



Essex County Council

Development and Regulation Committee

10:30	Friday, 28 July 2023	Committee Room 1 County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Addendum to the Agenda

There is often an addendum to this agenda published prior to the meeting. This adds additional information to the report which was received after the report was published and will be brought to the Committee's attention on the day of the meeting. To access this, please see 'Meeting Documents' at the bottom of the relevant meeting's page. The addendum is finalised on the morning of the relevant meeting. Documents referred to in it may also be accessible online via the ECC planning portal in the usual way.

Pages

1	Election of a Chairman To elect a Chairman for the meeting.	
2	Membership, Apologies, Substitutions and Declarations of Interest	6 - 6
3	Minutes To approve the minutes of the meeting held on 23 June 2023.	7 - 45
4	Identify of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting.	
5	Minerals and Waste	
5.1	Land at Rivenhall Airfield To consider report DR/25/23 relating to the continuation of development of the Integrated Waste Management Facility (IWMF) with deletion of condition 66, approved details thereunder and associated conditions (Plan of Action if development not taken forward within 5 years) of planning permission ESS/34/15/BTE. ESS/34/15/BTE was amended planning permission for "The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks." Location: Land at Rivenhall Airfield, Coggeshall Road, Braintree, CO5 9DF Ref: ESS/39/23/BTE	46 - 93

- 5.2 Phoenix Freight International Limited, Swinborne Road, Basildon** **94 - 111**
 To consider report DR/26/23 relating to the change of use to Waste Transfer Station (part retrospective), with continued use as Operating Centre and vehicle maintenance depot.

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

Ref: ESS/124/22/BAS
- 6 Enforcement**
- 6.1 Land on the South Western side of Ashwells Road, Pilgrims Hatch, Brentwood** **112 - 114**
 To consider report DR/27/23 relating to unauthorised minerals and waste development.

Location: Land on the South Western side of Ashwells Road, Pilgrims Hatch, Brentwood

Ref: ENF/1153
- 7 Information Items**
- 7.1 Enforcement of Planning Control Update** **115 - 121**
 To update Members on the enforcement of planning control.

 Report DR/28/23
- 7.2 Applications, Enforcement and Appeals Statistics** **122 - 123**
 To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.

 Report DR/29/23
- 8 Date of Next Meeting**
 To note that the next meeting will be held on Friday 25 August 2023, in Committee Room 1, County Hall.
- 9 Urgent Business**
 To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

10 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. The membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor B Aspinell

Councillor L Bowers-Flint

Councillor M Garnett

Councillor C Guglielmi

Chairman

Councillor M Hardware

Councillor D Harris

Councillor J Jowers

Vice-Chairman

Councillor L Mackenzie

Councillor M Stephenson

Councillor M Steel

Councillor M Steptoe

Councillor P Thorogood

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 23 June 2023 at 10:30.

Present:

Cllr Carlo Guglielmi (Chairman)	Cllr Dave Harris (via Zoom)
Cllr Barry Aspinell (not present for the entirety of item 4.2, and did not vote on the item as a result)	Cllr Luke Mackenzie
Cllr Lynette Bowers-Flint	Cllr Mike Steel
Cllr Michael Hardware	Cllr Paul Thorogood

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr Mark Stephenson, for whom Cllr Chris Pond substituted, from Cllr Mike Steptoe, for whom Cllr Ian Grundy substituted, from Cllr Mike Garnett and from Cllr John Jowers. Cllr Dave Harris joined via Zoom.

Cllr Luke Mackenzie declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Archers Field, Pitsea, Basildon as he had previously campaigned against the site. Cllr Mackenzie considered that as he had previously expressed a view on the proposition, he would withdraw from Committee Room 1 during the debate and not vote on this item.

Cllr Paul Thorogood declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Archers Field, Pitsea, Basildon as he had previously campaigned against the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would withdraw from Committee Room 1 during the debate and not vote on this item.

2. Minutes

The recommendation for item 5.3 of the 26 May 2023 agenda which considered Oyster Haven Business Park, Haven Road, Colchester, contained a numbering error within the proposed conditions. There were no substantial changes made to the conditions. With the numbering rectified, the minutes of the meeting held on 26 May 2023 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

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

- 1) Land at Archers Fields, Pitsea, Basildon
To consider report DR/19/23 relating to the regularisation, redevelopment and consolidation of an existing Materials Recycling Facility (MRF)

Location: Land at Archers Field, Pitsea, Basildon, Essex, SS13 1DH

Ref: ESS/113/22/BAS

Public speakers:

- Applicant: Mr Kevin Parr – speaking for
 - Local Member: Cllr Aiden McGurran
- 2) Ashlyns Farm, Epping Road, North Weald
To consider report DR/20/23 relating to the continued operation of composting facility without compliance with condition 8 (stockpile heights) attached to permission ref ESS/09/20/EPF to allow windrow heights to be constructed to a maximum height of 4 metres.

Location: Ashlyns Farm, Epping Road, North Weald, Epping, CM16 6RZ

Ref: ESS/04/23/EPF

Public speakers:

- On behalf of local residents: Mr Jim Padfield – speaking against
 - On behalf of the applicant: Mr Kennedy Durrant – speaking for
- 3) Great Bentley Primary School, Plough Road, Great Bentley
To consider report DR/21/23 relating to the extension of existing Primary School (1 form entry expansion) comprising the erection of a new 2 storey teaching block with associated play area, landscaping, car and cycle parking, and alterations to existing school including erection of new canopy and other remodelling works.

Location: Great Bentley Primary School, Plough Road, Great Bentley, Essex CO7 8LD

Ref: CC/TEN/19/23

Public speakers:

- Headteacher: Mrs Tracey Caffull – speaking for

4. Land at Archers Field, Pitsea, Basildon

The Committee considered report DR/19/23 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the location for the development
- Need
- Climate Change
- Noise
- Air Quality/Dust

- Landscape/Visual
- Traffic
- Ecology
- Topic areas covered by the supporting Environmental Impact Statement.
- Contributions sought by Basildon Borough Council.

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

- This application would enclose an existing waste management activity with a purpose-built modern facility which would provide significant environmental benefits in terms of odour control, dust, and general site operations.
- All waste activities proposed would be contained within the building. There would also be significant associated security, landscape boundary and lighting improvements.
- Solar facilities would be provided on the site which would deliver capacity for the charging of electric vehicles, as well as contribute to the charging of the electric crane.
- All necessary and appropriate technical environmental assessments were carried out as part of the planning application, a full Environmental Impact Assessment was provided, and all consultation responses were robustly considered.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Aiden McGurran, speaking as the local member. Cllr McGurran made several points:

- There was no way to enforce proposed Condition 14 concerning mud and dirt being carried on to the public highway by vehicles using the site. In comparison, Basildon Borough Council's recommendation specified that it would be the responsibility of the applicant to ensure that the roadways were clear.
- The recommendation did not include provision for funding of improved active travel, which should be reconsidered.
- Proposed Condition 19 concerning odour management stated that monitoring would commence at monthly intervals for the first six months, then be carried out at six monthly intervals. Six monthly intervals may be too infrequent and three-monthly intervals would be more suitable.
- Proposed Condition 22 stated that if the Waste Planning Authority were to receive 'substantiated' noise complaints arising from the site, then the requirement for undertaking noise monitoring during the operational periods of the site would be reviewed. Cllr McGurran noted that residents often did not know who to complain to, and at what point the complaints became substantial.
- Cllr McGurran queried whether residents would be consulted regarding the colours used for the proposed cladding, and if they would be made aware of the timings of changes happening to the site.
- Residents and businesses situated within 0.15 miles of the site had been consulted on the application, however, many other residents living outside this boundary were affected and had not been consulted.

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

- The consultation area for the site was outlined in adopted policies.
- The requirement for a Sustainable Transport contribution was not felt, in this instance, to be supportable. Highways had stated in their consultation response that they had no objection and did not request additional funding.
- Once the Odour Management Plan was received, the Council and Environmental Health would consider if it was an appropriate monitoring programme. If there were substantiated responses from residents regarding odour, then this monitoring programme could be reconsidered. Any complaints concerning the site would need to be substantiated to ensure that odours were originating from this particular site.
- A colour scheme for the building had been recommended within the report. A condition was also proposed to provide for a graduated colour cladding for the southern side wall of the building. It was noted that the building would mostly be concealed by trees and that the graduated colour cladding would assist with visual mitigation.
- Complaints could be directed both to the Local Environmental Health Officer as well as to the Waste Planning Authority as there was liaison between the parties concerning such sites.
- The industrial estate was used by multiple operators and the roads within the estate were adopted highways. Enclosing the waste operations indoors would improve and minimise the carrying of dust and debris.

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

- The Essex Climate Action Commission had not been consulted as there was no particular requirement to do so and they were not a statutory consultee. Climate change considerations were accommodated within minerals and waste policies.
- There was no proposed condition restricting the applicant to the processing of Essex waste exclusively. The Waste Local Plan acknowledged that wastes were handled from within the greater Essex area including some from the London area. Operators did not transport wastes unnecessarily and in this particular instance if the wastes were being handled appropriately within what was already an existing waste management facility there was no need for a restrictive condition.
- In response to Members' comments about the necessity for ecological conditions given the nature of the location, it was noted that Place Services had requested conditions addressing ecological enhancement. The Planning Officer suggested that such enhancements could be of the nature of bird box provision, as well as looking to assist with the maintenance of the nearby Nevedon Brook, although it was recognised that the brook was outside the site boundary and had other third party interests.

There being no further points raised, the resolution, was proposed by Cllr Lynette Bowers-Flint and seconded by Cllr Michael Hardware. Following a unanimous vote in favour, it was

Resolved

That planning permission be granted subject to the following conditions:

That,

A. The prior completion of an appropriate planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) or an appropriate unilateral undertaking to provide for:

(i) An Employment and Skills plan – plus a contribution to deliver the commitments as set out within the employment and skills plan (payable to Basildon Council). The Plan shall be informed by “The Essex County Council Developers’ Guide to Infrastructure Contributions Revised 2020”.

The plan shall include but not be limited to:

- a) Operator supporting and practical examples of employment and skill advancement.
- b) The signposting to/support with Local Economic Development Office.
- c) A programme of skill/apprentice management developed and maintained throughout the life of the development.

B. Following completion of the planning obligations referred to in (A) above that planning permission be granted for planning application ESS/113/22/BAS be granted subject to the following conditions:

1. Except as may be modified or required by the other conditions to this permission by the Waste Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details submitted by way of the Planning Application (ESS/113/22/BAS) comprising:

- i. Application form from Clearaway Recycling Limited dated 18/11/22.
- ii. Enzygo Planning Statement entitled “Planning Statement Clearaway Materials Recycling Facility” Ref No: CRM.0123.004.PL.R.001 dated November 2022 and accompanying Appendices/Drawings comprising:
- iii. Appendix 8 Landscape and Visual Impact Assessment ref no: CRM.0123.004.LA.R.001.01 dated November 2022.
- iv. Appendix 9 report entitled “NPPF: Detailed Drainage Strategy and Flood Risk
- v. Statement” Ref no: CRM.0123.004.HY.R.002.B dated November 2022.
- vi. Appendix 10 report entitled “Phase I Preliminary Risk Assessment” ref no: CRM.0123.004.GE.R.001.B Revision B Dated: October 2022.
- vii. Drwg Nos:
 - a) CAL MA24 ZZ XX DR A 0071 Rev 8 entitled “Existing and Proposed 3D Views” dated 15/11/22.
 - b) CAL MA24 ZZ XX DR A 020 Rev 8 entitled “Red Line Plan” dated 08/11/22.

- c) CAL MA24 ZZ XX DR A 0022 Rev 6 entitled "Existing Site Plan" dated 03/11/22.
- d) CAL MA24 ZZ XX DR A 0023 Rev 4 entitled "Existing Site East and West Elevations" dated 03/11/22.
- e) CAL MA24 ZZ XX DR A 0024 Rev 4 entitled "Existing Site South Elevations" dated 03/11/22.
- f) CAL MA24 ZZ XX DR A 0025 Rev 4 entitled "Existing Site North Elevations" dated 03/11/22.
- g) CAL MA24 ZZ XX DR A 0026 Rev 13 entitled "Proposed Site Plan" dated 15/11/22.
- h) CAL MA24 ZZ XX DR A 0029 Rev 11 entitled "Proposed Site Elevations for Reception Building – South, East and West" dated 15/11/22.
- i) CAL MA24 ZZ XX DR A 0030 Rev 6 entitled "Proposed Site Elevation for Reception Building – North and Section" dated 15/11/22.
- j) CAL MA24 ZZ XX DR A 0031 Rev 4 entitled "Existing Building Elevation at former Clearaway Sites 3, 4 & 5" dated 03/11/22.
- k) CAL MA24 ZZ XX DR A 0032 Rev 7 entitled "Proposed Elevations of Reception Building" dated 15/11/22.
- l) CAL MA24 ZZ XX DR A 0033 Rev 6 entitled "Proposed Building Elevations of former Mansards Site" dated 15/11/22.
- m) CAL MA24 ZZ XX DR A 0034 Rev 2 entitled "Existing Building Elevations for former Mansards and Sykes Yard" dated 03/11/22.
- n) CAL MA24 ZZ XX DR A 0035 Rev 2 entitled "Existing Elevation Locations" dated 03/11/22.
- o) CAL MA24 ZZ XX DR A 0036 Rev 3 entitled "Proposed Elevation Locations" dated 15/11/22.
- p) CAL MA24 ZZ XX DR A 0037 Rev 3 entitled "Existing Boundary Treatment Plan" dated 11/11/22.
- q) CAL MA24 ZZ XX DR A 0038 Rev 4 entitled "Proposed Boundary Treatment Plan" dated 15/11/22.
- r) CAL MA24 ZZ XX DR A 0042 Rev 1 entitled "Existing External Lighting Plan" dated 03/11/22.
- s) CAL MA24 ZZ XX DR A 0043 Rev 2 entitled "Proposed External Lighting Plan" dated 15/11/22.
- t) CAL MA24 ZZ XX DR A 0044 Rev 1 entitled "Levels Survey" dated 31/10/22.

- u) CAL MA24 ZZ XX DR A 0051 Rev 4 entitled "Site Location Plan" dated 03/11/22.
- v) CAL MA24 ZZ XX DR A 0061 Rev 10 entitled "Vehicle Tracking" dated 15/11/22.

As amended by the Email from Sharon Queeney to Terry Burns dated 20th March 2023 @ 10:33 and accompanying:

- i. Enzygo post submission response ref no: CRM.0123.004 dated 17th March 2023.
- ii. Enzygo "Response to issues raised during Essex CC consultation" undated.
- iii. PagerPower Urban and Renewables "Solar Photovoltaic Glint and Glare Study" dated March 2023.
- iv. Drwg No: ENZ.XX.OO.DR.L.00.008 entitled "Fig 8 – Viewpoint 2 including Wireline photomontages" dated 14/03/23.
- v. Drwg No: ENZ.XX.OO.DR.L.00.006 entitled "Fig 6 – Viewpoint 1" dated 24/10/22.
- vi. Drwg No: ENZ.XX.OO.DR.L.00.007 entitled "Fig 7 – Viewpoint 2" dated 24/10/22.
- vii. Drwg No: ENZ.XX.OO.DR.L.00.009 entitled "Fig 9 – Viewpoint 3" dated 24/10/22.
- viii. Drwg No: ENZ.XX.OO.DR.L.00.010 entitled "Fig 10 – Viewpoint 4" dated 24/10/22.
- ix. Drwg No: ENZ.XX.OO.DR.L.00.011 entitled "Fig 11 – Viewpoint 5" dated 24/10/22.
- x. Section/Aerial shot entitled "Existing 3D long section (1:1500 @ A3)" and "Aerial view of Environment Agency Lidar Survey showing location of section" undated.
- xi. Section/Aerial shot entitled "Proposed 3D long section (1:1500 @ A3)" and "Aerial view of Environment Agency Lidar Survey showing location of section" undated.

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 minimum harm to the environment and having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Availability of Plans

2. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)

3. No site preparation works shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) have been submitted to and been approved in writing by the Waste Planning Authority. The approved Plans shall be adhered to throughout the construction period. The Plans shall provide for:
 - i. Construction traffic management within and including their routes to the site and numbers, the schemes can be based on the Chapter 9 "Transport" Page 14 para 9.7.1 and Page 18 para 9.8.1 of the supporting Environmental Statement to the application;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Details of access to the site;
 - iv. Loading and unloading and the storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi. Wheel washing facilities;
 - vii. Measures to control dirt escaping the site during construction;
 - viii. Measures to address noise to include but not limited to those areas identified in application supporting documents Chapter 8 "Noise" including but not inclusively paragraphs 8.6; 8.83- 8.84.
 - viii. Drainage strategy as referenced in application supporting documents Vol2 Appendix 10.1 "Drainage" page 19.
 - ix. Lighting requirements which shall include
 - a) Lighting point location.
 - b) Lighting design details including:
 - (i) height,
 - (ii) tilt,
 - (iii) lighting controls,
 - (iv) lighting design,
 - (iv) illuminance levels,
 - (v) uniformities,
 - (vi) spill light contour lines on to an Ordnance Survey mapping base.
 - c) Assessment of sky glow and light spillage outside of site boundary.

- d) Hours of use including consideration given to switching off or dimming after hours.
- x. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi. Addressing those points set out in Section 6 “Conclusions and Recommendations” of the supporting Appendix 10 “Phase 1 preliminary Risk Assessment”; and
- xii. Details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards managing the construction phase of the development having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Dust Management - Construction Phase

4. No site preparation works as defined in Condition 2 of this permission shall take place until a Dust Management Plan - Construction Phase has been submitted to and received the written approval of the Waste Planning Authority. The scheme can be based on the mitigation measures set out in page 12 of Appendix 7.3 Construction Phase Dust Risk Assessment set out in the supporting Planning Statement. The scheme shall be implemented as approved and shall make provision for, but not exclusively confined to, the list of mitigation measures.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards managing the construction phase of the development having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Construction Environmental Management Plan For Biodiversity

5. No ground disturbance including any clearance of above ground features and soil stripping or the bringing onto the land of any plant, machinery infrastructure associated with the application proposals until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and been approved in writing by the Waste Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and under Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Prior To Beneficial Use: Biodiversity Enhancement Strategy

6. No ground disturbance including any clearance of above ground features and/or the bringing onto the land of any plant, machinery infrastructure associated with the application proposals until a Biodiversity Enhancement Strategy has been submitted to and been approved in writing by the Waste Planning Authority. The Biodiversity Enhancement Strategy shall address protected and Priority species and be prepared by a suitably qualified ecologist. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Waste Planning Authority to discharge its duties under the National Planning Policy Framework 2021 and under Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Cycle Parking Facilities

7. Cycle parking facilities as shown on submitted drawings are to be provided and shall be secure, convenient, covered and retained at all times and maintained to their designed purpose.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards cycle parking having regard to the Essex Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017).

Provision of dedicated on-site parking including electric charging points

8. Electric charging points as provided for in Paragraph 3.8.1 of the supporting Planning Statement shall be provided and maintained to their designed purpose during the life of the development.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards provision and use of electrical charging provision having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations does not allow unacceptable adverse impacts on the environment.

Waste Throughput

9. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 225,250 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

Reason: In order that the Waste Planning Authority can monitor the output of the site having regard to the interests of rural amenity, highway safety and against which the application was formally consulted having regard to The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Waste Importation

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

Reason: In the interests of clarity, to ensure compliance with the approved details having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Environmental Protection
Hours of Operation – Construction Period

11.

