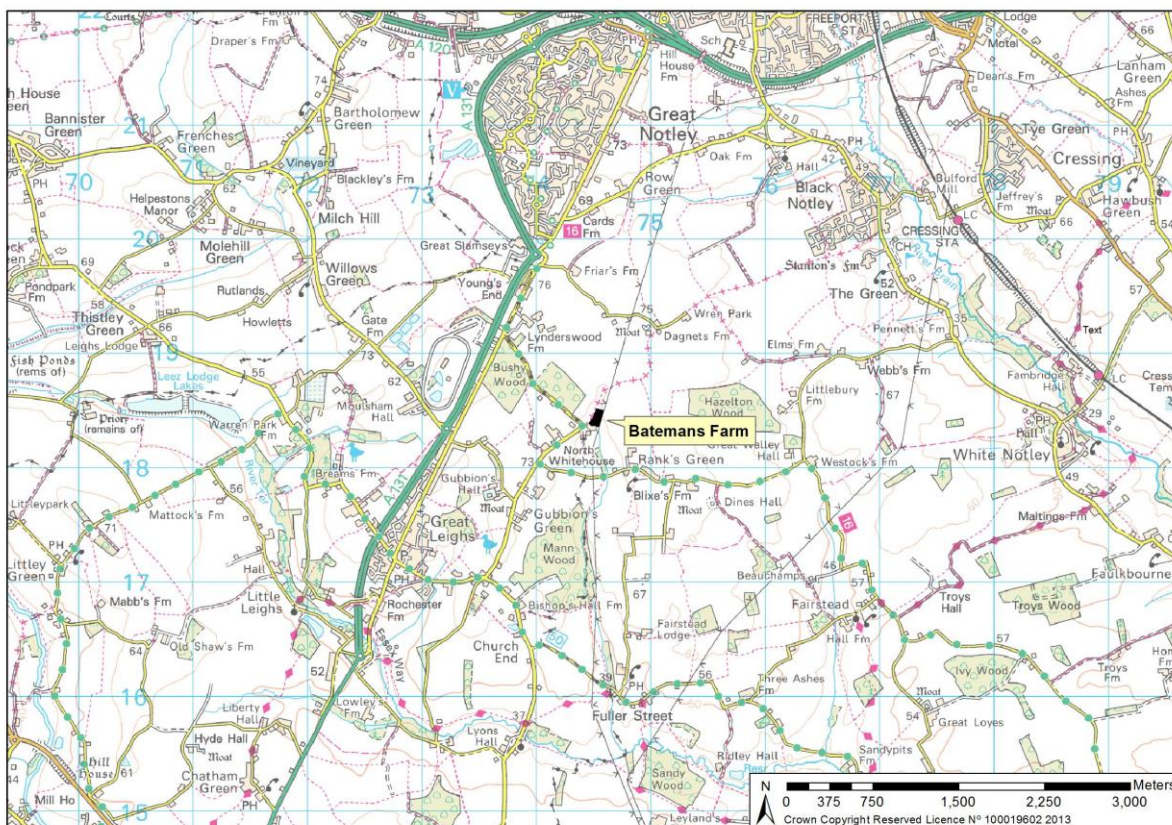
**Location: Batemans Farm, Great Leighs, Chelmsford, CM3 1PU**

