

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 26 February 2021

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr B Aspinell	Cllr M Mackrory
Cllr D Blackwell	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe

1. Membership, Apologies, Substitutions and Declarations of Interest

There were no Apologies.

Councillor S Hillier declared an interest in item 4.1 of the Agenda (Minute 4) concerning Abaco House, Foxhall Road, Southminster as the skip waste facility that was potentially used by the applicant was in his Division. The facility was itself making an application and Cllr Hillier as Local Member had made no comment on the potential application. For this reason due to the uncertainty around the use of the facility by the applicant for Abaco House, he would abstain from voting on this application.

Councillor S Hillier declared an interest in item 4.2 of the agenda (Minute 5) concerning Pitsea Landfill, Pitsea, Basildon as Local Member and Member of Basildon District Council. Basildon District Council had made representations on the application, but Cllr Hillier had not been involved in those representations and was therefore not precluded from participating.

Councillor D Blackwell declared an interest in item 4.2 of the agenda (Minute 5) concerning Pitsea Landfill, Pitsea, Basildon as a Member of Castle Point District Council who had been consulted but had made no comments on the application and was therefore not precluded from participating.

2. Minutes

The minutes of the meeting held on 18 December 2020 were agreed as a correct record.

3. Identification of Items Involving Public Speaking

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

- 1) Abaco House, Foxhall Road, Southminster
To consider report DR/01/21, relating to the relating to the construction of a Waste Transfer Station for the sorting of up to 6,000 tonnes of inert waste per annum.
Location: Abaco House, Foxhall Road, Southminster, CM0 7LB
Ref: ESS/119/20/MAL

Public speakers: Mr Tony Cussen, speaking for

4. Abaco House, Foxhall Road, Southminster

The Committee considered report DR/01/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some additional proposed conditions and changes to proposed conditions 8, 14 and 15.

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:

- Principle of development and need
- Impact to character and appearance of surrounding area
- Impact to local amenity
- Impact to highway network

In accordance with the protocol on public speaking the Committee was addressed by Mr Tony Cussen, Agent on behalf of the Applicant. Mr Cussen made several points:

- The Applicant had worked with the Council and statutory agencies to ensure that all possible impacts of the proposal have been eradicated or measures to mitigate have been introduced and agreed.
- There had been no objections raised except for one minor objection from the Parish Council regarding possible traffic movements.
- In response to that objection a full and detailed road transport assessment had been put forward in support of the application resulting in no objections from the Highways Authority.
- All prerequisite planning approvals for a new building on site and change of land use had been obtained from Maldon District Council and they had raised no objection to this application. The District Council passed a remark regarding the possible visual impact of the acoustic fence, however photographs of an existing earth embankment already in place was submitted to show that the visual impact of the acoustic fence was contained within the site.
- There were currently no waste handling facilities on the south side of the District, which meant that all waste in its unsorted state must be transported across the district road networks to facilities in Basildon for sorting and recycling. The approval of this proposal would create the ability to sort and handle inert waste for recycling within the district. This would provide a more sustainable approach to waste handling and inevitably lead to reduced transport impacts on the road networks and reduced carbon output in the District.

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

- A different colour acoustic fence to reduce the visual impact could be considered if needed. Due to the existing hedgerow and soil bund it is unlikely to be seen except by the operator. A limit could be added regarding stack heights of skips.
- A limit on accepted waste types was recommended within the conditions however it was acknowledged that other waste types do inevitably slip through. The applicant had stated that anything that did not fit into the waste pipe would be put

in separate streams and taken to a licensed facility. The means of controlling waste types is through an environmental permit from the Environment Agency.

- The facilities to which skip waste is taken are commercial considerations.
- The existing hours of operation for the site were Monday to Friday 8.00am to 6.00pm and Saturday 8.00am – 1.00pm.
- The hedgerow is in the control of the applicant. The application was supported by an Arboricultural Method Statement with tree protection plan. There would be access points either end for the maintenance of the hedge.
- There was an additional condition proposed by the Highways Authority in relation to the vehicular access within 15 metres of the highway boundary to prevent unbound material going onto the highway.
- A condition could be added to limit the height of stacked skips to ensure they do not go above a certain height when stored on the ground.
- The vehicle movement limits are included in the application, any proposed increase to that would be a material change. There is enforcement in place for minerals and waste sites to check on breaches of planning conditions. There is also a limit on waste throughput which is limited to 6,000tonnes per annum reported to the planning authority through a condition and any significant breach of that would affect vehicle movements.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the additional condition proposed by the Highways Authority relating to the site entrance and an additional condition regarding the height of the stored skips was proposed and seconded. Following a vote of eleven in favour and one abstention (Cllr Hillier), it was

Resolved

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 [as amended].*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 28 September 2020 together with the following documents:
 - Drawing No. 1185/02 Rev A, dated 20 January 2021;
 - Drawing No. 1185/01, dated September 2020;
 - Drawing No. 1185/03, dated September 2020;
 - Drawing No. TCTC-17971-PL-03, dated January 2021;
 - Drawing No. J7/01166, dated 28 March 2020.