- a) No operations authorised or required by this permission shall be carried out on the site except between the following times: -

0700 – 1900 hours Monday to Friday.

0700 – 1400 hours Saturday.

There shall be no working on Sundays or Bank/National Holidays.

For clarity this condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Hours of Operation – Post Commissioning

- b) No operations authorised or required by this permission shall be carried out on the site except between the following times: -

0700 – 1900 hours Monday to Friday.

0700 – 1400 hours Saturday.

There shall be no working on Sundays or Bank/National Holidays.

For clarity this condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and in the interests of limiting the effects on local amenity as although the site is in an industrial/commercial area operating outside of these hours during the night/early morning periods has the potential to generate complaints from traffic movements in the vicinity because of disturbance to sleep and rest, having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017); Basildon District Local Plan Saved Policies (2007) BAS E7 and E10 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Highway – Access design

12. Prior to occupation of the development vehicular turning facilities as shown in principle on drawing number CAL-MA24-ZZ-XX-DR-A-0061 S4 REV10 shall be provided and maintained free from obstruction within the site at all times. Each vehicular parking space shall have minimum dimensions of 2.5m x 5.5m in accordance with the current parking standards and as shown on drawing number CAL-MA24-ZZ-XX-DR-A-0026 S4 REV13.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

Highway Safety

13. All ingress to and egress from the site by vehicles associated with the development hereby approved shall be via the access circulation routes identified in the supporting Planning Statement page 26 Section 3.7.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

Road Cleanliness

14. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Reason: In the interest of highway safety; safeguarding the local environment and amenity of the area having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

HGV Movement Recording

15. A written record shall be maintained at the site office of:
- (i) all movements in/out of the site by waste delivery vehicles, such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall state which access point used;
 - (ii) the nature and quantity of imported/exported material

Such records shall be made available for inspection by the Waste Planning Authority on demand at any time.

Reason: To ensure confirmation and monitoring of the stated tonnages to be handled through the facility made in the planning application and against which the application was determined; to minimise the harm to amenity and to comply with Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Sheeting of vehicles

16. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring

that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Design of Site Gates

17. Any gates provided for vehicular access onto the highway shall be inward opening only.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

Litter fencing

18. No site preparation works shall commence, including any works of demolition, until a scheme for litter netting provision, management and maintenance has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved and maintained during the life of the development.

Reason: To confirm those details as provided for within the application details and against which the acceptability of the development was determined and to protect the amenity of neighbouring occupiers from unnecessary odour having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Odour Management Plan

19. No site preparation works shall commence, including any works of demolition, until an Odour Management Plan detailing operational and control measures, including odour monitoring, relating to odour from any part of the facility not subject (or to be subject) to control under Part I of the Environment Protection Act 1990 has been submitted to and received the written approval of the Waste Planning Authority. The schemes can be based on the Odour Management considerations set out in Chapter 7 and Appendix 7.4 (Dust and Odour Assessment) of the supporting Environmental Statement to the application and shall be implemented as approved and shall make provision for:-

a) Management

- i) A summary of the site, waste water treatment works/composting facility, odour sources and the locations of receptors.
- ii) Details of the site management responsibilities and procedures for reporting faults, identifying maintenance needs, replenishing consumables, complaints procedures.
- iii) A procedure for notifying the Waste Planning Authority of any changes or new processes

- iv) Odour-critical plant operation and management procedures (e.g., Correct use of plant, process, materials; checks on plant performance, maintenance and inspection).
- v) Spillage management procedures
- vi) Record keeping – format, responsibility for completion and location of records
- vii) Emergency breakdown and incident response planning including responsibilities and mechanisms for liaison with the local authority.
- viii) A log of complaints from the public and a record of the measures taken to be submitted to the Waste Planning Authority on request.

b) Monitoring

- i) Identification of sensitive receptors
- ii) The monitoring of odour at the boundary fence/perimeter line stating the chemical to be monitored, type of monitoring equipment/method to be used and the standard to be monitored against.
- iii) A programme of implementation. Monitoring to commence at monthly intervals two months prior to commissioning to obtain ambient levels.
- iv) Monitoring should be carried out monthly within the first 6 months (the commissioning period) and then at 6 monthly intervals.
- v) Results of the monitoring required in (iv) above to be submitted to the Waste Planning Authority within 14 days of the monitoring being undertaken.
- vi) For composting facilities, monitoring to be carried out when windrows are turned or shortly afterwards.

Reason: To confirm those details as provided for within the application details and against which the acceptability of the development was determined and to protect the amenity of neighbouring occupiers from unnecessary odour having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Contaminated Land

20. No ground disturbance including any clearance of above ground features and/or the bringing onto the land of any plant, machinery or infrastructure associated with the application proposals until a Remediation Method Strategy to address potential ground contamination issues has been submitted to and been approved in writing by the Waste Planning Authority.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising within the site on both occupiers and surrounding occupiers of land as a result of their activities having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of environmental arisings.

21. No ground disturbance including any clearance of above ground features shall take place until written certified verification has been received by the Waste Planning Authority that any potential ground contamination issues, as identified in the supporting planning application documentation and the comments raised by the Basildon Borough Council Environmental Health Officer in the planning application consultation response of 21st February 2023 has been addressed/removed from site and no danger remains for redevelopment of the land.

Reason: In the interests of clarity, to ensure that the applicant has addressed potential ground contamination aspects having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of environmental arisings.

Noise – General operating levels

22. Noise generation from the development site shall not exceed the free field Equivalent Continuous Noise Level (LA90 + 5 dB) at noise sensitive properties adjoining the site.

The measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any reflecting structure

For clarity if the Waste Planning Authority receive substantiated noise complaints arising from when the site is operational then the requirement for undertaking noise monitoring during the operational periods of the site will be reviewed.

Reason: In the interests of local amenity and to comply with Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and having regard to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Reversing alarms/Audible Warning Devices

23. All audible warning devices fitted to mobile plant, vehicles and plant engaged in site activities and transport on and off site and in control of the applicant shall be white noise emitting alarms.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

24. Audible warning device fitted to fixed plant and equipment shall be of a design that does not cause unreasonable noise intrusion to residential property.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

25. Except in an emergency, all mobile and fixed plant, equipment, machinery and vehicles shall only operate on the site during the permitted hours and shall always be fitted with and use effective silencers in accordance with manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Loudspeakers

26. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Waste Planning Authority.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

Rubbish

27. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed management facility.

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Burning

28. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that

permitted operations do not give rise to unacceptable environmental impacts on the environment.

Lighting - Post Commissioning

29. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site based on the Lighting Design section of the Landscape and Visual Impact Assessment pages 86 -87 and Drwg No: CAL-MA24-ZZ-XX-DR-A-0043 Rev 2 entitled "Proposed External Lighting Plan" dated 15/11/22 has been submitted to, and received the written approval of, the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:
- a) Lighting point location.
 - b) Lighting design details including:
 - (i) height,
 - (ii) tilt,
 - (iii) lighting controls,
 - (iv) lighting design,
 - (iv) illuminance levels,
 - (v) uniformities,
 - (vi) spill light contour lines on to an Ordnance Survey mapping base.
 - c) Assessment of sky glow and light spillage outside of site boundary.
 - d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Signage

30. There shall be no signage/advertising provided on or against the southern aspect of the waste management reception facility structure.

For clarity any signage over and above what has been provided from within the application documents will require the express approval of the local planning authority.

Reason: To maintain control over the development and to minimise the potential for visual and landscape intrusion as a result of the built developments mass and scale to sensitive vantage points outside the application footprint having regard to Policy 10 and the National Planning

Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable impacts on the environment.

Colour cladding

31. No above ground construction of the Waste Management Facility shall take place until a scheme to address the colour cladding/finishing of the facility has received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved and maintained for the life of the development. The scheme shall make provision for:

- (i) Provision for graduated colour cladding on all/southern walls.
- (ii) Colour scheme reference number.

Reason: To maintain control over the development and to minimise the potential for visual and landscape intrusion through the built developments mass and scale having regard to Policy 10 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Air Quality

Dust

32. No site preparation works shall commence, including any works of demolition, shall take place until a scheme for dust monitoring/control/mitigation detailing both the construction and operational phases of the development have been submitted to and received the written approval of the Waste Planning Authority. The schemes can be based on the Dust Management considerations set out in Chapter 7 and Appendix 7.4 (Dust and Odour Assessment) of the supporting Environmental Statement to the application and shall be implemented as approved and shall make provision for:-

- a) A dust control plan.
- b) A dust monitoring plan to include:
 - i) The location(s) of dust monitoring points.
 - ii) The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.
 - iii) A programme of monitoring to commence prior to site preparation works as defined in Condition 2 of this permission to provide a baseline against which to compare future monitoring.
 - iv) A programme of implementation to include frequency of monitoring and locations during the various extraction phases and processing plant activities.
 - v) A log of complaints from the public and a record of the measures taken to be kept and submitted to the Waste Planning Authority on request.
 - vi) The results of dust monitoring over each monitoring period shall be submitted to the Waste Planning Authority within 21 days of the end of each monitoring period.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on neighbouring sensitive receptors and the wider environment as a result of their activities having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

Waste Handling

33. No handling, processing or storage of waste shall take place outside of the permitted recycling reception facility building, as indicated on drawing ref CAL MA24 ZZ XX DR A 0026 Rev 13 entitled "Proposed Site Plan" dated 15/11/22.

Reason: To clarify those details approved, to maintain control over the development and to ensure that waste handling is confined to the approved areas having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Surface Water Drainage and Pollution Protection

34. No site preparation works shall commence, including any works of demolition, until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Waste Planning Authority. The scheme shall make provision for but not be limited to:
- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - (ii) Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - (iii) Final modelling and calculations for all areas of the drainage system.
 - (iv) Detailed engineering drawings of each component of the drainage scheme.
 - (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance outside of the site as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Surface Water Drainage Scheme Management

35. No site preparation works shall commence, including any works of demolition, until a Maintenance Plan covering the development site life has been submitted to and been approved in writing by the Waste Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Waste Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
 - b) Funding arrangements during life of the development permitted by this permission.
 - c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
 - d) Maintenance frequency.
 - e) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

36. No site preparation works shall commence, including any works of demolition, until written confirmation has been received by the Waste Planning Authority that the existing pipes within the extent of the site, which will be used to

convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

37. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored so as to prevent such materials contaminating ground or reaching any watercourse.

Reason: To prevent contamination of the ground/soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

38. Any fixed or free-standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage. If there are multiple tankages, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and there shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 as amended covering liquid storage containers).

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

39. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

40. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

41. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems nor onto the highway system except as may be permitted under other legislation.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Fixed Plant and Buildings

42. Notwithstanding the provisions of Article 3 and Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with, or without modification) no plant/structures whether fixed/static or mobile nor stocking of waste or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Waste Planning Authority

Reason: To enable the Waste Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Cessation Site General

43. In the event of site operations being discontinued for six months following the date of notification of commencement as required in Condition 1 of this permission, then the land shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Waste Planning Authority. The scheme shall be submitted not later than one month from the Waste Planning Authority's issue of written notice that it is of the opinion that use of the land for waste transfer activities has not taken place in the six month period. The scheme, as approved by the Waste Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further

period of 12 months or such other period as may be approved by the Waste Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

5. Ashlyns Farm, Epping Road, North Weald

The Committee considered report DR/20/23 by the Chief Planning Officer.

Members noted the addendum to the agenda.

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
- Odour implications
- Landscape impact and Green Belt implications

In accordance with the protocol on public speaking the Committee was addressed by Mr Jim Padfield, speaking on behalf of local residents. Mr Padfield made several points:

- The smell emitting from the site travelled up to three miles. The smell was very distinctive and was a mixture of bad breath, ammonia, and fatty acids. It travelled into neighbouring houses and settled inside.
- Only eight residents had been consulted on the application, when many more were affected by the smell emitting from the site.
- The Environment Agency did not adequately or accurately monitor the site.
- The test undertaken preceding this application allowed one windrow to be constructed to a height of four metres, following which the odour decreased. The conclusion was that there was no negative impact of raising the windrow height to four metres. However, this outcome was due to the other windrows dropping below three metres.
- A similar site in Colchester had not received any complaints. This was because the operator prevented loaders from lifting to more than three metres high.

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

- The established green waste composting facility at Ashlyns Farm was operated by Biogen. The site formed part of the region's waste management infrastructure; particularly with regards to diverting organic waste away from landfill, thereby minimising the release of harmful greenhouse gasses. The incoming green waste

was recycled to form a compost for horticultural and agricultural use. This displaced the need for energy intensive nitrogen-based fertilizers, bolstering the circular economy and fostering local resilience.

- Essex County Council's Climate Action Plan committed to zero waste to landfill by 2030. This would be achieved through the delivery of waste reduction, enhanced recycling, and sustainable disposal. Specific actions had been set out to ensure that there was sufficient capacity to process biowastes into compost and other useful products.
- In line with the Environmental Permit for Ashlyns Farm, the company had continued to invest in new plant and improved operating techniques. These were designed to optimise the composting process. Aeration, moisture, and temperature were carefully managed to create the ideal conditions for microbes to break down the material. In practice, this was achieved through regular turning and irrigation when needed. In doing so, the propensity for odours was greatly reduced.
- Following discussions with the Environment Agency, Biogen was seeking to modify the shape of the stockpiles, known as windrows, to provide greater distinction between batches. To maintain the same throughput capacity, the height would be increased from 3 metres to 4 metres. This would still allow for a tabletop profile and vehicles tracking in reverse when turning material to avoid compaction.
- A trial was run on a single 4-metre-high windrow, to ensure that optimal composting conditions could be maintained, which proved a success.
- Biogen were therefore seeking the permanent variation of Condition 8 so that material could be stockpiled to 4 metres. No change to the throughput tonnage of the facility was proposed – this would continue to be restricted by Condition 3.
- Biogen had agreed to increase the frequency of odour monitoring and proposed additional planting to filter long distance views as a precaution.

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

- Consultation was carried out in accordance with the Statement of Community Involvement, which was part of the Local Plan Framework.
- Odour emissions was a matter of pollution control primarily through the Environmental Permit. It was anticipated that raising the windrows to 4 metres would improve the odour problem. Odour monitoring would be carried out on a more regular basis, and if that monitoring were to reveal that there was an ongoing problem, officers would communicate that to the Environment Agency, which was able to carry out action against the operator.

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

- The Environment Agency was proactively interacting with the site, and the last visit carried out prior to the meeting was in December 2022. Officers had a good working relationship and a joint working protocol with the Environment Agency.
- The Environment Agency had carried out a trial which suggested that there would be an improvement in odour as a result of increasing the windrows to 4 metres.
- As part of the recommendation, the odour monitoring would increase in frequency from 6 monthly periods to 4 monthly periods. The monitoring required was as per

an Odour Management and Monitoring Plan which was secured by planning permission and formed part of the recommendation.

- An independent, third-party consultant carried out the monitoring on the site.
- Any complaints from residents should be directed to the Environment Agency hotline so that they could be logged.
- The Committee preferred that the frequency of odour monitoring be further increased to be carried out every three months.
- The Committee preferred that the permission be granted on a time limited basis, for a period of 12 months.

There being no further points raised, the resolution, including an amendment to increase the frequency of odour monitoring to be at three monthly intervals, and an amendment to grant permission for a period of 12 months, was proposed by Cllr Chris Pond and seconded by Cllr Lynette Bowers-Flint. Following a unanimous vote of in favour it was

Resolved

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

1. The development hereby permitted shall be carried out in accordance with the details submitted by way of the application ref: ESS/20/11/EPF including application form dated 25 March 2011, covering letter dated 25/03/11, Noise Measurement Record submitted with covering letter dated 14/04/11, Design and Access Statement dated March 2011, Transport Report dated March 2010, Planning Statement dated March 2011, letter dated 16/05/11, emails from Charlie Trousdell dated 03/06/11, 07/06/11 07:39, 07/06/11 11:06 and 07/06/11 20:21, and emails from Ann-Marie Shivnen dated 07/06/11, 21/06/11 and 22/06/11 together with drawings numbered:
3006 002 670 (18/03/11)
3006 002 671 (18/03/11)
3006 002 SK-017 (18/03/11)
3006 002 SK-018 (21/06/11)
3006 002 SK-019 (22/06/11)
3006 002 011 Rev B (07/06/11)

AS AMENDED BY the approved details of planning application ref: ESS/29/18/EPF including application form dated 11 September 2018;

AS AMENDED BY the details of planning application ref: ESS/09/20/EPF as clarified in email titled 'RE: ESS/09/20/EPF Update' sent 20 August 2020 12:52;

AS AMENDED BY the details of planning application ref: ESS/04/23/EPF including application form dated 9 January 2023;

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 nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 1, 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP5, SP6, DM3, DM4, DM21 and DM22.

2. The development hereby permitted shall only be carried out during the following times:

0700 – 1800 hours Monday to Friday
0900 – 1300 hours Saturdays

And at no other times or on Sundays or Bank or Public Holidays. For the avoidance of doubt all vehicles in excess of 7.5 tonnes (gross vehicle weight) and contractors' vehicles in excess of 3.5 tonnes (gross vehicle weight) associated with the operations shall not be allowed to enter or leave the site outside of these times.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

3. No more than 45,000 tonnes per annum of unprocessed green garden waste and green agricultural waste shall be accepted at the site. No catering, kitchen waste or processed compost shall be imported to and deposited at the site. Any non green waste arising at the site shall be stored in a designated container prior to its removal from site.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

4. No more than 80% (by tonnage) of the annual processed compost from the operation hereby permitted shall be exported from or sold directly from the site. A record shall be kept detailing the annual amount of processed compost and the amount of off-site sales/exports. The record shall be made available to the Waste Planning Authority upon written request.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

5. Foul and surface water drainage shall be managed and maintained as per the details approved pursuant to condition 7 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 7 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and polluting watercourses and aquifers

and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6 and 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM15, DM16, DM21 and DM22.

6. The storage lagoon on-site shall be managed and maintained as per the details approved pursuant to condition 8 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 8 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6 and 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM15, DM16, DM21 and DM22.

7. Material that is stockpiled, deposited or formed into windrows shall not exceed 4 metres in height when measured from adjacent ground level for a period of 12 months only.

The commencement of the 12 month period of 4 metres high windrows shall be notified in writing to the Waste Planning Authority. Upon cessation of the 12 month period windrow heights shall return to a maximum height of 3 metres.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies, SP5, SP6, DM3 and DM4.

8. The total number of Heavy Goods Vehicle* (HGV) movements associated with the development hereby permitted shall not exceed 66 per day (33 in and 33 out). A permanent record shall be kept of HGV movements entering and leaving the site, which shall be made available to the Waste Planning Authority upon written request. For the avoidance of doubt, no HGV movements shall take place outside the hours of operation authorised in condition 3 of this permission.

* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more.

Reason: To limit the volume of traffic in the interests of highway safety, residential amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

9. No loaded vehicle shall leave the site unsheeted.

Reason: To limit the volume of traffic in the interests of highway safety, residential amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

10. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1 and DM21.

11. Space within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site shall be maintained as per the details approved pursuant to condition 14 of ESS/20/11/EPF: application form dated 21 August 2011, accompanying statement, letter from Robert West Consulting dated 02 September 2011 and drawing number 3006 002 670 Rev A, dated 02/09/11.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

12. The first 50 metres of internal access road (from the public highway), or a distance agreed in writing by the Waste Planning Authority, shall be constructed of a hard impervious surface, drained and kept clear of mud and debris throughout the life of the site.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

13. Within three months of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented within the first available planting season (October to March inclusive) and maintained thereafter. The development shall be implemented in accordance with the approved details.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP6, DM3 and DM4.