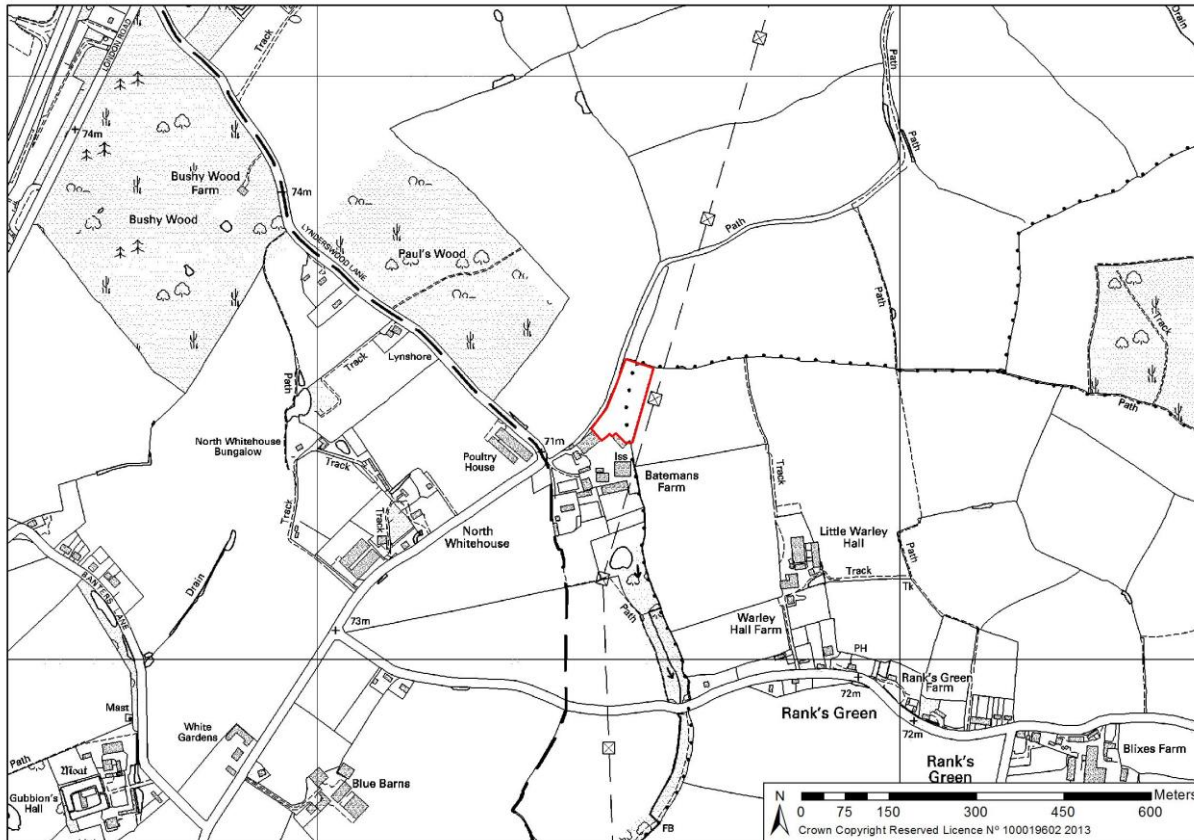
**Ref: ESS/50/13/BTE**

**Applicant: G&B Finch Ltd**

Report by Director of Operations, Environment and Economy

Enquiries to: Paul Calder Tel: 01245 437585





## 1. BACKGROUND

On the 28th April 2000 a Certificate of Lawful Use (CLUED) was granted by Braintree District Council (BDC) for inter alia the crushing or grading of concrete, hardcore, used aggregates and soil together with ancillary storage of such materials.

Following the grant of planning permission by BDC the applicant submitted an application (ref: ESS/58/11/BTE) to the Waste Planning Authority (WPA) for the continued use of the site for importation, treatment, storing, processing and sorting of inert waste materials and secondary aggregates with retrospective permission being sought for an extension of the existing site by 0.34ha, construction of eastern boundary wall, recycling plant and concrete base, including the retention of existing plant and machinery (part retrospective). The application was approved under officer delegated powers on the 8<sup>th</sup> March 2012.

## 2. SITE

Batemans Farm is located on Mill Lane in the south of the District of Braintree. Great Leighs is located 1.2 miles to the south of Batemans Farm and vehicular access is gained via Mill Lane to the south of the site. The closest residential property to the site is located 40 metres to the south and comprises of a residential building at Batemans Farm. The closest residential property outside the Batemans Farm complex is located around 290 metres to the south however, it should be noted that poultry houses located 107 metres to the south would screen the site from the residential property.

Open agricultural fields are located to the north, east and west of the site and mature vegetation can be found along the north and western boundaries with new planting along the eastern boundary.

### 3. PROPOSAL

The proposal seeks to continue using the existing site for the importation, washing and recycling of non-inert waste (gully waste) so that a secondary aggregate can be separated from the degradable material. The secondary aggregate would be incorporated into the existing stockpiles onsite and the separated degradable non-inert waste would be channelled into sealed storage containers for removal to a licensed operator for final disposal.