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 WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies E1, D1, T1 and T2.*

3. The development hereby permitted shall not be carried out unless during the following times:

0730 hours to 1800 hours Monday to Friday;
0800 hours to 1300 hours Saturdays;

and at no other times, including Sundays, Bank or Public Holidays.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies D1, T1 and T2.*

4. The throughput of waste from the site shall not exceed 6,000 tonnes per annum.

Reason: *To minimise the harm to the environment and to comply with WLP Policies 5, 6, 10 and 11 and MLDP Policies S1 and D1.*

5. From the date of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days, upon 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 Policies 10 and 11 and MLDP Policies S1, E1 and D1.*

6. All vehicular access and egress to and from the site shall be from Foxhall Road, as indicated on drawing ref. 1185/02 Rev A dated 20 January 2021. No other access shall be used by vehicles entering or exiting the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

7. No development shall take place until details showing the first 15 metres of the vehicular access surface treated with bound material 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: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

8. No development shall take place until details of vehicle wheel washing facilities have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the location and dimensions of the facilities within the site, as well as maintenance arrangements and how it would be incorporated into the waste water system. The development shall be implemented in accordance with the approved details.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

9. 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 with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

10. The Rating Noise Level at the ground floor of the noise sensitive property 'Hazelville' shall not exceed 49 dB LAr 1hr. Measurements shall be made no closer than 3.5m from the façade of the property or other reflective surface of the property and shall be corrected for extraneous noise.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

11. The acoustic fencing shall be maintained in accordance with Drawing No. 1185/02 Rev A, dated 20 January 2021, Drawing No. J7/01166, dated 28 March 2020 and Document Ref: JSW 01 Issue 02 titled '12k Envirofence' for the lifetime of the development hereby permitted.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

12. No skips shall be stockpiled or stored at a height greater than 2.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing no. 1185/02 rev A, dated 20 January 2021.

Reason: *To minimise the visual impact of the development, in the interests of visual amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

13. 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 to comply with WLP Policy 10 and MLDP Policy D1.*

14. No retained trees or hedgerows shall be cut down, uprooted or destroyed nor shall any retained tree branches, stems or routes be pruned.

Reason: *In the interest of the amenity of the local area and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

15. The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.28 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP Policy 10 and MLDP Policy D1.*

16. The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.31 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding and to comply with WLP Policies 10 and 11 and MLDP Policies S1 and D1.*

17. No waste other than those inert waste materials defined in the application details shall enter the site.

Reason: *Waste material outside of the aforementioned categories would raise alternate, additional environmental and amenity concerns which would need to be considered afresh and mitigated accordingly if found acceptable and to comply with WLP Policies 1, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.*

18. Waste brought onto the site shall be deposited and handled within the approved building only. No handling or transfer of waste shall take place unless the mesh screen roller shutter is down.

Reason: *To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

19. No deposition, storage, processing, handling or transfer of waste shall take place at the site outside of the approved area defined on drawing ref 1185/02 Rev A dated 20 January 2021.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

20. No waste shall be stored in external skips permitted on site except for waste that has been handled, processed and sorted into the appropriate waste stream.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

Should the applicant engage with the Maldon District Environmental Health Officer with regards to a further noise attenuation scheme required under permission 20/00459/FUL Essex County Council would welcome the opportunity to review this scheme.

5. Pitsea Landfill, Pitsea, Basildon

The Committee considered report DR/02/21 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Members noted that permission had been resolved to be granted in September 2015 for planning application ESS/49/14/BAS, subject to 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 had been completed, such that the site had been operating without the benefit of planning permission.

The Committee resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to find alternative proposals that would allow a revised recommendation, namely an alternative to the provision of a pedestrian bridge and an alternative mechanism for long-term management of the site. Veolia has subsequently amended the proposals the details of which are explained in the report.

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 Waste Policy Considerations
- Basildon Local Plan Policy Considerations
- Green Belt
- Ecological Impacts
- Traffic and Highways
- Landscape and Visual Impact
- Noise, Dust and Air Quality
- Cultural Heritage

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

- There was a landfill gas extraction system which feeds the electricity on site.