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

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP6, DM3 and DM4.

15. The free field equivalent continuous noise Level (LAeq, 1hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Spiny Lodge: 52dB LAeq, 1hr
Irenic Orchard: 45dB LAeq, 1hr
Wylding Tree Lodge: 46dB LAeq, 1hr

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

16. The development shall be maintained in accordance with the approved Noise Management and Monitoring Plan, titled 'Noise Management and Monitoring Plan (Ongar)' (Version 4, undated). With regard to this, noise levels shall be monitored at three monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

17. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise or broadband alarms. All plant shall furthermore be fitted with and use an effective silencer.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

18. The development shall be maintained in accordance with the approved Odour Management and Monitoring Plan, titled 'Odour Management Plan (Ongar)' (Rev 3a, undated). With regard to this, odour levels shall be monitored at three monthly intervals at locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

19. The development shall be maintained in accordance with the approved Bioaerosol Management and Monitoring Plan, titled 'Bioaerosol Management Plan (Ongar)' (Rev 3, undated). With regard to this, bioaerosol levels shall be monitored at six monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of

monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

20. The development shall be maintained in accordance with the approved Dust Management and Monitoring Plan, titled 'Dust Management Plan (Ongar)' (Rev 3, undated).

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

21. All vehicular access and egress to and from the site shall be from Epping Road (A414), as shown on the approved drawings. 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 Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies T1 and DM21.

6. Great Bentley Primary School, Plough Road, Great Bentley

The Committee considered report DR/21/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 2, 5, 6 and 14.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- A. Need
- B. Policy Considerations
- C. Impact on Playing Field
- D. Design, Layout and Sustainability
- E. Impact on Historic Environment
- F. Impact on Natural Environment
- G. Impact on Residential Amenity
- H. Traffic & Highways

In accordance with the protocol on public speaking the Committee was addressed by Mrs Tracey Caffull, the Headteacher of Great Bentley Primary School. Mrs Caffull made several points:

- Great Bentley Primary School was unable to meet the demand for school places from the village. Each year, the school received in excess of 70 first place choices, however, there was only capacity for 30 pupils. There had been

pressure from the Local Authority to add mid-year applicants to school numbers, and the school was over the legal class limit in five of seven classes.

- The square footage of each classroom was either just on or under the recommended space. There was additional pressure due to birth rates and new housing growth.
- The proposal would expand the existing school site by 210 pupils, thus doubling the size to help to meet the demand.
- Some children living nearby had been refused a place at the school and had to travel up to five miles to another school as a result.
- The design of the new building was functional. The school was confident that it could control the increased footfall by implementing a rolling start time to the day, which would spread the arrival times of students. Before and after school clubs would also assist with this.
- The village hall had committed to supporting the school with this extension by allowing the use of their car park during pick up and drop off times to ensure that cars were parked further away from the school entrance. This had historically been an informal arrangement, however, had been confirmed in writing.
- The school was committed to reducing traffic outside by using strategies to encourage active travel.
- The school had reviewed the impact of the loss of the school field and believed that they could still meet statutory obligations.

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

- The design life of the proposed building would be 40 to 50 years.
- Sport England would have 21 days in which to call in the application.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Cllr Lynette Bowers-Flint and seconded by Cllr Mike Steel. Following a vote of 8 in favour, 1 abstention, it was

Resolved

That subject to the Secretary of State not wishing to call-in the application for his own determination, planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, 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 submitted by way of application reference CC/TEN/19/23 dated 13 February 2023 and validated on 13 February 2023 together with Drawing Numbers:

- H15858-EX1 Rev B – External Works Layout – 7.10.22

- H15858-EX2 – External Works Detail – 7.10.22
- H15858-SK1 Rev A – Proposed Foundation Layout – 7.10.22
- H15858-DO1 Rev D – Drainage Layout – 7.10.22
- H15858-DO2 – Drainage Details – 7.10.22
- 584700-JSH-XX-XX-DR-E-0100 Rev PO2 – External Lighting Layout Site – 01.23
- TCTC-18609-PI-01- Tree Survey – Sept 2022
- 6911-GB-SBA-ZZ-XX-DR-A-1100-PO3 – Site Location Plan – 200123
- 6911-GB-SBA-ZZ-00-DR-A-1206-P03 – Existing School Works Proposed Drawings – 201023
- 6911-GB-SBA-ZZ-00-DR-A-1301-P07 – Elevations 1 – 05.05.23
- 6911-GB-SBA-ZZ-00-DR-A-1302-P07 – Elevations 2 – 05.05.23
- 6911-GB-SBA-ZZ-00-DR-A-1401-PO3 – Proposed Sections Sheet 1 – 200123
- 6911-GB-SBA-ZZ-01-DR-A-1202-PO4 – Proposed First Floor Plan – Newbuild – 200123
- 6911-GB-SBA-ZZ-RF-DR-A-1203-PO4 – Proposed Roof Plan Newbuild – 201023
- 6911-GB-SBA-ZZ-XX-DR-A-1101-P04 – Proposed Site Block Plan – 201023
- 6911-GB-SBA-ZZ-XX-DR-A-1102-P05 – Proposed Concept Site Plan – 200123
- 6911-GB-SBA-ZZ-XX-DR-A-1103-P10-Proposed Site Plan with Existing School Works – Date 14
- 6911-GB-SBA-ZZ-XX-DR-A-1104-P05-Proposed Site Block Plan – 200123
- 6911-GB-SBA-ZZ-00-DR-A-1502-P03-3d Views – 201023
- 6911-GB-SBA-ZZ-00-DR-A-1201-P05 – Proposed Ground Floor Plan Newbuild -230413
- 6911-GB-SBA-ZZ-00-DR-A-1205-P03 – Existing Schools Works – Existing Plan – 201023
- 6911- GB-SBA-ZZ-XX-DR-A-1115-PO4 – Site Adjacencies & Travel Distances – 14.6.23
- 6911-GB-SBA-ZZ-XX-DR-A-1412-PO1 – Sitewide Section Realistic – 19.6.23

and

- Letter from Great Bentley Village Hall dated 18th May 2023

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy SP1 and Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL2, Policy SPL3, Policy HP5, Policy PPL4, Policy PPL7,

Policy PPL8, Policy PPL10, Policy PP12 and Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

3. Prior to the beneficial occupation of the development hereby permitted, the parking areas, including any parking for the mobility impaired, shown on Drawing Number 6911-GB-SBA-ZZ-XX-DR-A-1104-P05 (Proposed Site Block Plan) dated 201023 shall be laid out, hard surfaced, sealed and clearly marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

4. Prior to beneficial occupation of the development hereby permitted, the cycle parking and scooter parking provision shown on Drawing Number 6911-GB-SBA-ZZ-XX-DR-A-1104-P05 (Proposed Site Block Plan) dated 201023 shall be provided. The cycle and scooter spaces shall thereafter be retained and maintained for cycle and scooter parking and shall be used for no other purpose for the duration of the development hereby permitted.

Reason: To ensure appropriate cycle and scooter parking is provided in accordance with Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

5. The programme of archaeological investigation and recording shall be implemented in accordance with the Written Scheme of Investigation for Archaeological Evaluation prepared by GHC Archaeology & Heritage (Ref: 1162/03) dated June 2023 prior to the commencement of any development hereby permitted or any preliminary groundworks.

Reason: To ensure that the programme of archaeological field work defined within the Written Scheme of Investigation is undertaken in accordance with Policy PPL7 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

6. Within six months of the completion of the archaeological fieldwork, a post excavation assessment shall be submitted to and approved in writing by the County Planning Authority. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason: To ensure that the results of the fieldwork are appropriately processed and a publication is produced defining the results in accordance with Policy PPL7 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

7. The development hereby permitted shall be carried out in accordance with Drawing Number 6911 Great Bentley material sample board (003) and Page 11 of the Design and Access Statement 6911 PO5 dated 9 May 2023.

Reason: In the interest of the amenity of the local area and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

8. The development hereby permitted shall be carried out in accordance with Drawing Numbers:
- 6911-GB-SBA-ZZ-XX-DR-A-1415-PO7 – Storey Rod Sections – 21.4.23
 - 6911-GB-SBA-ZZ-XX-DR-A-1502-PO1- External Wall Details – 21.4.23
 - 6911-GB-SBA-ZZ-XX-DR-A-1509-PO1 – Main Entrance Façade Feature – 26.04.23
 - 32679-96-176 – Comar 5Pi Advanced (Coupled) Window System Position 1 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) Loose Beaded Ladderframe Position 2 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) Loose Beaded Ladderframe Position 3 - 31.03.23
 - 32679-96-176 – Comar 5Pi (Advanced) – Externally Beaded Mitred Window Position 4 – 31.03.23
 - 32679-96-176 – Comar 5Pi Advanced – Externally Beaded Mitred Window Position 5 – 31.03.23
 - 32679-96-176 – Comar 5Pi (Advanced) – Externally Beaded Mitred Window Position 6 – 31.03.23
 - 32679-96-176 – Comar 5Pi (Advanced) Externally Beaded Mitred Window Position 7 – 31.03.23
 - 32679-96-176 – Comar 5Pi Advanced (Coupled) – Window System Position 8 – 31.03.23
 - 32679-96-176 - Comar 5Pi (Advanced) – External Beaded Mitred Window Position 9 – 31.03.23
 - 32679-96-176 – Comar 5Pi (Advanced) – External Beaded Mitred Window Position 10 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 11 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 12 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 13 31.03.23
 - 32679-96-176 – Position 14 – 31.03.23
 - 32679-96-176 – Comar 5Pi (Advanced) External Beaded Mitred Window Position 15 – 31.03.23
 - 32679-96-176 – Comar 9Pi (100mm) Loosed Beaded Ladderframe Position 16 – 31.03.23

And email from Strutt & Parker dated 28 April 2023 08:33.

Reason: In the interest of amenity of the local area, to preserve those elements of the setting that make a positive contribution to the Conservation Area and which better reveal its significance and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section1 adopted January 2021 and Policy SPL3 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal/Low Impact EcIA version 2 (Hybrid Ecology, February 2023) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

10. Within three months of the decision for the development hereby permitted being issued, an ecological design strategy (EDS) shall be submitted to and approved in writing by the County Planning Authority. The Strategy shall address the mitigation, compensation and enhancements for the wildlife pond area, trees, hedgerow and shrubs and habitat boxes. The EDS shall include the following:
 - a. Purpose and conservation objectives for the proposed works
 - b. Review of site potential and constraints
 - c. Detailed design(s) and/or working method(s) to achieve stated objectives
 - d. Extent and location/area of proposed works on appropriate scale maps and plans
 - e. Type and source of materials to be used where appropriate e.g native species of local provenance
 - f. Timetable for implementation
 - g. Persons responsible for implementing the works
 - h. Details of initial aftercare and long-term maintenance
 - i. Details for monitoring and remedial measures
 - j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

11. The development hereby approved shall be carried out in accordance with Drawing Number TCTC-18609-L-01 Rev F (Landscape Masterplan) dated 2.5.23.

The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development in accordance with the approved details.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

12. Any tree, shrub or hedgerow forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing Number TCTC-18609-L-01 Rev F (Landscape Masterplan) dated 2.5.23) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

13. No vehicle connected with the development hereby permitted shall arrive on site before 0730 hours or leave after 1900 hours (except in the case of emergency).

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

- 0800 hours to 1800 hours Mondays to Fridays
- 0800 hours to 1300 hours Saturdays

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

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and in accordance with Policy SP7 of the Tendring Local Plan 2013-2023 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

14. No development shall take place, including any groundworks or demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. Vehicle routing
- ii. The parking of vehicles of site operatives and visitors
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Wheel and underbody washing facilities
- vi. Before and after condition survey to identify defects to the highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

7. Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing

The Committee considered report DR/22/23, by the Chief Planning Officer, relating to an authorised minerals and waste development.

Members noted the addendum to the agenda.

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

- GPS equipment had been used to define the extent of the expansion area to provide a formal baseline for use in the event of any further complaints about site expansion.
- For clarity, the recommendation did not permit waste treatment within the area edged red.

Following a unanimous vote in favour, it was

Resolved

That, no further action is taken by the Waste Planning Authority in respect of the importation, deposit and storage of material within the area edged red, as shown on plan included within the report.

8. Land at Fairfields Farm, Fordham Road, Wormingford

The Committee considered report DR/23/23 relating to unauthorised minerals and waste development.

The Committee NOTED the report.

9. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/24/23; applications, enforcement and appeals statistics, as at the end of May 2023.

The Committee NOTED the report.

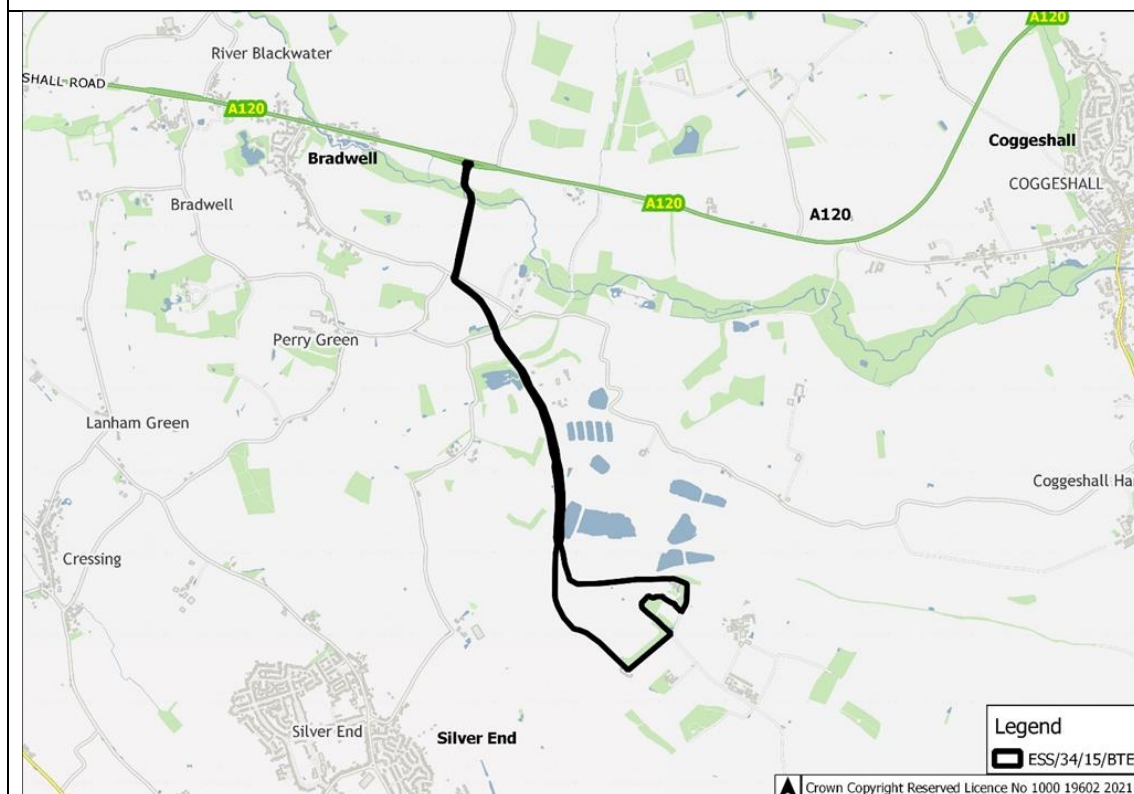
10. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 28 July 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:51am.

DR/25/23**Report to:** DEVELOPMENT & REGULATION (28 July 2023)**Proposal:** MINERALS AND WASTE DEVELOPMENT

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

Ref: ESS/39/23/BTE**Applicant:** Indaver Rivenhall Limited**Location:** Land at Rivenhall Airfield Coggeshall Road, Braintree, CO5 9DF**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

1. BACKGROUND

Planning Permission for the Rivenhall Integrated Waste Management Facility (IWMF) was first granted by the Secretary of State (SoS) in March 2010 following a call-in public inquiry (ECC Ref ESS/37/08/BTE).

While the original application was determined by the SoS, subsequent applications fall to the Waste Planning Authority (WPA) to determine, unless called-in or legislation requires otherwise. There have been subsequent variations to the planning permission and submissions in response to conditions, which have been dealt with by the WPA, the summary below focuses on those relevant to the current application.

In 2015 a planning application (ESS/34/15/BTE) was made to amend the capacities of the different elements of the IWMF, in particular increasing the capacity of the Combined Heat and Power Plant (CHP) from 360,000tpa to 595,000tpa, but not increasing the overall input of waste or traffic movements to the site. The application also incorporated details to discharge a number of conditions of the original permission. The planning permission was granted in February 2016.. Implementation of planning permission ESS/34/15/BTE was undertaken in March 2016, however, only sufficient works were carried out to constituent technical implementation of the planning permission.

The planning permission for the IWMF gives consent for:

- A CHP plant (595,000tpa) utilising Refuse Derived Fuel (RDF) generated on site and imported RDF/Solid Recovered Fuel (SRF) to generate heat, steam and electricity to be used on site. Some electricity to be exported to the National Grid.
- Materials Recycling Facility (MRF – 300,000tpa) to sort through imported waste recovering recyclables such as paper, card, plastics and metal.
- Merchant De-Ink Paper pulp plant (MDIP – 170,000tpa) to reprocess waste paper imported to the site, as well as any suitable paper recovered by the MRF and would utilise, heat, steam and power generated by the CHP. Paper pulp board to be exported from the site.
- Anaerobic Digestion (AD – 30,000tpa) facility to treat food and green waste generating biogas for production of electricity on site and generating a compost like output for export.
- Mechanical Biological Treatment Facility (MBT – 170,000tpa), to treat waste by mechanical treatment e.g. shredding and then biological treatment using air and moisture to bio-stabilise the waste, the output being an RDF.

The total amount of waste that can be imported to the site is limited by condition to 853,000tpa. The maximum number of HGV movements is limited to 404 a day Monday to Friday and 202 on Saturday mornings.

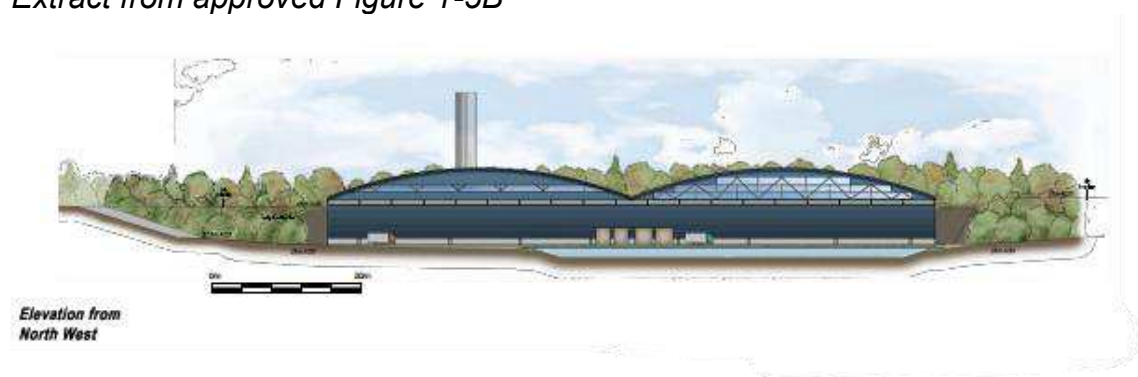
The permission also includes the creation of an extended access road from the A120, now completed, and refurbishment of the Woodhouse Farm Listed Buildings complex and other associated infrastructure. Listed Buildings applications to enable refurbishment of Woodhouse Farm are with Braintree District Council for determination.