The approximate volume of non-inert waste would be 3000 tonnes per annum. The proposal would process the non-inert material in one operational day to avoid contamination with inert material currently processed onsite.

The proposal also seeks to import hazardous building and construction material from the local area which would be placed into a sealed container and removed to a licenced operator for disposal. The approximate volume per annum of hazardous building and construction material would be approximately 3000 tonnes with no more than 20 tonnes stored onsite at any one time.

It is not proposed that there would not be an increase in vehicle movements, hours of operation as a result of this proposal.

### 4. POLICIES

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP), Minerals Local Plan (MLP) adopted March 1997, The Replacement Minerals Local Plan (RMLP) Pre-Submission draft (January 2013), Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BLP) provide the development framework for this application. The following policies are of relevance to this application:

	WLP	MLP	RMLP	BCS	BLP
Sustainable Development, National	W3A				
Waste Hierarchy & Proximity Principle					
Groundwater Contamination	W4B				
Highways	W4C				
Special Waste	W5A				
Alternate Sites	W8B				
Planning Conditions and Obligations	W10A				
Material Considerations: Policy	W10E				
Compliance and Effects of the Development					
Aggregate Recycling Facilities		MLP5	S5		
The Countryside				CS5	
Promoting Accessibility for All				CS7	

Town Development Boundaries	RLP2
Transport Assessments	RLP52
Development Likely to Give Rise to Pollution or the Risk of Pollution	RLP62
Air Quality	RLP63
Waste Reprocessing Facilities	RLP75

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

The BCS was adopted post 2004, however the grace period offered to such plans (in applying full weight to policies) in accordance with Paragraph 214 of the Framework past 12 months after adoption of the Framework. As such it is now considered that the BCS together with the BLP and WLP (both adopted pre 2004 and/or not under the Planning and Compulsory Purchase Act 2004) fall within the remit of consideration according to Paragraph 215. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The level of consistency of the policies contained within the WLP is detailed in Appendix 1. The level of consistency of the policies contained within the BCS and BLP is considered further in this report, as appropriate.

With regard to updates/replacements or additions to the above, the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) should be given little weight having not been 'published' for the purposes of the Framework. The Framework states (Annex 1):

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The RWLP has yet to reach 'submission stage' and as such it is too early in the development of the RWLP for it to hold any significant weight in decision making.

However, in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the RMLP along with summarised comments, a range of evidence bases and supporting documents were sent to the Planning Inspectorate in July 2013 prior to Public Examination (PE). Therefore, weight should be applied to the RMLP due to its stage in preparation which is in accordance with annex 1 of the Framework.

BDC has produced a Site Allocations and Development Management Plan (SADMP) which together with the BCS will allocate development sites and protect other areas in the District from development over the next fifteen years. The SADMP has been endorsed by Members with a further round of public consultation on soundness occurring early next year. In light of this, it is considered that little weight can be applied especially as objections are outstanding from consultation.

As a note to the above the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until such a time the Waste Planning Policy Statement (PPS 10) remains the most up-to-date source of Government guidance for determining waste applications and as such reference to this Statement, in addition to the Framework, will also be provided, as relevant in the body of this report/appraisal.

## **5. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – No objection subject to a condition controlling hours of operation.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

WASTE DISPOSAL AUTHORITY – Comments as follows:

- The joint Municipal Waste Management Strategy (JMWMS) for Essex states an aspiration to achieve 60% recycling of household waste by 2020. This will be achieved through the separation of dry materials from the kerbside, separation and treatment of food (Kitchen) waste generated by Essex households and composting of garden waste;
- The WDA works closely with the Waste Collection Authorities to manage the collection, sorting and treatment of waste streams in a manner which



- reduces environmental impacts;
- Although the proposal would be handling waste out of the scope of household waste the availability of local waste transfer stations to handle, sort and bulk any recyclable or recoverable materials will provide more opportunities for the WDA and businesses to reduce the environmental impact of transporting such waste, and;
- The WDA supports the application.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

BLACK NOTLEY PARISH COUNCIL – Objects, in summary, for the following reasons;