- Concern was raised regarding the bridge priority system causing issues with traffic at the level crossing. It was reported that a one-way priority system on the existing bridge had been tried previously and then withdrawn due to traffic backing up. However, this had been during the period when the site had been very active. The traffic movements had now decreased considerably and the Highways Authority now considered that a priority system would be appropriate. The priority would not be traffic light controlled and the vehicles travelling south would be given greater priority. There would be an Asset Protection Agreement with Network Rail with regard to the level crossing. The scheme had been drawn up with traffic figures taken in January 2020.
- It is the Highway Authority's responsibility to keep the pathways clear, however it is the landowner's vegetation that had over-grown and in this instance Veolia had offered to fund a one-off clearance.
- There was concern regarding the speed limit in that area to ensure that there was no conflict between road users. The junctions on the approach to the bridge were explained and it was considered unlikely that high speeds would be reached on the approach to the bridge.

The resolution was proposed and seconded. Following a unanimous vote of twelve in favour, it was

Resolved

That planning permission be **granted** subject to

- i. The prior completion, within 12 months, of Legal Agreements under the Planning and Highways Acts to secure obligations covering the following matters:
 - Submission of outline long-term afteruse and management plans for the application site and Fobbing Horse Area, with programme of works to be reviewed initially yearly for first 10 years and then at agreed intervals not more than 5 years apart thereafter. The outline long-term afteruse and management plans to be funded by developer drawn up by a suitably experienced consultant or environmental body in consultation with relevant stakeholders. Developer to implement and fund the works set out in the Management Plans.
 - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare giving permissive public rights of access
 - Developer to fund improvements to the existing Pitsea Hall Lane Railway Bridge and improved road signage for cyclists up to £100,000
 - Developer to fund vegetation clearance and surface clearance of the existing dedicated footpath cycleway on Pitsea Hall Lane
 - Developer committed to allowing a revised route of National Coastal Path to pass through the site, if such a proposal were brought forward and fund works to achieve this.

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- Provide for a liaison group to meet annually for the remainder of the restoration and aftercare works and as required during the management period
 - Upon completion of the restoration not to use the Site other than for, aftercare, biodiversity, public open space for informal recreation, agriculture necessary for aftercare to achieve enhanced biodiversity and public access purposes
 - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
 - Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
 - Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
 - In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
 - To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and to provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes.
 - The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
 - Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
 - Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
 - The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
 - Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.

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- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
 - No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
 - The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements per day (550 in 550 out). In addition no more than 100 HGV movements per day on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
 - The southern wharf shall only be used for the importation of restoration and engineering materials. Upon completion of the 5 year aftercare across the whole site the Southern wharf shall cease to be used as a wharf without compensation.
- ii. And conditions as set out below
- 1 The development hereby permitted shall be deemed to have commenced on the date of this decision notice.
- For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) would then supersede planning permission ref: ESS/35/06/BAS
- Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*
- 2 The developer shall notify the Waste Planning Authority in writing within 7 days of the placement of soils on the last phase of the landfill.
- Reason: To enable the Waste Planning Authority to control the development, to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with WLP policy 10 and 12.*
- 3 The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328).

and the following drawings:

- 16062/PA/01 - Location Plan
- 16062/PA/02 - Planning Application Boundary
- 16062/PA/03 - Environmental Information
- 16062/PA/04 - Utilities Plan
- 16062/PA/05 - Existing Situation
- 16062/PA/06 - Proposed Restoration Phases
- 16062/PA/07 - Proposed Pre-Settlement Contours

- 16062/PA/08 - Pre-Settlement Cross Sections
- 16062/PA/09 - Proposed Post-Settlement Contours
- 16062/PA/10 - Post-Settlement Cross Sections
- 16062/PA/14 - Existing Gas Management System
- 16062/PA/15 - Proposed Gas Management System
- 16062/PA/16 - Surface Water Management Plan
- 16062/PA/17 - Currently Approved Landform and Consequences

As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings

- P/1 Site Context Plan dated June 2014
- P/2 Site Restoration dated June 2014
- PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020
- PIT/RES/453 Projected Restoration 2020 dated 07/02/2020
- Figure 3 Revised Restoration Masterplan dated January 2018

and the following amending letters and emails

- Letter from SLR dated 11 February 2015 and accompanying Heritage Statement
- Letter from SLR dated 27 May 2015 and accompanying Protection Measures for Protected Species dated October 2011
- Letter from SLR dated 9 June 2015
- Letter from Veolia dated 7th May 2020

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

***Reason:** For the avoidance of doubt as to the scope of the development hereby permitted, to ensure development is carried out in accordance with the approved application details in the interests of amenity, and to ensure compliance with adopted Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12, and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.*

- 4 Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 27 Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 24 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the*

Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.