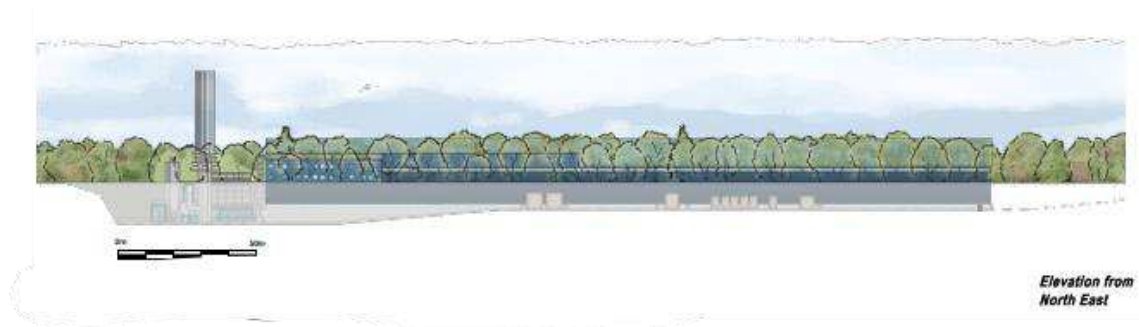
Extract from Figure 1-5B



The MDIP, MRF, MBT and AD are permitted to be housed in a double arched building, where the majority of the building is to be located below natural ground. The CHP and other associated infrastructure is to be located also partly below ground to the rear of the IVMF building.

Extract from approved Figure 1-5B





In October 2018 Indaver took over development of the IWMF from the original applicant Gent Fairhead & Co. Works commenced on site in winter 2019/20.

Works on site since 2019/20 include stabilisation of the void faces, construction of the extended access from the Bradwell Quarry to the IWMF site and works which are now underway with respect to construction of the Energy from Waste (EfW) element of the IWMF and supporting infrastructure.



15 July 2023 - IWMF site viewed from the south east.

The planning permission granted in 2016 (ESS/3415/BTE) to amend the capacities of the different elements was granted subject to additional conditions, including condition 66. This condition sought to address the possibility that if the development was technically implemented, but did not progress, the site would not be left without a beneficial use or not rehabilitated. The condition required submission of a "Plan of Action" either to rehabilitate the site or for an alternative use which was required to be submitted by September 2021.

Indaver submitted an application to discharge the condition (Ref ESS/34/15/BTE/66/01) in September 2021. The “Plan of Action” submitted consisted of three different options, summarised below:

- 1. To build out the permission as authorised by the Planning Permission.*
- 2. Build out those elements within the consent which are technically and commercially viable, all within the building which currently has consent, and/or;*
- 3. Submit an application for consent for alternative waste management and/or energy generation uses.*

Members may recall that this application to discharge the condition was considered in February 2022, when it was resolved to approve option 1 - *To build out the permission as authorised by the Planning Permission*. The discharge of the condition was approved subject to additional conditions, requiring all elements of the IWMF to be constructed before beneficial operation of the EfW Facility and a requirement that construction of the IWMF be completed by 31 December 2026.

Indaver subsequently appealed against the decision of condition 66 ECC Ref ESS/34/15/BTE/06/1APP (PINS Ref APP/Z1585/W/22/3306429) which is currently pending with the Planning Inspectorate.

The applicant has subsequently submitted the current application (ESS/39/23/BTE), which is a variation application under Section 73 of the Town and Country Planning Act which seeks to delete condition 66, including the approved details thereunder and associated conditions, and is the subject of this report.

2. SITE

The IWMF site is located east of Braintree, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall and approximately 3km south east of Bradwell village. The site is 25.3 ha which includes the access road.

The IWMF site at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road, the location of the access road. To the south the IWMF site widens into an irregular shaped plot of land.

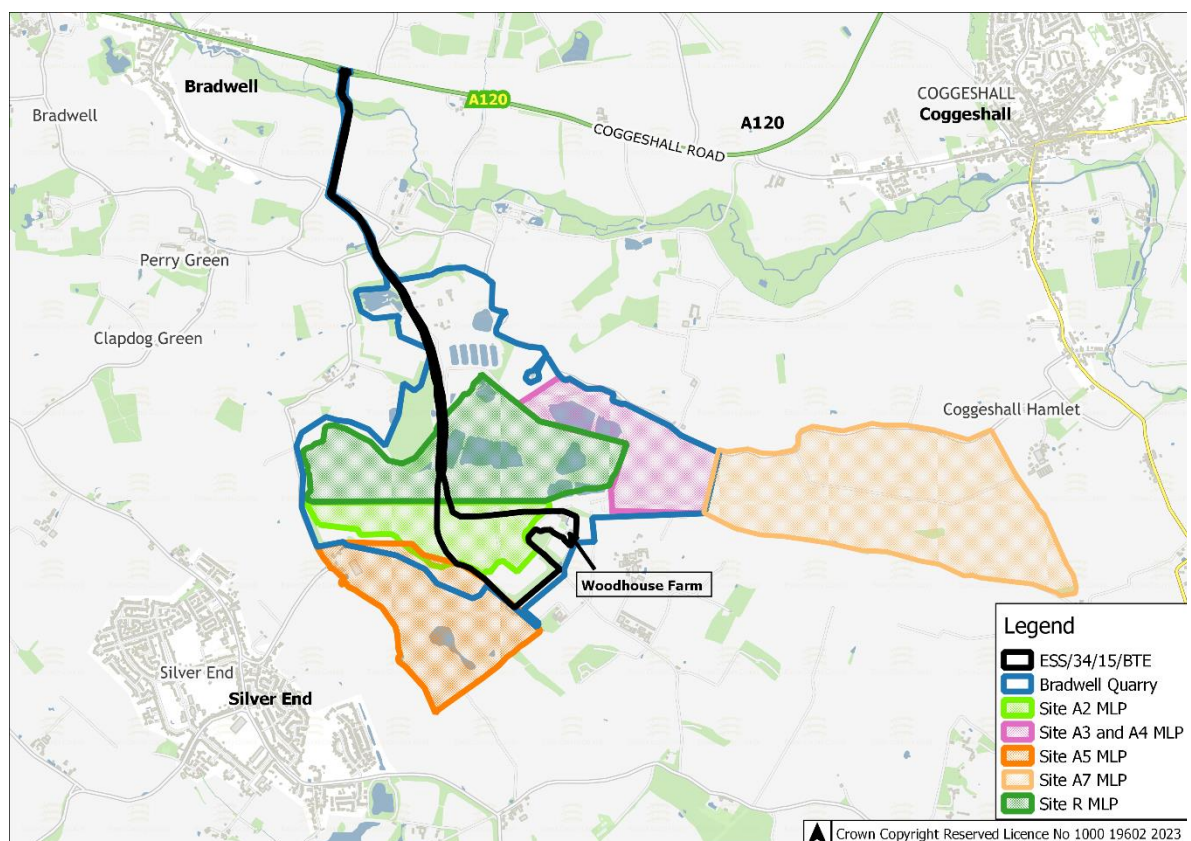
The IWMF site lies within the boundaries of both Bradwell Parish and Kelvedon Parish, the access road being mainly within Bradwell Parish and the remainder of the access road and IWMF itself lying within Kelvedon Parish.

The IWMF site lies on the southern part of the former Rivenhall airfield; the runways have been removed as part of mineral extraction. The IWMF site (not including the access road) is located approximately 1.7km south of Coggeshall Road (A120T) and includes the Grade II Listed Buildings of Woodhouse Farm.

The Woodhouse Farm buildings are located on the south eastern side of the IWMF site and included in the IWMF planning permission area. The IWMF site also includes woodland protected by Tree Preservation Order, which surrounds the southern boundary of the IWMF itself.

The IWMF site also included an airfield hangar which, upon implementation of IWMF permission in 2016, was removed.

The IWMF site overlaps with Bradwell Quarry, where sand and gravel extraction is currently taking place within Minerals Local Plan Preferred site A7. The location plan below shows the extent of previous and current mineral extraction areas; site R permitted in 2001; site A2 permitted in 2011 (which included extraction in part of the site for the IWMF); sites A3 and A4 permitted in 2015; and site A5 granted in 2019. Previously worked out areas of the quarry have been restored at low level to arable agriculture with new hedgerows and woodland planting. Areas of Bradwell Quarry (sites R, A2, A3, A4 and A5) are undergoing or awaiting restoration to a combination of arable, woodland and water.



The IWMF site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape in gently undulating countryside. The landform around the site forms a flat plateau at about 50m Above Ordnance Datum, although the restored minerals workings to the northwest (site R) and southwest (site A5) have been or will be restored at a lower level, creating bowls in the landscape. Sites A3 and A4 have been restored to near natural levels utilising overburden from the IWMF site.

The nearest residential properties, not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the IWMF site,

approximately 450m away. To the north/north east on Cuthedge Lane are Heron's Farm at approximately 700m from the site of the IWMF, Deeks Cottage at approximately 850m and Haywards 920m from the site of the IWMF. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm, 580m from the site of the IWMF, also Gosling's Cottage, Gosling's Farm and Goslings Barn and Greenpastures all approximately 1200m from the site of the IWMF. Properties to the southwest within Silver End village lie approximately 850m from the site of the IWMF. Parkgate Farm lies south of the site, approximately 1000m from the site of the IWMF.

Approximately 400m to the east of the IWMF site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshots Farm and a scrap yard.

Approximately 500m to the south east of the IWMF, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway (Woodhouse Lane leading from Parkgate Road).

A further business operates on the south west edge of the IWMF site, at the "Elephant House", the building being the fire station for the redundant airfield. The site is used by a road sweeping company, but the site is well screened by mature evergreen trees.

The permitted vehicular route to the IWMF site shares the existing access on the A120 and the private access road for Bradwell Quarry. The access route crosses the River Blackwater by two bailey style bridges and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan 2023). The access road has now been extended to the IWMF site, and is two way, except where it crosses Church Road and Ash Lane.

A similar area to that of the IWMF application site is allocated in the adopted Waste Local Plan 2017 as a site IWMF2 for residual non-hazardous waste management and biological treatment.

The land comprising the IWMF site has no designations within the Braintree District Local Plan 2023.

There are two Local Wildlife Sites (LoWS) within 3 km of the IWMF site at Blackwater Plantation West, which is within the Blackwater Valley which the access road crosses. The second LoWS is at Storey's Wood (south of the site), which is also an Ancient Woodland.

There are 4 Grade II Listed properties within 1km of the IWMF site including Woodhouse Farm and buildings (within 200m), Allshots Farm and Lodge (400m away) to the east and Sheepcotes Farm (1000m) to the west.

Five footpaths (FP's Bradwell 19, 35, 57 [Essex Way], 58) are crossed by the access road to the IWMF. There is also a public footpath No. 8 (Kelvedon) which heads south through the Woodhouse Farm complex.

3. PROPOSAL

The proposal is to delete condition 66; the details approved thereunder and the associated conditions.

Condition 66 (following the approval of the submission in March 2022) reads as follows:

The development hereby permitted shall be implemented in accordance with the Plan Of Action Option 1 approved on 7 March 2022 under condition 66 of planning permission ESS/34/15/BTE. The approved Plan of Action are set out in the application for approval of details reserved by condition dated 1 September 2022, covering letter from RPS dated 1 September 2022 and additional supporting information in email dated 17 November 2021 (10:387) from RPS with attachment "IWMF High Level Programme v01", subject to the following 2 conditions:

- i) Plan of action Option 1 as detailed in letter from RPA dated 1 September 2021 shall be implemented in accordance with:
 - a) the conditions of planning permission ESS/34/15/BTE dated 26 February 2016;*
 - b) any details approved under those conditions or to be approved under those conditions;*
 - c) Non Material Amendments References ESS/34/15/BTE/NMA1 and ESS/4/15/BTE/NMA2 or any subsequently approved Non Material Amendments; and d) the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.**

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application drawings, details (except as varied by other conditions), to ensure that the development is Sustainable Development and is carried out with the minimum harm to the local environment and in accordance with the NPPF, NPPW, Essex Minerals Local Plan 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106;

- ii) There shall be no beneficial operation of the Combined Heat and Power (CHP) plant without all other elements of the Integrated Waste Management Facility (IWMF) i.e. Market De Ink Paper Pulp Plant (MDIP) Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) plant, Anaerobic Digestion (AD) plant, Waste Water Treatment Plant and all other permitted associated infrastructure having been constructed and available for beneficial operation. For the avoidance of doubt the CHP shall not operate without the MDIP utilising the heat and steam directly from the CHP. The development as permitted shall be constructed and ready for beneficial use by*

31 December 2026.

Reason: To ensure the development delivers Sustainable Development in accordance with the Development Plan. To ensure the development operates in an integrated manner, in particular that the CHP operates in conjunction with the de ink paper pulp plant, such that the facility operates as a combined heat and power facility delivering greater efficiency rather than solely generating electricity in accordance with WLP policy 11, Resources and Waste Strategy 2018 and The Environment Plan for England 2021. To ensure the development is completed within a reasonable time to minimise the impacts from construction and in accordance with Essex and Southend Waste Local Plan 2017 Policies (WLP) 10 & 11, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.

The application seeks to delete this condition, the details approved under it and the additional conditions imposed upon it, hereafter together referred to as C66.

4. POLICIES

Since determination of the last planning permission for the IWMF in 2016, a new Waste Local Plan and a new Braintree Local Plan have been adopted. When a S73/Variation application is positively determined a new planning permission is subsequently issued. The reasons for conditions in any new planning permission would need to refer to the current policies. The relevant current policies are listed below:

ESSEX AND SOUTHEND WASTE LOCAL PLAN (WLP) adopted 2017

Policy 1 - Need for Waste Management Facilities

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

Policy 3 - Strategic Site Allocations

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

BRAINTREE DISTRICT LOCAL PLAN (BDLP) adopted July 2022

LLP1 Development boundaries

LLP42 Sustainable Transport

LLP52 Layout and Design of Development

LLP57 Heritage Assets and their Settings

LLP59 Archaeological Evaluation, Excavation and Recording

LLP63 Natural Environment and Green Infrastructure

LLP64 Protected Sites

LLP65 Tree Protection

LLP67 Landscape Character and Features

LLP70 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

LLP74 Flood and surface water drainage

LLP77 External Lighting

NEIGHBOURHOOD PLANS

Bradwell with Pattiswick Neighbourhood Plan adopted July 2019

Policy 1 – Protecting and enhancing the natural environment and green infrastructure

Policy 5 – Protecting and enhancing the historic environment

Kelvedon Neighbourhood Plan adopted July 2022

Policy NE3 - Protection Of Green Infrastructure and Biodiversity

Policy NE7 – Pollution

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

Paragraph 48 of the NPPF goes on to state *"Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) 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 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).

Neighbourhood Plans

5. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL (Planning): Braintree District Council expressed its objection in the strongest terms during the consideration of the IWMF at Rivenhall Airfield by the SoS in 2010. However it had to accept the decision of the planning process via the SoS that the proposal was acceptable in principle and has since sought to work proactively with the statutory planning and licencing bodies (namely ECC and the Environment Agency) to minimise the impacts on local residents, amenity, infrastructure and the environment. This development continues to be an area of grave concern to many residents, the local Parish Councils, as well as the District Council itself, with the centre to become the largest single emitter of greenhouse gases within the District and sits within the County Council's identified 'Climate Change Focus Area'.

The District Council had also previously objected to the discharge of condition 66 which was approved by Essex County Council and appealed by the applicant. Braintree DC had been accepted as a Rule 6 Party in that appeal. This was on the basis that the Plan of Action submitted was disingenuous and lacking both a clear plan or any actions and did not respond to local resident concerns.

This application now seeks to remove condition 66 completely and the applicant notes that this is because the development has started with contracts let and work on site is underway, meaning that the need for the condition has fallen away and therefore, in their view, it fails to meet the tests for conditions set out in national policy and guidance.

Braintree DC notes that for the purposes of this individual condition, the requirements set out within it have largely been superseded by development on site. However we remain firmly of the view that given the time that has passed since the original application was determined and the fundamental change in what is being proposed to be brought forward by the applicant on the site (including the increase in electricity generation which is being sort through the NSIP process), a single new application appears to be the only sensible way in which residents, stakeholders and statutory bodies can properly consider and engage in the proposals which are now before us, and consider them in the context of the current national and local planning policy framework.

BRAINTREE DISTRICT (EHO): No comments received.

ENVIRONMENT AGENCY: No objection. The applicant may wish to apply to remove those elements of the IWMF that are not to be developed as monitoring fees will be charged for all elements included in the Environmental Permit.

HISTORIC ENGLAND: No comments to make.

LEAD LOCAL FLOOD AUTHORITY: No comments to make.

NATIONAL HIGHWAYS (EAST OF ENGLAND): No objection

BRADWELL WITH PATTISWICK PARISH COUNCIL: No comments to make.

KELVEDON PARISH COUNCIL: Objection. It is considered to be an attempt to extensively vary the original planning approval which now amounts to planning creep. The current project bears almost no resemblance to what was originally granted planning consent and request that the whole project be re-assessed on its merits.

COGGESHALL PARISH COUNCIL (Adjacent): Objection. Despite significant local opposition to the original scheme, it could be argued that the IWMF project had some benefits attached in relation to its sustainability credentials with the facilities required under Condition 66, giving some mitigation to the incinerator. This Condition would have been imposed for sound national and local planning policy reasons, and afforded some sustainability to what is otherwise purely a new incineration plant, and on this basis, the Parish Council objects to the removal of the Condition.

Conditions are imposed to make applications acceptable in planning terms, where they otherwise may not be. The Condition is not a small one, but a requirement to ensure that all of the related services being proposed would also come forward, to ensure that waste treatments other than purely incineration would occur.

The fundamental structure of how this project was originally put forward to both Essex County Council, and the community, has been undermined and the removal of Condition 66 will bring the process to the point where it is an entirely new proposal. Any such new proposal should be required to be put in as a new planning application to be determined on its merits within the current policy framework and overall guidance, along with our understanding of how the incineration of waste should be dealt with in 2023. This scheme was originally permitted - with the associated recycling elements - in 2010. Even within the intervening 13 years, our understanding of the effect of burning on the climate has vastly changed and is becoming unacceptable. Therefore, one of the first questions that should be asked is whether this scheme would be permitted in its incineration only guise, today.

If the argument for not bringing forward the associated works is one of viability, and the removal of the impositions under Condition 66 are needed in order to make it viable, then the entire project should stop, as it is therefore fundamentally unviable in its proposed form. There should not be a situation whereby the subdivision of a planning permission from the conditions deemed necessary at the time, is permitted.

SILVER END PARISH COUNCIL (adjacent): No comments received.

RIVENHALL PARISH COUNCIL (nearby): Objection. The application raises further complex planning and legal matters which are a consequence of the long planning history for the site and the numerous changes of plans – and the failure to deliver (i.e. bring to operation) any permission given to date.

The first permission for the “Integrated” waste site, which included a significant proportion of recycling, was given following a Public Planning Inquiry, by the Secretary of State, in March 2010. Over 60 planning conditions were imposed, to give the Local Planning Authority (LPA) and local communities assurances about control of impacts for what is a major industrial development in the countryside.