- Unhappy with the operating history of the company to which rules have been flouted in the past and the proposal does not rectify this;
- Having historically applied for a CLUED to BDC and then a part retrospective application to the WPA (ref: ESS/58/11/BTE) it appears the applicant has history of not complying with regulations;
- Asbestos is a dangerous product and should not be operated near residential properties. Asbestos is a serious known health hazard with many deaths a year attributed to it and has an incubation period of 15 – 60 years which would blight the area;
- Concerns whether company would comply with regulations for storage of asbestos;
- Original application was for storage and removal of sealed asbestos waste but this wording has changed to Transfer to which there are already several in the area;
- Neighbours objected to the application on the existing practice of fierce fires burning toxic materials and are concerned that the applicant would not operate to acceptable environmental standards where the asbestos is concerned;
- Needs assurances that site would be operated to highest environmental standards;
- Although invited by applicant for a site inspection the Parish Council during submission of the original application undertook a thorough inspection of the site and discussed issues with the company from which they understood the situation to which the objection letter was written therefore, it was felt no further visits were necessary;
- When visiting site aggregate stockpiles high and affecting visual amenity of public bridleway, and;
- The visual impact of the operation in the countryside is a blot on the landscape. Restrictive conditions should be imposed for the importation of hazardous materials.

TERLING AND FAIRSTEAD PARISH COUNCIL – Any comments received will be reported

GREAT AND LITTLE LEIGHS PARISH COUNCIL – Any comments received will be reported

LOCAL MEMBER – CHELMSFORD – Broomfield and Writtle – Any comments received will be reported

LOCAL MEMBER – BRAINTREE– Witham – Requested the application comes before members of the Development and Regulation Committee as constitutes a controversial proposal of significant local interest.

## **6. REPRESENTATIONS**

6 properties were directly notified of the application. No letters of representation have been received.

## **7. APPRAISAL**

The key issues for consideration are:

- A Need and Principal of Development;
- B Hazardous Waste, and;
- C Impact upon Amenity.

### **A NEED AND PRINCIPAL OF DEVELOPMENT**

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

The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental.

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

There is a demand for the safe and effective removal of asbestos from buildings and other construction projects. Publicity campaigns, in recent years, have increased awareness of the potential risks from exposure to asbestos and therefore, the handling and disposal of such material is becoming increasing specialised. This is also the case for recycling of gully waste which is classified as non-inert because it contains an degradable element. The non-inert “gully waste” would be processed through the existing washing plant thus separating inert waste from the degradable waste material. This separation creates a secondary

aggregate (an inert waste which the site is permitted to handle) which may be sold and re-used in other developments.

As noted earlier within this report, planning permission was granted on the 8<sup>th</sup> March 2012 for, in summary, the regularisation to an extension of the site and to bring the CLEUD area under one planning consent (Ref: ESS/58/11/BTE).

The need and principle was found acceptable, in summary, for the following reasons;

- The principle of inert waste recycling to generate secondary aggregates is supported by policies MLP5 and W7D as it reduces the need for primary aggregates, reduces the amount of inert waste which requires landfilling and would comply with the mineral supply hierarchy set out in Mineral Planning Statement 1;
- Although the development would represent 0.35ha loss of countryside it is considered that the additional landscaping coupled with the screening and boundary walling would provide an enhancement to area as it would create a soft landscaped barrier between the existing industrial nature of the already permitted site and the open countryside to the east. Therefore, the proposal is in compliance with Policy CS5, and;
- Having regard to the planning history of the site and the surrounding uses it is considered that the proposal is consistent with the aims of BDLP, MLP and WLP Policies as although the extended site would not strictly be within an industrial location, it is located adjacent to an existing inert waste recycling facility with onsite infrastructure and representing only a small extension to the already established use by 0.34ha.

Therefore, the need and principle of the site being used for a waste and mineral related development was discussed and found acceptable in relation to the WLP and MLP Policies.

With respect to Planning Permission ESS/58/11/BTE, the Framework had not been published during the consideration of that proposal therefore, the 3 roles of Sustainable Development as referenced within the Framework had not been directly taken into consideration. However, with regard to the economic role of the development would, create local employment onsite (25 in total). In addition the RMLP at paragraph 3.48 states, in summary, that the sustainable re-use and recycling of inert wastes (such as gully waste) makes an important contribution to the Essex economy, ensures a balanced supply of aggregates for the County and helps reduce the amount of re-usable 'materials' being wasted and disposed to landfill. The proposal though the separation/screening of inert waste/secondary aggregates from the degradable materials element of the gully waste would contribute to the economy role of sustainable development for the reasons noted above and the fact that the recycled materials could be turned into bricks and cement.

