

DR/32/20

Report to: DEVELOPMENT & REGULATION (23 October 2020)

Proposal: MINERALS AND WASTE DEVELOPMENT - Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility

Ref: ESS/49/14/BAS

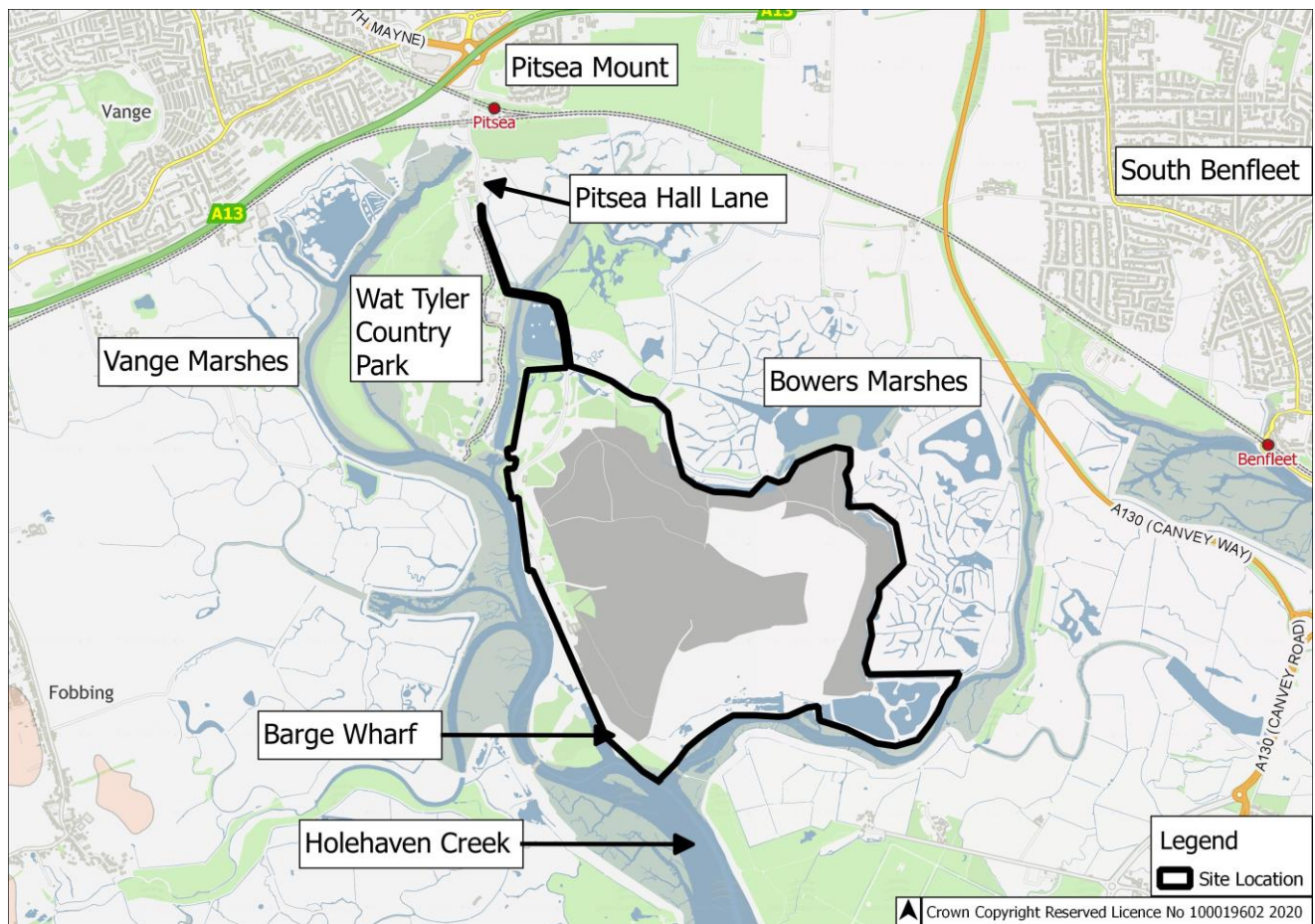
Applicant: Veolia ES Landfill Ltd

Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH

Report author: Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

In January 2020 the Committee considered a report in relation to the Pitsea Landfill Site (previous report [here](#)). A further update was provided in July 2020 (previous report [here](#)).

Pitsea landfill has been in existence for many years dating back to early 1900s and has been subject to a number of planning applications.

The last planning permission was granted in 2007 and gave planning permission for the landfill to continue with landfilling to be completed in 2015 and restoration completed in 2017.

Planning application ESS/49/14/BAS was made in 2014, seeking to extend the life of the site, such that landfilling would be complete by 2025 and restoration by 2027 as at that time it was considered due to a number of factors landfill input rates were likely to decline.

The Development & Regulation resolved in September 2015 to grant the extension of time application, subject conditions and legal agreements.

The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site.

Neither of these legal agreements have been completed and as a result Pitsea has been operating without the benefit of planning permission, although the site has been operated in the spirit of the previous planning conditions.

Veolia in January 2020 were considering alternatives to address the issue of the pedestrian bridge and long-term management of site and submitted revised details in May 2020, that were subject to consultation.

Members resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to submit revised proposals and that the situation should be reviewed in 6 months time i.e. July 2020.

In July it had been anticipated that the outstanding issues would be resolved within 3 months i.e. October 2020, unfortunately that has not been the case.

2. SITE

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island (1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Thames Enterprise Park and DP World are located to the south (1.5km in Thurrock). The nearest residential property is on Canvey Island at Northwick which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife. The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane, which is a no through road, running south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1km in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility, storage buildings, generator compound producing electricity from landfill gas, workshops and associated fixed plant.

3. CURRENT POSITION

In May 2020 Veolia submitted revised proposals, namely to provide funding for enhancement to the existing bridge to improve pedestrian and cycle access and alternative arrangements for the long-term management of the site.

These revised details have been subject to consultation, including Basildon Borough Council, Natural England and Network Rail, all of which have raised issues to be addressed.

Negotiations to resolve these issues have been on going.

Due to changes in legislation and as a result of case law Natural England requested that the proposals at Pitsea Landfill, be subject of an Appropriate Assessment under the Habitats Regulations. The Appropriate Assessment has been undertaken and Natural England has now confirmed it has no objection subject to conditions and obligations under a legal agreement to ensure delivery of

the proposed restoration doesn't impact protected areas near to the site.

The proposed works on Pitsea Hall Rail Bridge will require from Network Rail, what is known as an "Basic Asset Protection Agreement" and a financial sum has to be agreed; negotiations with respect to an appropriate sum are ongoing.

Basildon Borough Council has requested consideration be given to their emerging cycling/pedestrian strategy and Essex Highways are investigating what improvements could be provided (to be funded by Veolia) that would link the pedestrian/cycle improvements across the bridge to the existing footpath/cycleway on Pitsea Hall Lane and whether the existing cycleway/footpath would benefit from maintenance.

At this time, therefore, a recommendation on the application has been delayed pending the outcome of these further issues.

Veolia have been acting in a positive and proactive manner to address the current breach of planning control and works on site have continued to progress the capping and restoration of the site. It is considered that with more time the outstanding issues can be resolved.

4. RECOMMENDED

That it is not expedient to take enforcement action at this time and that a further 6 months be given to allow resolution of the outstanding issues with respect to the submitted revised proposals. If within 6 months a report has not been brought before the Committee with a recommendation on the application, then the expediency of enforcement action will be reviewed again at that time.

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

BASILDON - Westley Heights (within 250m)

ROCHFORD - Canvey Island West (within 250m)