A significant s73 variation was then granted by the LPA, Essex County Council, in February 2016, which reduced the proportion of recycling and greatly increased the proportion of waste incineration. There have also been other changes and overall, the amount of consented waste incineration has increased from 300,000 tpa to 595,000 tpa. Prior to 2010 there were also consents for waste plants on the site which did not involve waste incineration, but these were never implemented.

This latest application seeks the removal of Condition 66 (C66) from the planning permission for the site referenced ESS/34/15/BTE (the major s73 variation) which was granted by ECC in February 2016.

An approved plan of action and a condition 69 was attached to the C66 discharge notice requiring that the 2016 consent be implemented in full so that the consented facility is actually built. The applicants in the current application are arguing that they are not required to deliver the consent and that removal of such requirements would not lead to significant environmental effects.

However, such an assurance cannot be made. The applicants have repeatedly stated at the Rivenhall Airfield Waste Site Liaison meetings (to which Rivenhall Parish Council sends representatives who always attend), that they will not be building to the consent. The applicants have stated that they are seeking a series of significant changes to the consent including increased electricity production and alternative uses for heat. The consent says that to deliver Combined Heat and Power status, the facility includes a paper pulping unit linked to the incinerator to use heat, steam and electricity. The applicants have stated that the paper pulping unit, the footprint of which is leased to a different company, is “not viable and will not be built”. They have given no assurances that they will deliver any of the consented recycling elements of the extant consent – so that is potentially no paper pulping plant, no materials recycling and no anaerobic digestion (AD).

The applicants (Indaver) knew when they acquired the site what the planning requirements were, yet have set about dismantling them just as Gent Fairhead sought to repeatedly alter the 2010 original consent (as the previous owners).

C66 of the 2016 consent related to the event that the waste facility is not brought into beneficial use (i.e. operating) within 5 years of commencement of the development. That period has already lapsed – and by some margin, as it became due in February 2021.

C66 required that a plan of action for an alternative use or a scheme of rehabilitation for the site would be required for approval by the Waste Planning Authority and that it should be implemented within 6 months of approval by the Waste Planning Authority.

The approved plan of action is that the site should be built according to the 2016 consent. Yet the applicants have made it clear they will not do so.

The applicants argue in the current application that the only reason that C66 was considered necessary when it was imposed in February 2016 was due to the absence of an environmental permit and the consequential desire to mitigate the risk that the planning permission might be implemented and construction commenced, but then halted prior to the start of operation because the necessary environmental permit could not be obtained.

What the applicants fail to address in their current application, but have admitted to the Waste Site Liaison meeting, is that the changes they seek to the consent for the facility may require a new or amended environmental permit. There is no guarantee that the current permit will be the one that is in place for the facility if and when it starts operations. The applicants also assume that there will be no significant changes to environmental impacts as a result of their proposed changes and yet have submitted a Scoping Opinion request for a series of huge glasshouses to be built on land that has long been allocated within the planning consents for both the waste site and the quarry land for environmental restoration to meadows, woodland and agricultural land, with a road access though part of that land. If such major changes are not approved, and for other reasons such as the commercial environment, there remains a risk that overall, the waste facility will not be delivered.

The applicants conclude that, in deleting C66, Essex County Council should not impose any new condition requiring full or entire implementation of the 2016 consent. In other words, they seek an almost blank sheet of paper to do as they wish. The applicants state:

“To impose a new condition through this s73 application to require full or entire implementation would be an unlawful new and onerous burden” and that the “legal position is that the partial implementation of the development is lawful”. However, no indication is given as to what “partial” means.

In conclusion, this latest application to change the waste site consent introduces yet more uncertainty and further undermines any residual confidence that local communities have in what will actually be built. There can be no firm assurances on environmental impacts as it is simply unknown as to what the applicants will actually build whilst suggested and proposed changes keep being raised by them.

If successful, the current application would deliver an almost blank sheet of paper (in planning terms) to the applicants to build whatever parts of the current consent they wish to build and nothing more, whilst at the same time applying for other changes. This despite decades of planning history for the site. It appears that the only part of the facility the applicants are committed to build is the waste incinerator and in that case the facility could not be described as “integrated”.

Rivenhall Parish Council would submit that the current application should be refused and that the applicants should be required to build to the extant consent. Failing that, and as the parish council has repeatedly requested, a new and full planning application should be required to detail what the applicants actually do

wish to build, and that should be subject to full consultation and appraisal by the local community and statutory consultees in order to put an end to the decades of planning creep on the site.

FEERING PARISH COUNCIL (nearby): No objection to an obligation to carry out the planning application as it still stands are not removed and that all elements of the IWMF as permitted are delivered within a timely fashion.

LOCAL MEMBER- BRAINTREE - Witham Northern: Any comments will be reported verbally.

LOCAL MEMBER- BRAINTREE - Braintree Eastern: Objection. My view that Essex County Council is not applying the criteria for Section 73 correctly.

Indaver submitted a minor-material amendment (S73) to ECC with regards to the planning permission of the Rivenhall Integrated Waste Management Facility, the MMA is summarised below:

- Continuation of development of the Integrated Waste Management Facility (IWMF) with deletion of condition 66, approved details thereunder and associated conditions (Plan of Action if development not taken forward within 5 years) of planning permission ESS/34/15/BTE (ref: ESS/39/23/BTE).

It is my view this is not a “minor-material amendment” and should result in a new Environment Impact Assessment being carried out using today’s criteria and legislation and not that of 2010 as much has changed since then.

I understand that last month (May 2023) ECC decided a new EIA was not required, because “Deletion of the approved details and associated conditions, would not change the development permitted under the original planning permission, thus there would be no change to the characteristics of the development as described in the list above, which were considered as part of the Environmental Statement and subsequent addendums to that Environmental Statement”.

It has been pointed out to me that this was not the correct test and ECC should have considered whether the amended proposed development as a whole would comprise EIA development and not simply whether the changes amounted to a significant change to the existing development.

Deleting Condition 66 is a material change because it changes the IWMF into an waste incinerator facility only and would be different from what was envisaged by the then Secretary of State in 2010; basically it is not a minor material amendment. Therefore, please will you look at whether Section 73 has been applied correctly and whether a new EIA is required.

It is my view that deleting Condition 66 is such a huge material consideration, it should be called in by today’s Secretary of State.

6. REPRESENTATIONS

6 properties were directly notified of the application of which only 2 are residential properties. 13 letters of representation have been received These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Object to the principle of a waste facility close to Silver End, as moved to the area for green surroundings and better air quality. The facility would reduce air quality.	The principle of the IWMF was established through the original planning permission determined following a call-in inquiry.
Object as removal of condition 66 ensure the facility is built in accordance with the agreed plans.	See appraisal
The application raises further complex planning and legal matters a consequence of numerous changes of plans and failure to bring into operation any facility.	See appraisal
The planning conditions give assurance to the public that the impacts of the development will be controlled.	See appraisal
Past permissions have watered down the recycling elements of the proposal and increased the waste incineration facility to nearly 600,000tpa.	See appraisal
Applicants state that the changes would not result in additional impacts on the local community, but it's not clear what will be built.	See appraisal
All aspects keep changing and recently developers announced plans to build huge glasshouses all around the waste site on land agreed to be restored to meadows, woodland and agricultural land.	See section 7
Application should be refused and either Applicant's should be required to build all what they have planning permission for or make a new planning application for what they wish to build, with full consultation to avoid decades of planning creep.	See appraisal

Indaver (the applicant) have stated that they will not build or unlikely to build all the elements of the IWMF, thus not delivering the AD, MRF or the paper pulping plant that the Inspector took into account in 2009/10 when making his recommendation for approval.	See appraisal
Applications considered since 2010 have reduced the recycling elements of the IWMF, increased the proportion of incineration and demonstrated the lack of viability of an integrated facility.	See appraisal
ECC imposed conditions in determining the submission under condition 66 to require all elements of the IWMF to be built, but the applicant's stated they would not build all elements as they were unviable.	See appraisal
Applicant argues condition 66 was only imposed as at the time no Environmental Permit had been obtained. But if all elements of the IWMF are not to be built, the EA have stated an amended EP would be required, which potentially they may not get that amended EP.	See appraisal
Glasshouses are being considered linked to the IWMF which would significantly change the approved restoration scheme for the surrounding quarry.	See section 7
Applicant considers partial implementation of the planning permission is lawful, but not clear what partial means.	See appraisal
Current application introduces yet more uncertainty and further undermines any residual confidence that local communities have in what will actually be built and what environmental impacts there would be.	See appraisal
If current application approved it would give blank sheet of paper (in planning terms) to build whatever parts of the	See appraisal

current permission they wish to build and nothing more.

If the applicant only builds the EfW it would not be an integrated facility. See appraisal

7. Other developments associated with IWMF

Representations refer to two other developments associated with the IWMF.

- A) Increased power output The applicant Indaver is seeking to increase the power output of the facility. The current planning permission allows power output up to 49.9MW. This the maximum output of a power plant they may be granted by a local authority. Due to technological changes Indaver consider they can generate greater than 49.9MW, without increasing the volume of waste permitted to be treated through the EfW plant and without any additional traffic movements above those currently permitted.

Power plants generating greater than 49.9MW are classified as National Significant Infrastructure Projects (NSIP) under the 2008 Planning Act and applications for such are determined by the Planning Inspectorate. NSIPs have a specific procedure which includes a pre-application consultation stage. The NSIP website indicates an application is expected in the fourth quarter of 2023. The application to PINS for a Development Consent Order to increase the power output at Rivenhall IWMF is currently at the pre-application consultation stage, consultation having commenced on the 29 June 2023 for 8 weeks. This is a separate planning process and does not impact on the determination of the current planning application.

- B) Greenhouses A separate developer Oasthouse, but with knowledge from Indaver, has recently made a request for pre-application advice to both ECC as Minerals and Waste Planning Authority and Braintree District Council regarding the potential for development of greenhouses on land surrounding the IWMF site, on parts of the former Bradwell Quarry. This potential proposal has been presented at the Rivenhall IWMF liaison group and the local Parish Council consulted on the pre-application request. The greenhouses are proposed to use heat from IWMF to heat the greenhouses and utilise CO² in the growing process. . As part of this pre-application advice it has been agreed between the Minerals and Waste Planning Authority and Braintree District Council that the application would be a County Matter as, if the application were to come forward, it would significantly change the approved restoration scheme for Bradwell Quarry and would require linkages to the IWMF. At this stage, no planning application has been made.

These applications will be dealt with on their individual merits but, as no planning permissions have been issued, they currently have no bearing on the determination of the current application subject of this report.

8. Screening Opinion Direction Request

Under the Environmental Impact Regulations 2017, it was necessary to screen the proposed application to assess whether it was EIA development and if so whether it should be submitted with a revised or new Environmental Statement. The original 2008 and subsequent 2015 applications were supported by Environmental Statements.

The Screening Opinion issued by the WPA concluded that the application was not EIA development as the development, as changed, did not meet the thresholds requiring mandatory EIA and would not give rise to significant environmental effects. The application would not change what is permitted by the current extant planning permission.

There is a right for any third party to seek what is known as a “Screening Direction” from the SoS. A Screening Direction is the SoS’s view as to whether the application is EIA development and should be supported by an Environmental Statement.

A request for a Screening Direction has been made by a third party to the SoS. The Planning Casework Unit at the Department of Levelling Up, Housing and Communities has indicated that a decision on the request may take as long as 90 days, if not longer, to consider. This does not prevent the WPA making a resolution on the application, but it would be not necessarily be appropriate to issue a decision on the application until such time as the SoS has considered the request and notified the WPA of its decision.

9. Call-In

Representations have made reference to the fact that the application should be called-in i.e. that the determination of the application should be undertaken by the SoS. At this stage, the WPA has not received any notification from the SoS that a request for call-in is being considered.

10. APPRAISAL

The key issues for consideration are:

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

A THE ORIGINAL PURPOSE OF CONDITION 66

Condition 66 was imposed in 2016 when the WPA determined the application to change the capacities of the various elements of the IWMF (application reference ESS/34/15/BTE). At that time while the IWMF had gained planning permission it

had not obtained an Environmental Permit (EP) from the Environment Agency that would allow it to operate as permitted by the planning permission.

It was unlikely that a developer would take the commercial risk to progress to full construction of the IWMF without an EP, but it was likely that a technical implementation would take place such that the planning permission would not expire. Condition 66 sought to address the possibility that the site might technically be started but not obtain an EP and therefore not progress beyond initial groundworks. Groundworks that constituted technical implementation were undertaken in March 2016, but then further works did not progress immediately beyond this time. The condition sought to require that if development had not progressed within 5 years from the date of commencement that a scheme for rehabilitation or a plan of action for an alternative use for the site should be submitted within 6 months. The Plan of Action was required by September 2021.

As explained, the applicant submitted a Plan Of Action (ECC reference ESS/34/15/BTE/66/01) in September 2021, setting out 3 potential options, and the submission was determined in February 2022 by the Development and Regulation Committee. A copy of the Committee report documents are available [here](#).

The IWMF obtained an EP in June 2020 that was in line with the planning permission ESS/34/15/BTE. Construction of the CHP/EfW element of the IWMF development is now positively progressing (see the photographs in Section 1 of the report) and the original purpose for the planning condition imposed in 2016 has fallen away.

B WHAT WAS APPROVED UNDER CONDITION 66 of ESS/34/15/BTE/66/01 IN MARCH 2022

In March 2022, the decision on the submission under Condition 66 was issued, approving the details under Option 1 of the applicant's submission i.e. that the IWMF should be built as per the planning permission. The approval was subject to two conditions. The first ensuring that there was no doubt that in approving Option 1, the approval was still subject to all the conditions of the ESS/34/15/BTE and a further condition that required all elements of the IWMF to be constructed prior to the operation of the CHP/EfW plant and that the construction should be completed by 31 December 2026.

The applicant has appealed this decision as it is their view that it is unlawful to require all elements of the IWMF to be built prior to operation of the EfW facility and that it is unlawful to impose a time limit on completion. The appeal is currently scheduled to be heard in October 2023.

C CHANGES IN CASE LAW SINCE DETERMINATION OF THE SUBMISSION UNDER CONDITION 66.

Since determination of the submission under condition 66 there has been a planning case determined in the Supreme Court - *Hillside Parks Ltd. v. Snowdonia National Park Authority* [2022] UKSC 30, which has clarified that non-completion of a project for which planning permission has been granted (i.e.

partial implementation) does not make development carried out pursuant to the permission unlawful.

This is in line with Government guidance paragraph 21a-005 of National Planning Practice Guidance which states:

“Are there any circumstances where planning conditions should not be used?

...

Conditions requiring the development to be carried out in its entirety:

Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.”

Without pre-judging the appeal outcome, it is likely that this case and guidance will be taken into account by the appointed Planning Inspector.

In light of the above and in discussion with the appellant and Braintree District Council (a rule 6 party to the appeal), it was agreed to consider resolving the matters subject of the appeal via an application by the appellant/applicant (Indaver) to delete condition 66, including the approved details thereunder and associated conditions and hence the current application has come forward.

D THE CONSEQUENCES WITH RESPECT TO PLANNING CONTROL THAT WOULD ARISE FROM THE DELETION OF CONDITION 66, THE DETAILS APPROVED THEREUNDER AND ASSOCIATED CONDITIONS.

If C66 were deleted as applied for, there would not be a condition that specifically requires:

- a) All elements of the IWWMF to be built prior to operation of the EfW facility
- b) A condition requiring that all elements are constructed by 31 December 2026.

The WPA remains of the view that the planning permission for the IWWMF is permission for an Integrated Waste Management Facility – the components listed in the description of development highlighted in the title of this report. The application for the IWWMF was considered to represent ‘sustainable development’ in the context of planning guidance (NPPF) notably because of the benefits of integration. For example, having an MRF co-located with CHP facility, providing the last opportunity to recover recyclables and that of co-locating a paper pulp plant with the CHP, meant heat and steam could be used directly in the paper pulp facility, which is more efficient use of heat and steam than power generation alone. Such integrated uses sought to maximise the sustainability of the IWWMF.

However, it is acknowledged that the applicant has stated that the paper market has changed since 2010 when the permission was granted, in particular since the COVID 19 Pandemic the greater prevalence of working online and from home has reduced paper usage in offices.

Indaver as a company has been open in stating that it does not now consider the paper pulp plant to be viable. Indaver has been exploring with other developers other options for direct use of heat and/or CO². As explained previously, pre-application advice has been provided on potential greenhouses using heat and CO². MBT also permitted as part of the IWMF is a technology that has since been shown to have disadvantages because, while reducing the volume of waste, ultimately the output still needs to be disposed of either through landfill or incineration; reduction of the volume of waste is less beneficial when co-located with an incinerator. Indaver has stated that it doesn't consider there is sufficient feed material for the AD plant permitted as part of the IWMF. Thus at the current time Indaver is only indicated it is progressing the EfW facility, but has stated it is exploring other waste management facilities that could be co-located at the site, in particular a MRF.

As explained earlier, national planning guidance considers planning conditions requiring completion of a development are unreasonable, because not all factors are fully in the control of the developer, such as the change in circumstances since 2016 as put forward by the developer as not matters in their control. As previously mentioned, the PPG states, with respect to conditions that require development in its entirety, *"Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development."*

While the WPA acknowledges the above, the WPA remains of the view that the SoS in determining the original application in 2010 and the WPA in considering the 2015 variation, took into account the integration of the facility and how this contributed to delivering sustainable development. Without this integration the IWMF would not be the IWMF as permitted and would be a standalone EfW, which is less sustainable than if all elements were delivered. However, it has to be recognised that sustainable development is made up of 3 dimensions, namely, social, economic and environmental. Indaver at this stage does not consider elements of the IWMF are financially viable thereby impacting the economic sustainability of those elements of the IWMF.

Nonetheless, even if C66 was deleted, the IWMF can only be developed in accordance with the planning permission. Representees have stated that removal of condition 66 would lead to uncertainty as to what is to be developed. While it is not clear what elements of the IWMF will be finally delivered, apart from the EfW, the existing planning permission only permits what is set out in the planning decision notice. Condition 2, for example, approves all the main drawings to which development under the planning permission is required to be built unless alternative approval is given via any future applications to the WPA, or the SoS in the case of DCO development. In addition, other conditions of the planning permission control various detailed aspects of the development. For example the building roof details, lighting, landscaping, ecological mitigation, access and noise which minimise the environmental impacts of the development. The IWMF is also subject to an EP administered by the Environment Agency, which controls pollution aspects of the IWMF.

In addition, the Local County Council Member for Braintree Eastern doesn't consider the deletion of C66 should be dealt with by a S73, considering it to be a

material change to the development, because it removes the specific requirement to build all elements of the IWMF. As explained earlier, the WPA's view has always been that the planning permission required all elements to be built and in many respects the condition on the approval of the Plan of Action just reinforced the sequencing in specific terms. In addition, recent caselaw would indicate that not developing all elements of a permitted development, does not make that part that has been developed unlawful and as explained above, the deletion of C66 doesn't change what is permitted by the planning permission. It is therefore considered that the deletion of condition 66 would not in fact result in a more than a minor material amendment to the permitted development.

It is understood that if certain elements of the IWMF are not built then a variation may be required to the EP administered by the Environment Agency. While no application has been made to the EA at this stage, it does not prevent the developer progressing with the development. Ultimately, if a variation to the EP was not obtained the developer could develop the site fully as permitted through the extant planning permission and operate under the extant EP.