RMLP Policy S5 states inter-alia that the increased production and supply of recycled/secondary aggregates in the County is supported provided the site is located within a permanent waste management site.



It should be noted that the nature and location of the development (site size, hours of operation, vehicular movements etc.) are not proposed to change with the current submission. The issue for consideration through this application is the acceptability of the site accepting non-inert and hazardous waste.

The justification put forward by the applicant is that the handling of non-inert waste material relates to the washing, screening and recycling of gully waste. This material would be processed through the existing permitted washing plant which as noted above would separate out an inert aggregate from a degradable material. The secondary aggregate is a saleable commodity that would form part of the existing company stock pile of secondary aggregate. The separated degradable non-inert waste would be channelled directly into sealed containers for removal to a licensed operator for disposal.

Currently the applicant's customers may place asbestos waste within one of their skips or try to take the hazardous waste directly to the applicant's site. The current practice should this occur is that the waste is taken directly from source to a licensed operator for storage or disposal. However, this practice is creating extra transport miles and is resulting in the need to increase HGV movements in and out of the site. The proposal therefore, would prevent the middle journey for the operator, from the job location to the landfill site, as the material would be taken straight to the site and stored in the proposed container. This in turn would lead to environmental benefits through the reduction in CO2 emissions.

The applicant has highlighted within their application package that a separate container away from the general area of working would be located within the confines of the existing site for collection of small amounts of asbestos from existing customers.

The asbestos would be double bagged on receipt and then placed in the segregated container. The container would be marked 'Asbestos Only' and would be loaded onto HGV's, sealed and taken to a licensed operator for final disposal.

It should be noted that no processing, sorting or treatment of the asbestos is proposed merely the storage of asbestos for a temporary period within sealed containers before its final disposal at a licensed site.

The environmental and social roles of the proposal will be considered further in the report.

## **B HAZARDOUS WASTE**

The framework states, in summary, that the social role of sustainable development should support strong, vibrant and healthy communities, by providing creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Concerns have been raised, in summary, on whether the applicant would adhere

to regulations controlling the storage and handling of asbestos, should not be located close to residents, residents health if the asbestos is handled incorrect and the asbestos fibres travel in the air and should be no mixing of hazardous (the asbestos) and non-hazardous waste.

Policy W5A of the WLP relates to hazardous waste management and highlights the importance of judging each application for facilities to manage difficult and special wastes on their merits against the criteria and policies stated in the development plan. It is considered that this proposal would offer a more sustainable waste management system than is currently used by this company for asbestos waste. The proposal would not increase or decrease the amount of asbestos waste which the companies customers currently deliver however, it would effectively reduce the amount of journeys carried out per operation (as noted above).

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) acknowledges that well run and regulated waste management facilities operated in line with pollution control techniques and standards pose little risk to human health.

The site would be registered with the Environment Agency under the Hazardous Waste Regulations and would require a permit from the Environment Agency to operate. The site would be supervised by competent staff and run in accordance with the Hazardous Waste Regulations.

As noted earlier within this report the asbestos waste would only be accepted onsite if already bagged and sealed. In addition to this the operator would also double bag the waste and place within a segregated container on a concrete hardstanding. WLP policy W4B states that waste management will only be permitted where there would not be an unacceptable risk to the quality of surface and ground waters or of impediment to groundwater flow. Through the Environment Agency permitting the site following grant of planning permission ESS/58/11/BTE the operator was required to control surface water through the installation of a separate drainage system around the site, which has been installed. This includes surface gulley drains which lead to an underground tank with sump pump. The runoff would then be pumped to a ground level collection drum/butt. The levels within the gulley and underground tank are inspected and monitored and if contaminate found to be present, the area would be cleaned and the water/slurry processed as hazardous waste. The Environment Agency has not raised any concerns that the activities may cause pollution or an environmental health risk and therefore it is considered that this proposal is in compliance with policy W4B.