- 5 Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.

- 6 Operations authorised by this permission, including vehicles entering¹ or leaving the site, shall be restricted to the following durations:

0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

¹Vehicles shall not be considered to have entered the site until they have passed the weighbridge.

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 policy BAS BE12.

- 7 The total number of Heavy Goods Vehicles (a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

1100 movements (550 in and 550 out) per day (Monday to Saturday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.

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

- 8 All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. 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 shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.

- 9 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.

- Boundary with Wat Tyler Country Park monitoring location ML2
 - Boundary with RSPB Bowers Marsh Reserve monitoring location ML6
- (Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.)

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

- 10 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with WLP policy W10E and the NPPF.

- 11 Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment

used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.

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

- 12 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 residential or rural amenity.

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

- 13 The development hereby permitted shall be implemented in accordance with the measures to control dust approved on 20 November 2008 under Condition 12 of planning permission ESS/35/06/BAS. The approved measures to control dust are set out in the "Dust Management Plan" submitted with letter dated 25 July 2008.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policy BAS BE12.

- 14 All vehicular access and egress to and from the site shall be from Pitsea Hall Lane as indicated on drawing ref. P/1, dated June 2014. No other access shall be used by vehicles entering or exiting the site.

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

- 15 The development hereby permitted shall be implemented in accordance with the details for storage of restoration materials, including locations, heights, planting and maintenance of storage bunds on the site approved on 20 October 2010 under Condition 16 of planning permission ESS/35/06/BAS. The approved storage of restoration materials are set out in the "Restoration Material Storage" received with letter dated 25 July 2008 and drawing no. PIT/RES/289 received with letter dated 13 November 2008.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.

- 16 The development hereby permitted shall be implemented in accordance with the details for machine movements for the stripping and replacement of soils details approved on 8 January 2009 under Condition 18 of planning permission ESS/35/06/BAS. The approved machine movements details are set out in the "Scheme of machine movements for the stripping and replacement of soils" received with letter dated 23 December 2008

Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.

- 17 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.

- 18 All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.

Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.

- 19 Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.

Reason: To aid the final restoration of the site in compliance with WLP policy 10.

- 20 Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the pre-settlement levels as shown on drawing 16063/ES/A2 dated June 2006.

Reason: To ensure proper restoration of the site and to comply with WLP policy 10.

- 21 a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration

Masterplan dated January 2018

- b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 24 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.

- 22 Protection and mitigation for legally protected species shall be in accordance with "Protection Measures for Protected Species" (Ref R4142) dated October 2011 prepared by AMEC.

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 W10E and BDLP policy BAS C7.

- 23 In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.

Reason: To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.

- 24 A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats set out within the Restoration Master Plan. The Restoration Management Plan shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10

- 25 Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 24.

The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.

Reason: To ensure that the land is rehabilitated to a suitable condition to support amenity and nature conservation uses and to comply with WLP policy 10.

- 26 As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.

Reason: To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.

- 27 In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.

Reason: To ensure that the land is restored to a condition capable of beneficial use, within a reasonable time period, in the interest of local amenity, protection of the Green Belt and to comply with WLP policy 10 and BDLP policies BAS GB1, BAS C2 and BAS C7.

- 28 Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as "Existing semi-natural habitat" and "Screen Planting". The Plan shall include:
- a) A description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving the aims and objectives of the project;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) On-going monitoring and remedial measures
 - i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.

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 BDLP policy BAS C7

- 29 The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.

- 30 Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For

clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.

Reason: To ensure appropriate materials are used in the access and monitoring tracks in the interests of visual amenity and to comply with WLP policies W10C and W10E and BDLP policies BAS C1 and BAS C7.

- 31 Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a live feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on a website until such time as the site is made available for access by the public.

Reason: To enable public observation of the flora and fauna at the site until such time as public access is permitted.

- 32 All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viable during the aftercare period.

Reason: To ensure management of the restored land is not impeded, to improve visual appearance and any adverse impacts of flora and fauna and to comply with policy 10.

- 33 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

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.

- 34 Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be installed in accordance with approved details prior to first public access.

Reason: To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.

[Post Meeting Note: The agreed Conditions are as set out in the report DR/02/21 presented to the Committee, however the numbering of the Conditions has been corrected due to errors in the number sequencing within the report]

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/03/21, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 26 March 2021, to be held as an online meeting.

There being no further business, the meeting closed at 12.26pm