Braintree District Council, several parish councils and representees have objected to the application on the basis that, if the development for the waste facility is not going to be the integrated waste facility considered by the SoS in 2010 and the WPA in 2015, then the development should be subject to a completely new application. It is suggested the new planning application should set out what would be developed at the site, which might for instance be a stand-alone EfW facility and the proposals considered against current local and national planning policy, particularly with respect to climate change.

Nonetheless, at the current time, it is considered that there is no tangible position to claim Indaver are not lawfully implementing the extant planning permission. There is no breach of planning control and thus there is no justification to require a new planning application. However, should Indaver only build out and beneficially operate the EfW facility alone, further advice may be needed on whether a breach of planning control would exist at that time.

E THE ENVIRONMENTAL IMPACTS THAT WOULD ARISE FROM THE DELETION OF C66

As explained above, while deletion of C66 would mean there was no direct conditional requirement to build all elements of the IWMF prior to operation of the CHP/EfW plant or to complete it by the 31 December 2026, the deletion would not change what is permitted to be developed and operated on the site.

As Indaver has openly stated, it is likely that not all elements of the IWMF will be built, however, building less than what was permitted could, for example, lead to different environmental impacts than those assessed as part of the previous Environmental Impact Assessment process. While it is considered that not building all elements of the IWMF could deliver less environmentally sustainable development, being less sustainable does not necessarily equate to greater environmental impacts in the locality. The environmental impacts were considered both in 2010 by the SoS and by the WPA in 2016 and appropriate mitigation

required as part of the proposals or required and controlled through the planning conditions and legal obligations.

Not developing all elements of the IWMF (as long as the main building and EfW plant is developed as permitted) would not change the following matters considered as part of the original Environment Statement:

- Water Environment
- Ecology Impact
- Landscape and visual Impact
- Cultural Heritage
- Traffic and Transport
- Air Quality
- Noise and vibration
- Social and Community Issues
- Human Health

However, further advice on this position may be needed depending on what is eventually built out and operated at that point in time.

F RELATIONSHIP TO OUTSTANDING APPEAL WITH RESPECT TO C66

Currently the applicant has appealed the decision of the WPA with respect to C66 and an inquiry is programmed for October 2023. At the time of submitting the S73 application the applicant had indicated that , if the application was approved, they would be willing to withdraw the appeal.

In view of the clarifying caselaw since determination of the submission under condition 66, as set out earlier (Section C), as part of the preparation the pending planning appeal, Counsel's advice has been sought and it is considered that the WPA's case may have been undermined by this recent caselaw. Defending such an appeal will require significant staff and financial resources. It is not considered in the wider public interest that the WPA can provide any additional evidence, bar that already provided within the February 2022 Committee Report and submitted Statement Of Case, which would justify its position in relation to the pending appeal.

The delay resulting from the SoS notification – i.e. that it may take 90 days or longer to consider the EIA Screening Direction - means potentially no decision on the current application, if positively resolved, can be issued in time to negate the need for a public inquiry into the appeal. As a result, the appellant has advised that they are likely to continue with the appeal and planned Public Inquiry in October 2023, regardless of the resolution on the current application.

It is considered that, due to the clarification provided by the recent *Hillside* case, in any event, the WPA should not continue with participation in the public inquiry, other than relying on the evidence already submitted, as it would not be in the wider public interest to do so.

11. LEGAL AGREEMENT

The current planning permission is subject to a legal agreement and deeds of variation associated with previous S73/variation planning permissions. In order to ensure the obligations remain associated with any new planning permission, it is necessary for all parties to the agreement to enter into a deed of variation to the agreement. Thus if planning permission were to be granted i.e. deletion of C66, a deed of variation would need to be completed before the planning permission could be issued.

12. CONCLUSION

The deletion of Condition 66, the details approved thereunder and the associated conditions would remove a specific condition requiring all elements of the IWMF to be built before the EfW plant could be operated and also remove the requirement to complete all construction by 2026.

Recent caselaw has clarified that partial implementation of a development is not unlawful and thus the requirements approved under condition 66 are considered to be unenforceable. This position is also supported by planning guidance.

However, it should be emphasised that it is the opinion of the WPA that the removal of C66 does not give the developer the right to build anything other than that which has been approved. The development would still be required to comply with all the conditions of the planning permission, including, layout, access, vehicle numbers, waste throughput, lighting noise, ecology etc, unless planning applications are made either to the WPA or SoS for changes and these applications subsequently approved.

It remains the view of the WPA that the IWMF was permitted as an integrated facility and that, without the integration of all the elements of the IWMF, it would not deliver the full benefits of integration. And as a result it would deliver less environmentally sustainable development.

Should permission be resolved to be granted, no decision on the application would be issued until such time as the SoS has issued its decision on the EIA Screening Direction.

13. RECOMMENDED

13.1 That planning permission be granted subject to the following:

- a) The SoS not concluding the application should be supported by an EIA and/or that the application should be called in for his determination;
- b) Legal agreement: The prior completion, within 6 months (unless otherwise agreed with Chairman) a Deed of Variation to the existing Legal Agreement to ensure all previous legal obligations remain associated with the new permission; and
- c) Conditions: Imposition of the previous conditions, except C66, and incorporating any details approved under the conditions or non material

amendments granted to existing conditions as set in Appendix A

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

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent or within a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality 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.

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 respondents and the applicant/agent. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BRAINTREE - Witham Northern
BRAINTREE - Braintree Eastern

Appendix A – Conditions for ESS/39/23/BTE

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

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

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

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

and

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

and

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

And

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

Drawing Ref	Title	Dated
1-1A	Land Ownership & Proposed Site Plan	21/12/15
1-2B	Proposed Planning Application Area and Site Plan	21/05/15
1-5B	Typical Arrangement and Architectural Features	21/05/15

1-8	Schematic Arrangement of Woodhouse Farm	21/05/15
1-9A	Simplified Process Flow	21/05/15
1-10A	Integrated Process Flow	21/05/15
3-3B	Site Plan Layout	21/05/15
3-8E	Building and Process Cross Sections	Dec 2015
3-12E	Building and Process Layout and Cross Sections	Dec 2015
3-14B	Upper Lagoon & Wetland Shelf	18/12/14
3-16	Services Plan	21/05/15
3-19D	General Arrangement & Front Elevation	Dec 2015
8-6A	Landscape Mitigation Measures	21/05/15
IT569/SK/06 A	Proposed Improvements to Site Access Road Junction with Church Road	05/08/08
IT569/SK/07 A	Proposed Improvements to Site Access Road Junction with Ash Lane	05/08/08
19-2C	Tree Survey	21/05/15
19-3C	The Constraints and Protection Plan	21/05/15
19-5A	Base Plan Woodhouse Farm	21/05/15
IWMF RP 01	IWMF Roof Layout Plan	24/12/15

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

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

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

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

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

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

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

- 3 The total number of Heavy Goods Vehicle (HGV¹) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IWMP²) hereby permitted shall not exceed the following limits:

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

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

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

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

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

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

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

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

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

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

Drawing Ref	Title	Date
IT569/PAA/01A	Horizontal & vertical alignment of extended access road Sheet 1	18/11/15
IT569/PAA/02C	Horizontal & vertical alignment of extended access road Sheet 2	18/11/15
IT569/PAA/03	Extended access road cross sections, Sheet 1	14/05/15
IT569/PAA/04	Extended access road cross sections, Sheet 2	14/05/15
IT569/PAA/05	Extended access road cross sections, Sheet 3	14/05/15
IT569/PAA/06	Extended access road cross sections, Sheet 4	14/05/15
IT569/PAA/07A	Extended access road cross sections, Sheet 5	14/07/15
IT569/PAA/08	Typical drainage details	May 2015
IT569/PAA/09	Typical access road detailed cross sections	May 2015
IT569/PAA/10	Drainage long section detail, Sheet 1	May 2015
IT569/PAA/11	Drainage long section detail, Sheet 2	May 2015
142064-DC-GA-C-116 C	Access road longitudinal section	17/12/15
142064-DC-GA-C-117	Access road cross sections	Jun 2015
IT569_WR_01_Rev A	Widening details for access road between Church Road and Ash lane	15/05/2015
IT569/S278_01G	Footpath crossing typical detail	12/11/15

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

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

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

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

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

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

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

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

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

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

- 12 The development hereby permitted shall be implemented in accordance with the ecological works and works to the Woodhouse Farm moat approved on 17 August 2022 under condition 12 of planning permission ESS/34/15/BTE. The approved details are set out in the application for approval of details reserved by condition dated 12 November 2021, email from Indaver/RPS dated 27 Jul7 2022 and document "Rivenhall IWMF – Moat Plan of Action.

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

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

Drawing Ref.	Title	Dated
135	Site plan & signage proposals	Jul 2015
	APC Communications solutions – Internet & voice solutions V2	14/07/15
	Pell Frischmann – Exterior lighting design	23/07/15

DW40019H001/P1	Proposed lighting layout	22/07/2015
CW40019H001	Proposed lighting to car parking and pedestrian areas	23/07/2015
	The Pharos LED bollard – Urbis Schreder	
	The Axia (the Green light) - Schreder	

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

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

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

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

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

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

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

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

- 16 Intentionally blank
NB Condition not used by SoS in 2010
- 17 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the management plan for the CHP plant to ensure there is no visible plume from the stack. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and documents referenced:
- S1552-0700-0008RSF entitled "CHP Management Plan for Plume Abatement" Issue no. 5 dated 16/02/16 by Fichtner; and
 - S1552-0700-0013RSF entitled "Plume Visibility Analysis" both by Fichtner.
- The development shall be implemented in accordance with the approved details.

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

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

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

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

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

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

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

- 21 No beneficial operation of the IWFM shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWFM have been submitted to and approved in

writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the

countryside from inappropriate development and to comply with WLP policies 10 and 11 and BDLP LPP71 and LPP72.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07:00 -13:00 hours Saturdays;

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

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

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

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

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

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

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

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

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

Noise Sensitive Properties Location:

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

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

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

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

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

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

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

- 41 Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, the five locations shall be agreed with the Waste

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

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

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

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

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

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

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

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

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

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

Drawing Ref	Title	Dated
IT569 PAA 12	Access Road construction phasing	Jul 2015
11780-0022-04	Proposed earthworks sequencing	Aug 2022

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

- 46 The development hereby permitted shall be implemented in accordance with the details submitted with respect to soil handling, soil storage and machine movements and the end use of soils as approved on 16 February 2016 under condition 46 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:
- Condition 46 – Soil Handling by Honace
 - Figure 5-1 Agricultural land classification – Rivenhall Airfield RCF dated 10 July 2006
 - Figure 5-2 Soil types – Rivenhall Airfield RCF dated 10 July 2006

- Drawing no. 5-4 Agricultural Land Classification – Site A2 Bradwell Quarry dated 11 May 2011
- Drawing 5-5 Soil types – Site A2 Bradwell Quarry dated 11 May 2011

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

- 47 Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition³ and no movement of soils shall take place:
During the months November to March (inclusive);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 52 (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to measures to control fugitive odour from the

excavation of materials and construction of the IWMF as approved on 16 February 2016 under condition 52a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following document “Condition 52a – Odour minimisation scheme by Honace”

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

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

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

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

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

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

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

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

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

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

- 55 No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed

that such construction etc. should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

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

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

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

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

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

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with WLP policy 10 and BDLP policies SP7, LPP47, LPP52, LPP63, LPP66 and LPP67..

- 58 Any tree or shrub forming part of the retained existing vegetation or the planting scheme approved in connection with the development that dies, is damaged,

diseased or removed within the duration of 5 years during and after the completion of construction of the IWWMF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 63 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the lining and signing of the crossing points of the access road with Church Road and Ash Lane. . The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing ref	Title	Dated
IT569/S278/03 C	Proposed improvements to site access road junction with Church Road	June 2015
IT569/S278/04 C	Proposed improvements to site access road junction with Ash Lane	June 2015

SignPlot v3.10	"Heavy Plant crossing" sign	
SignPlot v3.10	"Stop" sign	
SignPlot v3.10	Priority sign	

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

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

- 64 Intentionally blank
NB Condition fully discharged see application ESS/55/14/BTE/64/1 as amended by ESS/34/15/BTE/NMA1.

- 65 There shall be no use of the access road from the A120 to the IWWMF except by traffic associated with the IWWMF, Bradwell Quarry or to access agricultural land for agricultural purposes.

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

- 66 Intentionally blank
NB condition removed following planning permission reference ESS/39/23/BTE.

- 67 Intentionally blank
NB Condition fully discharged see application reference ESS/34/15/BTE/67/01.

- 68 Woodhouse Farm and buildings shall be refurbished to a visitor and education centre no later than 1 March 2022.

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

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

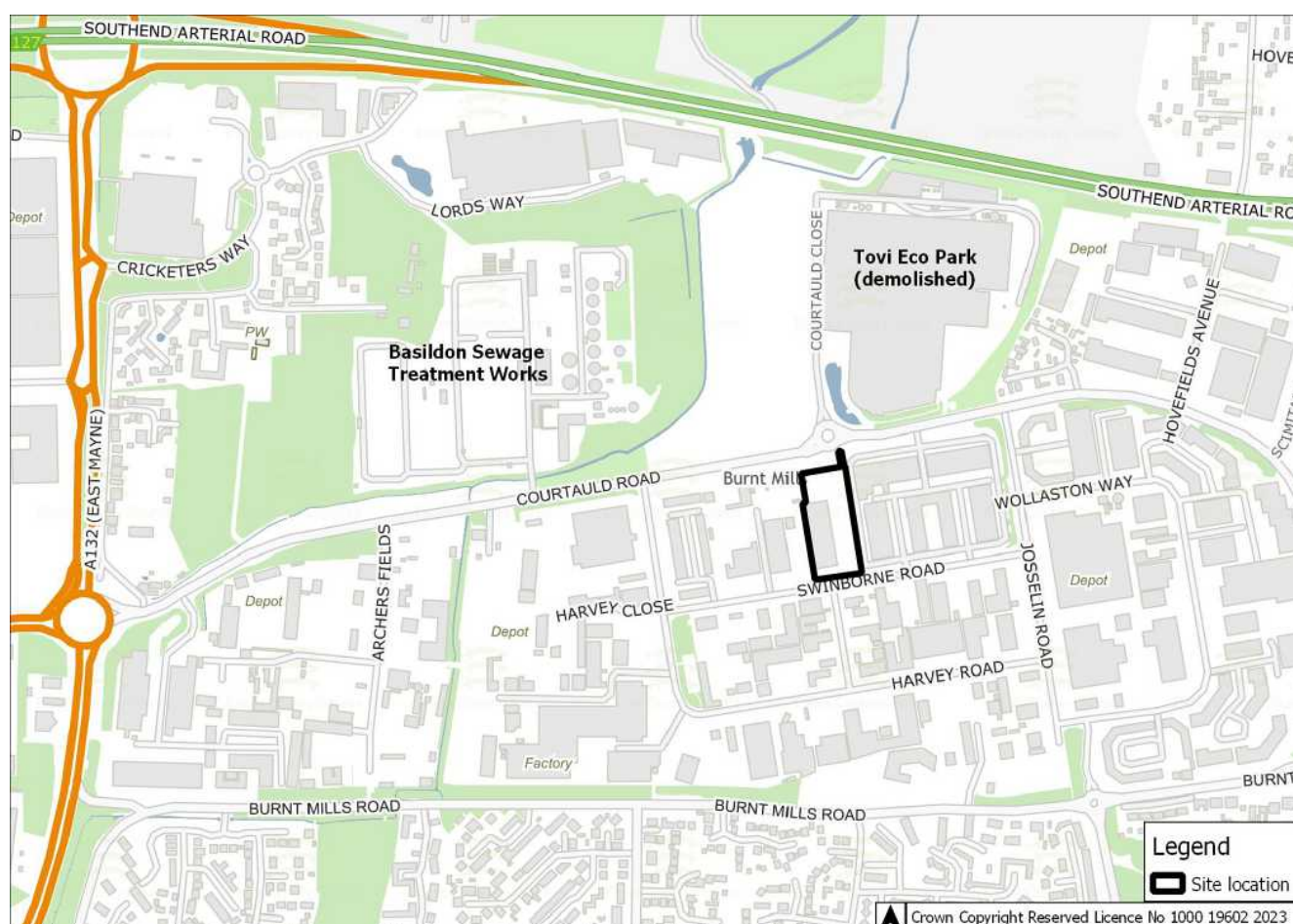
Reason: *In the interests of residential and local amenity and to comply with WLP policy 10 and BDLP policies LL52 and LPP70.*

Informative: *This planning permission shall be read and construed in conjunction with the Legal Agreement dated 20 October 2009, as amended by deeds of*

variation dated 1 December 2014, 26 March 2015, 26 February 2016 and [date to be confirmed].

DR/26/23

Report to: DEVELOPMENT & REGULATION (23 June 2023)	
Proposal: MINERALS AND WASTE DEVELOPMENT - Change of use to Waste Transfer Station (part retrospective), with continued use as Operating Centre and vehicle maintenance depot	
Ref: ESS/124/22/BAS	Applicant: Wasteaway Recycling Limited
Location: Phoenix Freight International Limited, Swinborne Road, Basildon, Essex, SS13 1EF	
Report author: Chief Planning Officer (County Planning and Major Development)	
Enquiries to: Claire Tomalin Tel: 03330 136821 The full application can be viewed at https://planning.essex.gov.uk	



1. BAKGROUND

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Since November 2020 the applicant Wasteaway have been using the proposed site for maintenance of their HGV fleet and HGV operating centre associated with their waste transfer operations located at other sites.

In June 2020 Tovi Eco Park facility located on Courtauld Road closed. Prior to this closure the south Essex district council waste collection authorities' (WCAs) vehicles had been travelling direct from their collection rounds to the Tovi facility to deposit waste. With the closing of Tovi facility the south Essex WCAs vehicles have had to travel to the Bellhouse landfill, Colchester, giving rise to longer journeys. Wasteaway was contracted by Basildon Borough Council and Castle Point District Council (Not ECC as Waste Disposal Authority) to provide waste transfer facilities. Wasteaway established the waste transfer station at the application site in April 2022.

The facility has an Environmental Permit from the Environment Agency.

The operator in wishing to increase the throughput capacity of the facility became aware that the existing waste transfer facility did not have planning permission. Thus the current application seeks to regularise the existing waste transfer use and seeks to extend the throughput capacity of the waste transfer facility.

2. SITE

The application site is located on Burnt Mills Industrial Estate, which lies on the north-east side of Basildon, just south of where the Tovi facility was located.

The site is a rectangular piece of land 8,000m², which includes an existing warehouse of approximately 2,250m². The site extends between Courtauld Road in the north to Swinborne Road in the south. The warehouse building is located on the west side of the site and at its southern end are 2 storey offices. A car parking area lies at the southern end of the site.

The site prior to Wasteaway's occupation was used as a freight distribution facility.

The site can be accessed from north via a roundabout on Courtauld Road, this is an ingress only, no vehicles can leave via this route. The site can also be ingressed and egressed from the south from Swinborne Road within Burnt Mills Industrial Estate.

To the north-west of the site is a concrete batching plant and to the west of the site the adjacent yard is used for storage of new tractors. To the east the site is bounded in the north by warehouse style buildings and southern two thirds by smaller business units, which includes offices. The eastern boundary is a palisade fence with some trees and hedging. The access road "Noble Square" and parking areas to the business units lies between the units and the boundary to the proposed waste transfer site.

The site lies within an area designated for "Employment use" in the Basildon District Local Plan saved policies 2007. The site also lies with an "Area of Search"

for waste management uses in the Essex and Southend-on-Sea Waste Local Plan 2017.