It is therefore considered that this proposal would not pose an increased risk to health and that it is line with the aims and objectives of PPS10 and WLP Policy W5A.

## C IMPACT UPON AMENITY

WLP policy W10E states that, inter-alia, developments will only be permitted

where satisfactory provision is made in respect of the amenity of neighbouring occupiers, particularly from noise, smell and dust. Similarly BLP policy RLP 36 details that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area as a result of noise, smell, dust, health and safety, visual impact, traffic generation, contamination to air, land or water, nature conservation or light pollution.

BLP policy RLP 62 furthermore states that planning permission will not be granted for development which could give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences unless adequate preventative measures have been taken to ensure there would be no harm caused to land use. Specifically in relation to waste reprocessing facilities BLP policy RLP 75 goes on detailing that proposals involving waste recovery will be permitted in employment areas, subject to:

- there being no unacceptable adverse impact on adjoining uses by reason of noise, smell, dust or other airborne pollutants; and
- there being no adverse impact on the surrounding road network either in terms of road safety or capacity.

Concerns have been raised that the acceptance of non-inert (gully waste) and hazardous waste (asbestos) would have a negative impact upon the amenity of residents through odour, noise, dust, highways and landscape. The following section seeks to assess these potential impacts as part of the Frameworks environmental role of sustainable development.

#### Noise, Dust and Odour Emissions

With regard to noise, dust and odour, the applicant holds an Environmental Permit which requires these aspects to be strictly controlled through the permitting regime. The applicant when seeking to gain a permit provided a Noise and Air Quality Assessment along with an odour management statement to the Environment Agency. The Environment Agency is responsible for undertaking monitoring of the site in relation to these aspects. As part of this application the Environment Agency has raised no objection and should planning permission be granted the conditions attached to planning permission ESS/58/11/BTE could re-imposed.

Again it is important to note the BDC Environmental Health Team raised no objection to the proposal on noise, dust or odour grounds.

#### Traffic Impact

WLP policy W4C details that access for waste management sites will normally be by short length of existing road to the main highway network. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of the development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.

BCS policy CS7 aims to promote accessibility for all and details an intention to work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change. Furthermore BLP policy RLP 54, replicated in the Framework at Paragraph 32, requires all proposals for major new development to be accompanied by a Transport Assessment in order to determine the effect of the proposal on traffic congestion, public transport, cycling and walking.

Objections have been raised that the proposal would have a negative impact upon the surrounding highway network. It should be noted that the current application (ref: ESS/50/13/BTE) does not propose to amend the highway movements, access arrangements nor the type of vehicles entering or leaving the site approved under planning permission ESS/58/11/BTE. It is also important to note that the Highway Authority has raised no objection to the proposal on highway safety or capacity grounds.

Therefore, in consideration of the consultation responses received, the site history (CLEUD) and the fall-back planning position (the scheme already permitted under ESS/58/11/BTE) it is considered that the proposal would not have an undue impact of highway safety or efficiency. Accordingly it is deemed that the proposal complies with WLP policy W4C, BLP policy RLP 54 and BCS policy CS7.

#### Amenity Conclusion

Therefore, the proposal would not have any additional impact on the air quality, dust, noise, odour or traffic than that previously assessed and found acceptable. Furthermore, the proposal would not involve any alteration to the hours of operation, or the number of vehicles trips to the site, which would all have a greater environmental impact, particularly on the neighbouring properties. As such the proposal is considered to comply with WLP policy W10E, BLP policies RLP 54, BLP 62 and RLP 63 and BCS Policy CS7.

## **8. CONCLUSION**

In conclusion, the principle and need for this development being located at Batemans Farm has been accepted through the grant of planning permission ESS/58/11/BTE. Nevertheless, it is still important to assess whether or not the proposed acceptance of non-inert and hazardous waste at the site would be acceptable.

It is considered that the proposed acceptance of non-inert waste and hazardous waste would not have a detrimental impact upon the amenity of the area. The proposals have been sought due to the applicant seeking year round operational efficiency of delivery of hazardous waste to the site, which in turn aids the applicant in reducing HGV miles travelled. Furthermore, the acceptance and processing of non-inert waste, which in this instance is gully waste would enable the separation of a secondary aggregate from a degradable material thus reducing the amount of material sent to landfill in accordance with PPS10 and the movement of waste up the hierarchy.

The economic, social and environmental strands of the Framework are considered to have been achieved equally and the waste stream amendments would be considered to constitute 'sustainable development' in accordance with the Framework.

Furthermore, the WLP, BLP and BCS policies relied upon in this report are considered to be consistent with the Framework and therefore the proposal is considered acceptable subject to the imposition of appropriate conditions.

## **9. RECOMMENDED**

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

1. COM2 Commencement;
2. COM3 Compliance with submitted details;
3. HOUR1 Hours of Working;
4. HIGH4 Prevention of Mud and Debris on Highway;
5. HIGH5 Vehicle Movements Limits;
6. HIGH6 Lorry Sheeting;
7. VIS2 Stockpile Heights;
8. VIS3 Machinery Operating at Ground Level;
9. LGHT1 Fixed Lighting Restrictions;
10. LAND1 Landscape Scheme submitted within 3 months;
11. LAND2 Replacement Landscaping;
12. WAST1 Waste Type Restriction;
13. WAST4 Waste Handled in Designated Areas

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## **BACKGROUND PAPERS**

Consultation replies

Representations

Ref: P/DM/Paul Calder/ESS/58/11/BTE

Ref: P/DM/Paul Calder/ESS/50/13/BTE

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

The proposed development would not be located to a European site.

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

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**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.

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

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

### **LOCAL MEMBER NOTIFICATION**

BRAINTREE– Witham

CHELMSFORD – Broomfield and Writtle



## Appendix 1

POLICY	POLICY WORDING	CONFORMITY WITH THE FRAMEWORK
<b>Essex and Southend Waste Local Plan 2001</b>		
W3A	<p>The WPA 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 disposal in that order of priority.</li> <li>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.</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>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 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 PPS 10</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the</p>

	<p>the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposals with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the 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 PPS 10 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 suitability of locations subject to flooding will also need particular care'.</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 PPS 10 and the Framework.
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</li> </ol>	<p>Paragraph 21 (i) of PPS 10 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 PPS 10.</p>
W6A	The WPAs will seek to work with WDAS/WCAS to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle	PPS 10 at Paragraph 3 highlights the key planning objectives for waste management development. Two of the objectives are as follows;

	<p>waste arising's in an environmentally acceptable manner in accordance with the policies within this Plan.</p>	<ul style="list-style-type: none"> <li>• Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;</li> <li>• Provide a Framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities.</li> </ul> <p>Therefore, policy W6A is in conformity with the requirements of PPS 10.</p>
W7E	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> <li>• Development associated with the source separation of wastes;</li> <li>• Material recovery facilities (MRF's);</li> <li>• Waste recycling centres;</li> <li>• Civic amenity sites;</li> <li>• Bulking-up facilities and waste transfer stations.</li> </ul> <p>Proposals for such development will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Other locations (subject to policies W8B and W8C);</li> <li>• In association with other waste management development;</li> <li>• Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).</li> </ul> <p>Provided the development complies</p>	<p>See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>

	with other relevant policies of this plan.	
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C);</li> <li>• The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</li> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.</li> </ul>	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> <li>– allocate sites to support the pattern of waste management facilities set out in the RSS</li> </ul> <p>in accordance with the broad 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 strategic 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 strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.</p> <p>See also W8B.</p>
W8B	<p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> <li>• Existing general industrial areas;</li> <li>• Areas allocated for general</li> </ul>	<p>Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable</p>

	<p>industrial use in an adopted local plan;</p> <ul style="list-style-type: none"> <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>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'. Nonetheless, Paragraph 17 of the Framework requires objectively assessed needs to be met and whilst the environmental protection approach W8B is consistent with the Framework/PPS 10, the policy also relies solely on the Schedule 1 sites identified in W8A and is therefore out of date in this respect.</p>
W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS 10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction'.</p> <p>Furthermore, Paragraph 203 of the Framework states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not</p>



		<p>possible to address unacceptable impacts through a planning condition’.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the Framework and PPS 10.</p>
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in Paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	<p>Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
W10F	Where appropriate the WPA will	In addition Paragraph 123 of the

	<p>impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>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 PPS 10 and conditions.</p>
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