3. PROPOSAL

The application seeks to retain the existing HGV operating centre and maintenance facility within part of the warehouse, regularise the current use of the remainder of the warehouse for use as a waste transfer station (WTS) which currently operates up to 75,000tpa and also seek to increase the throughput capacity of the waste transfer facility to 120,000tpa.

The application describes the WTS facility as mainly serving Local Authority Collected Waste (LACW), but would wish for the facility to have the flexibility to deal with Commercial and Industrial non-hazardous waste, if circumstances were to change.

The operational hours for the WTS would be:

Monday to Friday 0600 to 1900

Saturday and Public Holidays 0700 to 1600

No waste transfer operations on Sundays.

The maintenance element would continue to operate 0600 to 1900 Monday to Saturday. The HGV operating centre would continue to operate 24/7.

The application was supported by a Transport Assessment. As an HGV operating centre for Wasteaway's wider waste transfer business the site does have 24/7 profile. However, in the majority, vehicles associated with the HGV operating centre leave around 7am and return by 7pm. Many HGVs associated with the HGV operating centre leave on Monday morning and do not return until late Friday/Saturday. The HGV operating centre generates about 25 HGV movements on a Monday and 25 movements over Friday/Saturday. The HGV operating centre and HGV maintenance use are already permitted at the site.

The WTS operating at 75,000tpa generates approximately 156 HGV movements (78 in 78 out) a day a combination of refuse collection vehicles (RCV) delivering waste and HGV transferring waste to the disposal site. The application seeks to regularise this use and increase the throughput of waste to 120,000tpa generating approximately 240 RCV/HGV movements (120 in 120 out) a day (Monday to Friday).

Thus the total HGV movements a day with the higher throughput would generate 265 HGV movements a day (25 arising from the HGV operating centre and 240 from the WTS), although this is mostly likely only to occur on Mondays and Fridays or Saturdays when HGV's associated with the HGV operating centre leave and return to the site.

The waste transfer station would require 6 staff, the overall operating site including vehicle maintenance staff would require have 17 staff, thus 23 site-based staff

generating 46 non HGV movements a day. In addition 25 HGV drivers work from the site

The proposals provide 33 car parking spaces, which includes 2 disabled and 2 electric charging points. The parking areas are located in the south of the site, on the east and west side of the ingress/egress onto Swinborne Road. Cycle parking is provided on the east of the site. An area for HGV parking is located in the north-west of the site.

HGVs would ingress the site via Courtauld Road and egress via Swinborne Road turning west towards Harvey Road. Staff are able to ingress and egress from Swinborne Road which is closest to the staff parking areas.



The warehouse building has been subdivided such that the maintenance area for vehicles is separate from the waste transfer operation.

The waste transfer area has been laid out with bays. There are two roller shutter doors fitted with fast action shutter mechanisms. RCVs and cage vehicles (for bulky household waste) would enter and leave by the buildings southern entrance to the WTS and are able to drive and leave in forward gear. The roller shutter door would be closed while the vehicles unload waste. At the north end of the building articulated HGV waste lorries are able to reverse into a loading bay within the building and the roller shutter would be closed while the vehicles is loaded with waste. The HGVs are loaded using a grab and loading shovel inside the building.

There are two weighbridges on site and there is a vehicle wash down area located within the yard.

4. POLICIES

The following policies of the, [Essex and Southend Waste Local Plan \(WLP\) adopted 2017](#) and the [Basildon District Local Plan saved policies 2007](#) provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN (WLP) 2017

Policy 4 - Areas of Search

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

Basildon DISTRICT LOCAL PLAN saved policies 2007 (BDLP)

Policy E4 Existing employment uses

Policy E6 Untidy industry

Policy BE12 Development Control

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and

guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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 Basildon District Local Plan has been undertaken by Basildon Council and the policies relevant to this application as set out above are considered to be consistent with the NPPF.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. Basildon are only in the early stages of preparation of a new Local Plan and there are no draft policies at this stage.

5. CONSULTATIONS

Summarised as follows:

BASILDON BOROUGH COUNCIL: Commented as follows

The application seeks to change the use of an existing warehouse to a waste transfer station and to serve the four southern Waste Collection Authorities (WCAs) of Basildon, Brentwood, Castle Point and Rochford, by providing a local site close to the waste arisings. The need to provide a waste transfer station is required due to the loss of the Tovi Eco Park as a direct tipping facility. The site is currently utilised by Basildon and Castle Point Councils for delivering Local Authority collected waste, namely “black bag” and recycling waste. The current Environmental Permit allows up to 75,000 tonnes per annum. Planning permission is sought to receive 120,000 tonnes per annum.

The application seeks planning permission for a permanent change of use. Basildon Borough Council considers that a temporary consent would be more appropriate whilst the County prepares its future waste strategy and to allow a permanent and improved solution to be found to encourage recycling, re-use or waste prevention which sit towards the top of the waste hierarchy and is where we should be moving towards as a County. A temporary planning permission would also help incentivize waste operators to look at better and more ambitious sustainable forms of waste management in each of these areas.

The transport statement demonstrates an increase in overall vehicular movements associated with the proposed use of 286 trips per day. It is not clear how the proposal accords with the proximity principle set out the Government’s Planning Practice Guidance on Waste, which is to ensure that waste is managed close to its source, and that areas are self-sufficient and do not result in excessive transportation of waste to other locations. Whilst it is stated that a local facility for the waste collection authorities will reduce the distance travelled, thus reducing the carbon emissions associated with the journey, given the increase in vehicular movements per day, together with the increase in waste tonnage from other areas, carbon emissions will in

fact increase, impacting upon sustainability and the air quality issues in and around the A127.

If the County as the Local Planning Authority consider that a permanent planning permission should be granted Basildon Council would consider that the planning conditions as set out below are added to the decision letter and that a Section 106 agreement be secured with the applicants, with Basildon Council as a signatory of for the following contributions towards: -

*1) Sustainable Transport - funding for improved bus services and the relevant sections of the LCWIP+ (payable to Basildon Council)
2) Employment and Skills plan – plus a contribution to deliver the commitments as set out within the employment and skills plan (payable to Basildon Council)
Should planning permission be granted a number of conditions are suggested:*

- 1) Site waste management plan*
- 2) Surface water drainage*
- 3) Drainage maintenance and safe discharge of effluents*
- 4) Site levels*
- 5) Fire Statement and Strategy*
- 6) Air quality mitigation - restricting and mitigating of levels of NO2*
- 7) Noise Impact assessment - levels above ambient for operational purposes, including a noise protection scheme*
- 8) Lighting impact assessment and future strategy*
- 9) Biodiversity Enhancement Strategy*
- 10) Hard and soft landscaping strategy*
- 11) Cycle parking*
- 12) Parking plan including electric charging points*

HIGHWAY AUTHORITY: No objection, subject to conditions and informatives. It is noted that there will be an increase of approximately 8 vehicle trips per hour during operating hours in association with the proposed development and that adequate parking and turning facilities are available on the site for all vehicles associated with the proposed operations. It is considered that the proposed development would not be detrimental to highway safety, capacity or efficiency.

Conditions requiring retention of parking and circulation areas and ingress only via Courtauld Road are required.

LEAD LOCAL FLOOD AUTHORITY: No objection. The development does not pose a significant flood risk and there is little opportunity to deliver new SuDs features.

ENVIRONMENT AGENCY: No objection.

LOCAL MEMBER - BASILDON – Pitsea (Joint Ward – Cllr McGurran): Requested application considered by the Development and Regulation Committee, due to high public interest.

LOCAL MEMBER - BASILDON – Pitsea (Joint Ward – Cllr MacKenzie): Any comments received will be reported.

6. REPRESENTATIONS

107 properties were directly notified of the application, all were commercial properties, no residential properties are within 250m. Two letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Neighbouring business, objecting due to the impact upon staff from, smell of waste, dust and debris it will cause and this will impact mental and physical health of staff	See appraisal
The waste business will devalue the value of their business property.	Not a land use planning issue.
Neighbouring business objecting due to congestion in industrial estate roads due to parking issues and lorries causing congestion and parking in front of entrances. Additional HGVs will increase this problem.	See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Need and Policy considerations
- B. Noise, dust & odour
- C. Traffic & Highways
- D. Legal obligations and conditions

A NEED AND POLICY CONSIDERATIONS

The proposed waste transfer station is located within employment land as designated in the Basildon Local Plan (Policy E4). In addition the site is located with an Area of Search for waste management uses within the Essex and Southend Waste Local Plan (WLP) under policy 4.

As the site is located in an Area of Search for waste management it is not necessary for the applicant to demonstrate need with respect to the proposed facility. However, it is felt appropriate to explain why the facility has become established and the application made for its retention and proposed expansion.

The applicant established the waste transfer station to fulfil a need that has arisen from the closure of Tovi Eco Park. South Essex districts such as Basildon, Brentwood, Rochford and Castle point were close enough to Tovi Eco Park that in the majority refuse collection vehicles (RCV) delivered directly to Tovi facility rather than via a waste transfer station (WTS). With the closure of Tovi facility the RCVs were having to travel longer distances to the disposal site at Bellhouse Landfill, Colchester. Wasteaway obtained contracts from Basildon and Castle

Point District Councils to provide transfer facilities for these councils' LACW, reducing the need for long journeys for the RCVs. The service could also potentially be provided to Brentwood and Rochford, subject to contract. It should be emphasised that these transfer contracts are with the district councils and not administered by the ECC as Waste Disposal Authority.

The applicant has demonstrated through reference to the Environment Agency's Waste Data Integrator that the total of the 4 south Essex districts LACW is approximately 100,000tpa to 120,000tpa. The retention of the existing waste transfer station and an increase in the throughput would enable Wasteaway to continue to offer the current transfer facility to Basildon Borough and Castle Point District Councils and extend this further should other districts or commercial and industrial businesses be interested.

Basildon Borough Council consider that planning permission should only be granted on a temporary basis, due to the fact that the ECC Waste Disposal Authority (WDA) are currently preparing a revised Waste Strategy in conjunction with all Essex's district councils for dealing with LACW, and this could change the situation as councils encourage greater recycling of waste, re-use and waste prevention. While it is understood from the WDA the Essex Waste partnership (ECC and all the districts) is working on the development of a new waste strategy for Essex replacing the Joint Municipal Waste Strategy adoption is not anticipated until 2024.

Basildon Borough Council also feel that a temporary permission would incentivize waste operators to find more sustainable waste management solutions. Both the County Council and district councils are seeking through various means such as separation of waste at the kerbside, separation at Household Waste Recycling Centres and through such initiatives such as Love Essex to encourage recycling, re-use and waste prevention. It is considered that limiting this permission to a temporary permission would have very minimal impact upon moving waste up the waste hierarchy.

As well as dealing with bag bag waste the WTS also bulks up kerbside collected recycling materials, potentially without this bulking up facility recyclables might be landfilled.

It is therefore not considered that there is justification for a temporary planning permission. The site is allocated for employment use within the Basildon Local Plan and an Area of Search for waste management within the WLP. As such there is no need for the operator to demonstrate need, now or in the future. In addition the applicant has requested that the facility not be limited to LACW and should circumstances/contracts change the applicant may wish to deal with more commercial and industrial waste the demand for which is unrelated to the WDA's Waste Strategy.

The site is considered in principle as an acceptable location for a permanent planning permission for WTS. However Policy 4 of the WLP states " *Proposals for waste management development in the following Areas of Search, as defined on the Policies Map, will be supported in principle provided that the design and use of*

the facility is compatible with existing uses in the employment area.” It is therefore necessary to consider the design and compatibility with existing uses.

No new buildings are proposed as part of the development, the WTS would use and would continue to use about two thirds of an existing warehouse building. Therefore there are no additional design impacts with respect to buildings arising from the proposed development.

The warehouse itself provides screening to the majority of the western boundary. To the west is a storage yard, used for storage of new tractors and the north west there is a concrete batching plant. The screening of the yard to the west and due to the nature of the concrete batching plant it is not considered that the use of the application site as a WTS would be incompatible.

The two entrances to the warehouse, which face east, have been fitted with fast acting roller shutter doors, which are only opened to allow exit and entry of vehicles. The closing of the roller shutter doors is a matter that is controlled through the Environmental Permit. The adjacent small business units to the east of the site are separated by boundary palisade fencing, individual trees and the units themselves lie east of their access road and parking for the business units themselves. While there could be glimpse views into the building the arriving and leaving of WCVs and HGVs is not dissimilar to the previous freight distribution centre activities that previously occupied the site, in terms of visual impacts. However, it is acknowledged that waste transfer can give rise to impacts, such as dust and odour and these will be considered in more detail within the report.

With respect to the principle of the development in this location, both Basildon Borough Local Plan (Policy E4) and the WLP (Policy 4) support employment and waste management development in this location. It is acknowledged that the site is not within the Untidy Industries area within the Burnt Mills Industrial Estate as allocated in the Basildon District Local Plan (Policy E6) which would have been preferred. However, as there is no transfer of sorting of waste outside the building, there is no obvious external “untidy” activities. There are no residential or sensitive businesses adjacent to the site and therefore it is not considered that the location would be incompatible with existing employment uses subject to the development not giving rise to adverse impacts with respect noise, odour, dust and highway impacts which are considered in more detail below.

B ENVIRONMENTAL IMPACTS – Dust, odour and noise.

As stated previously the site is within the existing Burnt Mills Industrial estate using an existing warehouse, and all waste transfer would take place within the building.

The facility already has an Environmental Permit (EP) from the Environment Agency, which allows up to 75,000tpa throughput. If planning permission were granted then the applicant if they wished to increase to 120,000tpa would be required to apply for a change to the EP.

The EP seeks to control pollution from the facility and part of the requirements of the EP are that waste retention periods are specified to minimise retention periods, helping to manage odour. In addition the roller shutter doors being closed, except

for entry and exiting of vehicles minimises the opportunity for wind-blown litter and odour from the transfer station building.

While concern has been raised by adjacent business units to the proposals with respect to dust and odour, the Waste Planning Authority and Environmental Health Officer have received no complaints despite the fact the site has been operating since April 2022 without the benefit of planning permission.

The interior of the building and exterior yard is fully concreted with drainage and there is a vehicle wash down area within the site such that transfer vehicles can be cleaned.

The NPPF at para 188 states “*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively*”. The lack of complaints since commencement of operation in April 2022 would indicate that the site has not been giving rise to issues previously. While the current application includes an increase in throughput the same pollution controls would remain in place. It would of course increase traffic movements, but as located on industrial estate and its previous use as a freight distribution facility, it is unlikely there would be any greater noise impacts from HGVs than from the previous use.

It is therefore considered subject to conditions to control the hours of operation, that the yard is kept swept and dampened if necessary during dry periods, that there is no reasons for refusal on noise, dust or odour grounds and the development would be in accordance with WLP policy 10 (Development Management) and BDLP policy BE12 (Development Control).

C HIGHWAYS AND TRAFFIC

The access arrangements for site, means that HGV arriving at the site can directly ingress from the roundabout on Courtauld Road, minimising HGV movements within Burnt Mills Industrial Estate itself.

The applicant anticipates 240 HGV movements a day arising from operation of the WTS at annual throughput of 120,00tpa, a combination of WCV and articulated HGVs, plus staff movements approximately 46 movements.

Basildon Borough Council have raised concern that the proposals would give rise to additional traffic movements of up to 286 movements a day. However, it should be noted that this number of movements is associated with throughput at 120,000pa, the site is already (without the benefit of planning permission) operating at 75,000tpa, without out any complaints or reported highway safety and capacity issues. It also should be noted that the WCVs for the 4 south Essex districts were previously delivering directly to the Tovi Eco Park just north of the site, such that many of the proposed movements were already using Courtauld Road.

Basildon Borough Council has also raised concern that the facility does not comply with the Proximity Principle i.e. that waste should be disposed of as close to its source as possible. It is not considered the proposals are contrary to the proximity principle as there is no disposal facility within Basildon or south Essex that could provide an alternative. Without the WTS Basildon and Castle Point WCAs would be required to drive their WCVs to Bellhouse landfill, Colchester. It would be preferable if the waste could be taken direct to a closer final disposal facility. However, the bulking up of LACW, does overall reduce waste miles, helping to reduce vehicle emissions in accordance with WLP policy 11 (Mitigating and adapting to Climate Change). Waste may be brought from other areas outside Basildon Borough area to the waste transfer station, however haulage costs are a factor and often limit the distance waste travels.

Concern has been raised by adjacent businesses that lorries often block other businesses entrances and vehicles park along the industrial estate roads. It is acknowledged that HGVs and other vehicles do park on estate roads, but these are not necessarily associated with Wasteaway's operations. The application site has adequate parking for staff, providing 33 car spaces and 12 bicycle spaces for the 23 site based staff and HGV drivers. While there are not sufficient parking spaces for all staff, some of the HGVs are not stored at the site and thus not all drivers personal vehicles are parked at the site. There are 27 HGV parking spaces within the site and the site has an operator's licence for 25 trucks and 29 trailers.

The Highway Authority has raised no objection on highway safety and capacity grounds, subject to conditions requiring retention of parking and circulation areas and ingress by HGVs only from Courtauld Road. It is not considered that planning permission could be withheld on highway safety or capacity grounds and the proposals are in accordance with WLP policies 10 and 12 and BLP policy BE12.

D OBLIGATIONS AND CONDITIONS

Basildon Borough Council has requested planning obligations and planning conditions.

Two financial contributions have been requested for Sustainable Transport and Employment and Skills Plan with associated funding through a legal agreement

Planning legislation stipulates that obligations can only be required as part of granting planning permission for a development where the obligation is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*

The proposed development is within an allocated employment area and would not give rise to a significant number of staff movements, thus would not give rise to a need for additional bus, cycle or walking provision. The site is already served by bus route and pedestrian paths. The site is allocated for employment use and the site could without the benefit of planning permission be used for a more intensive use than that proposed. A planning application is only required because it is a waste use which is sui generis. No contribution has been sought by the Highway

Authority. It is not considered that the nature and scale of development meets the above tests that would justify a financial contribution for bus services or walking and cycling provision.

Basildon Borough Council have also sought an obligation for an Employment and Skills Plan to be provided and funding for implementation of such a Plan. The applicant has confirmed that it is providing 23 site based staff, and already provides training schemes and apprenticeships, refusal of the planning application would result in the loss of 9 jobs. Essex County Council has produced a guide with respect to developers contributions "The Essex County Council Developers' Guide to Infrastructure Contributions Revised 2020". The Guide provides criteria on which contributions would be sought "*requiring developers to provide an Employment and Skills Strategy which will include Employments and Skills plans for developments of 50+ dwellings and financial contributions where necessary for 250+ dwellings and 2500sqm+ of employment floorspace*" (authors emphasis). In this instance the application does not result in any additional employment floorspace, the application only seeks to change the use of existing floorspace. It is therefore not considered that there is justification to require an Employment and Skills Plan in this instance.

It is not considered that either of these obligations are necessary to make the application acceptable in planning terms.

Basildon Borough Council have also suggested a number of conditions, which are addressed in turn below:

Site waste management plan - there is no proposed construction as part of the development, thus a site waste management plan is not required

Surface water drainage and drainage maintenance – the LLFA have confirmed that as drainage is established there is no need for further drainage details and the site would be required to operate in accordance with the Flood Risk Assessment.

Safe discharge of effluents – Pollution control is a matter addressed through the EP, but a condition with respect to safe storage of chemicals and fuels could be imposed.

Site levels – no change to level is proposed

Fire Statement and Strategy – Fire safety with respect to waste is controlled through the EP

Air quality mitigation - restricting and mitigating of levels of NO₂ – the site would not give rise to air quality issues greater than those for other uses of an employment site

Noise Impact assessment - levels above ambient for operational purposes, including a noise protection scheme – There are no noise sensitive properties in the vicinity and the site is located within an industrial estate. It is not considered a noise impact assessment is justified and no specific response has been received

from Baidon Borough Council EHO requesting such a condition and in addition there have been no complaints received with respect to noise during the operation of the WTS without the benefit of planning permission.

Lighting impact assessment and future strategy – No additional lighting is proposed, but a condition could be imposed to control any additional lighting.

Biodiversity Enhancement Strategy and Hard and soft landscaping strategy – as established industrial site there are no opportunities for biodiversity and no land on which landscape enhancements could be delivered.

Cycle parking - cycle parking is already included in the proposals and would be required to be retained

Parking plan including electric charging points – parking provision which meets the Essex Parking Standards is already proposed within the application and includes 2 parking spaces with electric charging points and 2 disabled spaces and the parking areas would be required to be retained by condition.

8. CONCLUSION

The proposed site is an area allocated for employment use in the Basildon District Local Plan (Policy E4) and is within an Area of Search for waste management within the Waste Local Plan (policy 4). Thus the principle of the location is considered acceptable subject the design and use of the facility is compatible with existing uses in the employment area and the development not giving rise to unacceptable environmental impacts (WLP policy 10 and BDLP BE12).

It is not considered that there are any existing surrounding uses that are particularly sensitive and that would be incompatible with the operation of the WTS, especially as all waste transfer and storage is to be undertaken within the building. Subject to appropriately worded conditions to control the scale of the development to that proposed and to be operated as proposed e.g. limit on HGV movements and parking areas retained on site it is not considered there are any grounds to withhold planning permission on highway or environmental grounds and the proposals are in accordance with WLP policies 4, 10 and 11 and BDLP policies E4 and BE12.

9. RECOMMENDED

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

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

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

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

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

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and BDLP policy BE12.

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

0700 hours to 1800 hours Monday to Friday
0700 hours to 1600 hours Saturdays and Public Holidays

and at no other times, including on Sundays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered

appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

10. THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality 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.

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

In determining this planning application, the Local 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 NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

DR/27/23**Report to:** DEVELOPMENT & REGULATION (28 July 2023)**Enforcement:** UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – The use of the land for importation, deposition, storing, and spreading of waste materials (including soils, and other similar waste materials), subsequently raising the levels of the land**Ref:** ENF/1153**Location:** Land on the south western side of Ashwells Road, Pilgrims Hatch, Brentwood**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long Tel: 03330 322837

1. BACKGROUND

In February 2022, the Waste Planning Authority (WPA) was notified about the potential importation, deposition, storing, and spreading of waste materials (including soils, rubble, mixed waste and other similar waste materials) on land at Ashwells Road, Pilgrims Hatch, Brentwood. Following a site visit, the WPA noted unauthorised waste activities were occurring without the benefit of planning permission.

Initially, in accordance with the ECC Local Enforcement and Site Monitoring Plan, the WPA attempted to remedy the breach of planning control informally and requested cessation of activities and clearance of land by 09 March 2022. This deadline however passed with activities continuing.

The landowner requested additional time to remove the waste, suggesting works being witnessed actually related to clearance of the site. A short extension was therefore agreed. However, this deadline (end of March 2022) came and passed without any significant change to the site.

In consideration of this, and the on-going harm being caused, it was considered expedient to serve an Enforcement Notice (EN) in an attempt to formally remedy the situation. The EN was served 01 June 2022 and this took effect on 05 July 2022. The EN required the landowner to:

- Cease and do not resume the importation, deposition, storing, treating and spreading of waste materials on the land within 1 day from the date the EN took effect;
- Remove from the Land all waste materials including soils, rubble, trommel fines and other similar/mixed waste within 3 months from the date the EN took effect; and
- Restore the land to its condition prior to the commencement of the unauthorised development within 4 months from the date the EN took effect.

The WPA conducted an unannounced visit in December 2022, which confirmed no further waste had been imported. It appeared that potentially a limited amount of waste had been removed but the majority that had been imported still remained on-site. As such it was considered, as part of this visit, that the EN had not been fully complied with.

2. SITE

The area to which this unauthorised development relates measures approximately 0.9 ha. The area is accessed off Ashwells Road, which connects Crows Green Road/Days Lane in Pilgrims Hatch, Brentwood. The land from historical aerial photographs, available to the WPA, appears to be a grassed area, consisting of small area of hardstanding and track leading to the building/barn.

The area of land is adjacent to residential properties, with further residential properties to the west, east and south east of Ashwells Road. There is a former Sports and County Club located 90m to the north and Bentley St Paul Primary School located 700m to the west.

In terms of designations, the site is located within Metropolitan Green Belt as detailed within the Policies Map of the Brentwood Borough Council Local Plan (2011-2033).

3. CURRENT POSITION

The WPA has continued to conduct site monitoring visits, since service of the Enforcement Notice, to ensure the unauthorised development has not recommenced. All of these visits have found the site in a vacant state (no activities occurring) with the access to the site off Ashwells Road secured by locked gates. The waste material imported and deposited, in the majority, remains on-site and accordingly the land has not been restored.

In January 2023, following communications to the landowner with regard to the failed compliance with the EN, the landowner stated personal events/circumstances had delayed their ability to comply. The landowner however stated that they remained committed to complying. The Waste Planning Authority, in context of the renewed willingness of the landowner, agreed not to take any further action in respect of the EN until after 31 March 2023, as another opportunity for the landowner to rectify the breach. This window however passed without any meaningful progress on-site.

The WPA consider the landowner has had more than ample time and opportunity to comply with the requirements of the EN and it is as such considered that the WPA could seek to advance a prosecution.

That said, in consideration of the Prosecution Policy appended to the Local Enforcement and Site Monitoring Plan concerns are raised as to whether such action would be in the public interest. It is accepted that the breach of planning control continues to cause harm to the Green Belt and the landscape character and appearance of this area. However, the situation on-site is stable, in that no additional material is being imported, and the outstanding harm caused by the waste material in-situ is considered only of local significance. The waste materials on-site are not considered to pose a significant environmental risk and a prosecution would not assist the WPA's main aspiration here, which is for the remaining waste to be removed and the site restored.

4. RECOMMENDED

That, at the current time, no further action is taken by the Waste Planning Authority in respect of the breach of planning control and extant Enforcement Notice relating to this subject to no further importation taking place.

The Enforcement Notice will remain on the land and the WPA will continue to monitor the site and proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

LOCAL MEMBER NOTIFICATION

BRENTWOOD – Brentwood North

DR/28/23**Report to:** DEVELOPMENT & REGULATION (28 July 2023)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long (Planning Enforcement Officer) – Telephone: 03330 322837**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 April to 30 June 2023.

2. DISCUSSION

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

A. Outstanding Cases

As at 30 June 2023 there were 17 outstanding cases.

B. Closed Cases

7 cases were either resolved or closed during this period.

Local Member notification

Countywide

District: Basildon

Location: Heard Environmental, Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH

Nature of problem: Stockpile heights

Remarks: Condition 17 of planning permission ESS/13/15/BAS states that no material is to be stockpiled at a height greater than 4 metres. Stockpile heights were found to be exceeding this limitation and a Breach of Condition Notice was served on 22/09/2023 requiring compliance with the relevant condition. Compliance due by 22/09/2023. Ongoing monitoring.

District: Basildon

Location: Mackers Metals, Wrexham Road, Laindon, SS16 6PX

Nature of problem: New building constructed

Remarks: Erection of a new building without the benefit of planning permission. Retrospective application was submitted to the CPA for consideration to retain new building, ESS/08/23/BAS was approved. On investigation the CPA considered the site is no longer waste use, BBC notified and acknowledged potential change of use. Essex Highways are investigating and considering options re: potential encroachment onto Highways land. No further action, case closed.

District: Braintree

Location: Straits Mill, Bocking, Braintree, CM7 9RP

Nature of problem: A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

Remarks: The importation and processing of the waste has ceased however the waste remains. The WPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution. The Environment Agency prosecuted the operators at the Crown Court in April 2023, sentencing included fines and an order requiring the land to be cleared within 6 months. ECC's plea hearing against the landowners, originally scheduled for June 2023, has been adjourned until after the compliance date set within the order made against the operators.

District: Brentwood

Location: Ashwells Road, Pilgrims Hatch

Nature of problem: Waste operations

Remarks: Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was served and this took effect 05/07/2022. The EN required all imported material to be removed and the site restored to its former condition by 05/11/2022. A visit in December 2022 confirmed that whilst the use had ceased and some of the waste removed, waste still remained on the land. A letter was sent to landowner seeking to confirm EN needs to be complied with and requesting an update within 28 days. Another site visit was conducted 18th January 2023 which found no further progress with regard to compliance with the EN. Discussions subsequently took place

with the landowner and a new deadline of 31/03/2023 was set. A subsequent site visit was carried out on the 06/04/2023 and this confirmed the EN still had not been complied with. The Enforcement Notice has still not been complied with and a separate update provided to members for consideration.

District: Chelmsford

Location: Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

Nature of problem: Operating hours

Remarks: Investigations ongoing following reports of early morning working and noise. Meeting held with operator to discuss next steps.

District: Chelmsford

Location: Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG

Nature of problem: Waste activities- unauthorised importation, deposition and spreading of waste

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Colchester

Location: Agri-Mix Site, Land lying west of Ipswich Road, Langham, Colchester, CO4 5LZ

Nature of problem: Waste Activities- Waste Recycling, namely waste road materials

Remarks: Without the benefit of planning permission a material change of use of land for waste recycling, namely waste road materials involving the importation, deposit, storage and treatment of waste. Following discussions, the operator intends to submit a retrospective application in an attempt to regularise the unauthorised development. Without prejudice, the CPA are content to currently withhold formal enforcement action subject to the aforementioned application being submitted within a timely manner.

District: Colchester

Location: ATS Mini-Skips, Oyster Haven Business Park, Haven Road, Colchester, CO2 8HT

Nature of problem: Operating outside of permitted hours

Remarks: Report received alleging breach of planning conditions namely operating at night. Following investigation, the CPA have no evidence of a breach of planning control and the case has been closed. If in the future further reports are received a new case will be opened and investigated.

District: Colchester

Location: Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

Nature of problem: Waste activities- use of the land for importation, deposition, storing, processing and spreading of waste materials, subsequently raising the levels of the land.

Remarks: Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

District: Colchester

Location: Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

Nature of problem: Wood and metal recycling operation

Remarks: Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for windrows and associated landscaping was submitted to the WPA for consideration. This application was refused by members in April 2023 with the approved recommendation enforcement action is taken to remedy the breach of planning control. Following investigation and site visit an Enforcement Notice was issued on the 19th May 2023 which takes effect on the

25th June 2023 unless an appeal is lodged against the notice prior to this date. An appeal against the Enforcement Notice was lodged with the Planning Inspectorate, and further enforcement action will be held in abeyance pending the outcome of the appeal.

District: Epping Forest

Location: Ashlyns Farm, Epping Road, Ongar CM16 6RZ

Nature of problem: Odour and Breach of Condition

Remarks: Non-material amendment ref: ESS/09/20/EPF/NMA1 was approved to allow one windrow height to be increased on a temporary basis to 4-metres. The temporary permission expired at the end October 2022 at which time the approved height of the windrow was to revert to the 3-metre limitation. An application was submitted for consideration by the WPA for the permanent retention of the 4-metre windrow height. ESS/09/20/EPF was granted to allow continued operation without compliance with condition 8 attached to permission ref: ESS/09/20/EPF – permitting windrow heights at 4-metres for a period of 12 months. Case closed.

District: Epping Forest

Location: Bliss Heights, 140 London Road, Abridge RM4 1XX

Nature of problem: Alleged illegal deposit of waste

Remarks: Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the WPA, dated the 08/04/2022. The Enforcement Notice was appealed. However, on 02/11/2022 the WPA received notification, from the Planning Inspectorate that the appeal had been withdrawn. Therefore, the Enforcement Notice immediately took effect and full compliance was due by 18/12/2022. In November 2022 the WPA were informed that the land was to be sold and the new owner would be responsible for compliance with the EN. As the material imported is still on the land, and the EN not complied with, a site meeting was conducted in January 2023. Following discussions ECC have agreed a new deadline of September 2023 for compliance. In line with joint working protocol ECC and EA are conducting site monitoring to check progress is being made.

District: Epping Forest

Location: Land adjacent to Harvey Automobile Engineering, Paynes Lane, Nazeing, EN9 2EX

Nature of problem: Noise, dust and concrete crushing

Remarks: Without the benefit of planning permission the importation, deposit and storage of material outside the lawful certificate (ref: APP/Z1585/X/06/2013096). The area to the south of the approved CLEUD area appeared to have been used intermittently for soils storage for a period of more than 10 years. The CPA subsequently conducted a further review of available information as detailed within the report to members in June 2023. Although, the CPA considered a breach of planning control, the use of this area is considered likely to have commenced more than 10 years ago and as such the time limit in which to take enforcement action has expired. The recommendation was approved by members for no further action, in respect of the storage of material within the red line area shown in the report. Case closed.

District: Epping Forest

Location: Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, CM4 0LN

Nature of problem: Use of land for waste recycling

Remarks: Part of the land at Norton Field Farm is currently being used as an inert transfer/recycling facility. It would appear that construction and demolition waste are imported, processed/screened/crushed on-site and exported. The landowners have a demolition/groundworkers company and consider that the use of the land for recycling is lawful. A CLEUD application (ESS/94/21/EPF) was submitted to the WPA. The application was

considered and was refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

District: Tendring

Location: Dunmow Group-Morses Lane, Brightlingsea, Colchester, CO7 0SD

Nature of problem: Operation outside of permitted hours

Remarks: Report received alleging breach of planning conditions namely operating at night. In addition, the complaint raised concerns regarding odour and hazardous waste. In line with our joint working protocol the Environment Agency have investigated in relation to odour/hazardous waste, as they are the regulating body. Dunmow Group operate under two extant ECC planning permissions at the above site ref: ESS/04/11/TEN which covers the waste activities and ref: ESS/20/14/TEN which permits vehicle maintenance and servicing within the workshop/office. The permitted operating hours for the workshop/office is 24hrs. Following investigation, the CPA have no evidence of a breach of planning control and the case has been closed. If in the future further reports are received a new case will be opened and investigated.

District: Rochford

Location: Flowline Ltd, Rawreth Industrial Estate, Rayleigh, SS6 9RL

Nature of problem: Noise/Operation outside of permitted hours

Remarks: Report received alleging breach of planning conditions namely operating at night. Following investigation, the CPA have no evidence of a breach of planning control and the case has been closed. If in the future further reports are received a new case will be opened and investigated.

District: Uttlesford

Location: Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

Nature of problem: Waste soil and aggregate operation

Remarks: A planning application for the site at Boro Farm was submitted to the WPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Two new applications were subsequently submitted to the WPA (refs: ESS/109/22/UTT and ESS/112/22/UTT) for consideration/determination. These applications were both refused, and the appeals previously lodged have accordingly been re-started by the Planning Inspectorate.

District: Uttlesford

Location: Crumps Farm, Stortford Road, Little Canfield

Nature of problem: Waste activities - unauthorised landfill and land raising

Remarks: Investigations on-going with EA as to potential unauthorised landfill and land raising. Together with breaches of extant planning permission conditions and legal agreement relating to built development, phasing and restoration. In line with our joint working protocol, the Environment Agency are currently leading investigations.

District: Uttlesford

Location: Fullers End Farm, Tye Green Road, Bishops Stortford, CM22 6EA

Nature of problem: Importation of waste

Remarks: Without the benefit of planning permission the importation and deposition of waste. The owner has ceased importation and spreading of the waste and the material will be removed from the land. Due to adverse weather conditions removal will commence in the drier months. The CPA confirmed no further activity and officers agreed a timescale for the imported materials to be removed from the land. The requirements of the CPA have now been met; all waste

materials have been removed from land. Case closed.

District: Uttlesford

Location: Highwoods Quarry

Nature of problem: Relocate the access track

Remarks: Issues with relocating the access track that cuts diagonally across the site and in particular through phase E. Following discussions with the operator, the CPA have now received confirmation an agreement has been reached to resolve the access issues, this should allow progressive working and restoration of the site in accordance with the extant planning permission. Case will remain open; the CPA will continue to monitor the site to ensure progress is being made.

District: Uttlesford

Location: Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

Nature of problem: Working outside of CLUED and installation of new plant

Remarks: Without the benefit of planning permission the installation of a new wash plant. An application is to be submitted to the WPA for consideration.

District: Uttlesford

Location: Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

Nature of problem: Waste soil and aggregate operation

Remarks: Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the WPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following the serving of the TSN works ceased. Planning Contravention Notices were subsequently served in an attempt to ascertain further information as to the activities occurring on the land. A site visit was conducted in March 2023 and this case remained ongoing. An update to members was provided in May 2023 to confirm the CPA issued an Enforcement Notice on the 26 April 2022 which took effect on the 31 May 2022 in respect of the unauthorised development. The CPA will continue to monitor the site in relation to the Enforcement Notice to ensure compliance with the Notice.

District: Uttlesford

Location: New Farm, Elsenham Road, Stansted, CM24 8SS

Nature of problem: Importation of waste

Remarks: Importation, depositing, storing and spreading of waste materials on the land. On the 05/10/2015 an Enforcement Notice was served by the WPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. A site meeting with some of the new landowners was conducted 22nd March 2023, and a subsequent letter was issued seeking to confirm the new owner's intents. Following further investigation, the CPA has obtained ownership information including the additional new landowner details. The CPA is attempting to open dialogue with all parties with an interest in the land. A further update will be provided to members in due course.

District: Uttlesford

Location: Timbers, Hallingbury Place, Great Hallingbury, Bishops Stortford, CM22 7UE

Nature of problem: Waste Activities: Waste importation, deposit, storage and treatment, including unauthorised landraising.

Remarks: Without the benefit of planning permission a material change of use namely operating a waste recycling facility involving the importation, storage and treatment of waste, namely inert materials. Including associated plant, equipment, machinery and storage containers on land with additional deposition of material/landraising. Following discussions, the landowner has stated he is willing to work with the CPA to remedy the breach of planning control. Without prejudice, the CPA have agreed to allow the landowner this opportunity and subsequently specified the requirements and deadlines which must be met. In context of the above, the CPA are content to withhold taking formal enforcement action. The CPA will continue to monitor the site to ensure sufficient progress is being made.

DR/29/23**Report to:** DEVELOPMENT & REGULATION (28 July 2023)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	48
Nº. Decisions issued in June	10
Nº. Decisions issued this financial year	18
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	94%
Nº. Delegated Decisions issued in June	5
Nº. applications where Section 106 Agreements pending at the end of June	16

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	8
Nº. Decisions issued in June	0
Nº. Decisions issued this financial year	4
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in June	0

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in June	5
Nº. Committee determined applications issued in June	5
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	43
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of June	45
Nº. of referrals to Secretary of State under delegated powers in June	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of June	7
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of May	21
Nº. of cases cleared this financial year	5
Nº. of enforcement notices issued in June	1
Nº. of breach of condition notices issued in June	0
Nº. of planning contravention notices issued in June	0
Nº. of Temporary Stop Notices issued in June	0
Nº. of Stop Notices issued in June	0