

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 28 March 2014</b>	<b>Committee Room 1, County Hall, Chelmsford, Essex</b>
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**Quorum: 3**

**Membership:**

Councillor R Boyce	Chairman
Councillor J Abbott	
Councillor K Bobbin	
Councillor A Brown	
Councillor P Channer	
Councillor M Ellis	
Councillor C Guglielmi	
Councillor J Lodge	
Councillor M Mackrory	
Councillor Lady P Newton	
Councillor J Reeves	
Councillor S Walsh	

**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

**Telephone:** 01245 430565

**Email:** [matthew.waldie@essex.gov.uk](mailto:matthew.waldie@essex.gov.uk)



Essex County Council

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## Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	<b>Apologies and Substitution Notices</b> The Committee Officer to report receipt (if any)	
2	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members	
3	<b>Minutes</b> To approve the minutes of the meeting held on 28 February 2014.	7 - 12
4	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	<b>Minerals and Waste</b>	
5a	<b>Little Warley Hall Farm</b> Circular tank, with an internal radius of 11.855m and depth of 4m; de-odourising ring; equipment container; and associated hardstanding to facilitate the storage of abattoir wash water. Together with the use of the existing agricultural access track to access the wash water tank (Retrospective)  Location: Little Warley Hall Farm, Ranks Green, Fairstead, Essex, CM3 2BG  Ref: ESS/60/13/BTE <b>DR/09/14</b>	13 - 44
5b	<b>Fulmar Way, Wickford</b> Change of use from B8 (Storage and Distribution) to a waste transfer (Health Care Waste), storage and associated offices.  Location: Fulmar Way, Wickford Business Park, Wickford, SS11 8YW  Ref: ESS/08/14/BAS <b>DR/10/14</b>	45 - 62

- 6 County Council Development**
- 6a Kingswode Hoe, Colchester 63 - 72**  
The continued use of 3 classrooms for a temporary period until 31 August 2019 without complying with Condition 8 (time limit) attached to planning permission CC/COL/14/11.  
  
Location: Kingswode Hoe School, Sussex Road, Colchester CO3 3QJ  
  
Ref: CC/COL/04/14  
**DR/11/14**
- 7 Information Items**
- 7a Periodic Reviews of Old Mineral Planning Permissions 73 - 76**  
Report on the programme of Periodic Reviews of Old Mineral Planning Permissions.  
**DR/12/14**
- 7b Applications, Enforcement and Appeals Statistics 77 - 80**  
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.  
**DR/13/14**
- 8 Date of Next Meeting**  
To note that the next meeting will be held on Friday 25 April 2014 at 10.30am.
- 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)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

**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.

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All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 28 FEBRUARY 2014**

### **Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr W Archibald  
Cllr A Brown  
Cllr P Channer  
Cllr M Ellis

Cllr J Lodge  
Cllr M Mackrory  
Cllr Lady P Newton  
Cllr J Reeves  
Cllr C Seagers  
Cllr S Walsh

### **1. Apologies and Substitution Notices**

Apologies were received from Cllr Keith Bobbin (substituted by Cllr Archibald) and Cllr Carlo Guglielmi (substituted by Cllr Seagers).

### **2. Declarations of Interest**

Cllr Lady Newton declared a personal interest in agenda items 5a, Little Warley Hall Farm, and 5b, Driberg Way, Braintree, as a Member of Braintree District Council and Portfolio Holder for Planning at Braintree.

Cllr Abbott declared a personal interest in items 5a, Little Warley Hall Farm, and 5b, Driberg Way, Braintree, as a Member of Braintree District Council.

### **3. Minutes**

The Minutes and Addendum of the Committee held on 13 December 2013 were agreed and signed by the Chairman.

### **4. Identification of Items Involving Public Speaking**

The persons identified to speak in accordance with the procedure were identified for the following item:

The construction (retention) of a circular concrete storage tank; de-odourising ring; equipment container; and associated hardstanding to facilitate the storage of abattoir wash water. Together with the use of the existing agricultural access track to access the wash water tank.

Location: Little Warley Hall Farm, Ranks Green, Fairstead, Essex, CM3 2BG.  
Ref: ESS/60/13/BTE

Public Speakers: Sarah McNamara speaking against  
Colin Adams speaking against  
Stewart Rowe speaking for

## 5. Little Warley Hall Farm

The Committee considered report DR/03/14 by the Director for Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

The Committee was advised that this was a retrospective planning application for the retention of a concrete storage tank for abattoir wash water, with associated development and provisions.

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 that were:

- Need and Site Suitability
- Proposed Operations
- Impact upon Landscape and Amenity
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Sarah McNamara, Chairman of Terling and Fairsted Parish Council. Mrs McNamara said:

- The Parish Council has been lobbied by several local residents about the nuisance caused by the transport of waste materials, the importing of it onto the land and the odours being given off
- The activity is an industrial one, not an agricultural one and so the tank is an industrial building. It is also unacceptably large and visually intrusive
- The County Council should have taken action in respect of this illegal activity
- This application has lacked a meaningful assessment of the environmental impact, eg in respect of the content and composition of the waste material, the odour, and industrial traffic generation
- The present activity should stop immediately and a contractor should be used to dispose of this material off-site
- Were the application to be allowed, any ongoing activity should be subject to stringent controls.

Colin Adams, a local resident, then addressed the meeting. Mr Adams said:

- Residents have been tolerant over the years, but this escalation of activity has aroused very strong feelings locally. They acknowledge the success of the applicant's business, but with this comes responsibility; he owes a duty of care to those in the area
- There is a very strong odour emanating from the tank; residents cannot keep windows open, during day or night, and cannot enjoy social activities



in their gardens.

- In response to a request by the Environment Agency, residents kept “nuisance diaries” for a six month period. During this time, 206 complaints were recorded in these diaries
- Residents do not object to a tank per se, but believe it would be better situated next to the abattoir, properly capped, with appropriate plumbing allowing the direct transfer of waste. This would reduce both odours and transport impact.

Stewart Rowe, on behalf of the applicant, then addressed the meeting. Mr Rowe said:

- The applicant’s farms and abattoir are well-established, producing very good quality meat reared locally, trying to rely on local resources
- The tank was erected on the advice of a consultant that it was permitted development and did not need planning permission. The applicant took the advice at face value. This was a simple error and not an uncommon one.
- In the past, the water was transported in tankers to Maldon; the use of a tank was thought to be a better solution, having three main benefits:
  - Sustainability – it reduces transport mileage
  - Productive reuse/recycling of a waste product
  - Agricultural benefits of having a ready supply of natural based fertiliser to hand
- The tank also creates flexibility – the water can be spread at a convenient time, eg when the wind is light and/or when it is blowing in a favourable direction, so as to cause minimal impact on residential amenity
- Regarding the visual impact, the structure forms part of a group of large farm buildings and looks to be a part of this. Some natural hedgerow screening is proposed
- Regarding the odour, although this is evident at times, alongside other farm-related smells, neither the Environment Agency nor the environmental health officer from Braintree District Council have found this to constitute a nuisance.

In response to concerns and questions raised, Members were informed that:

- The Environment Agency did not see the odour problem as a major issue, as it was not convinced that the tank was the major source of odour. However, the EA had initiated discussion with the applicant about the potential for capping the tank in some way, to minimise any potential problems. It was noted that, although Members may wish to impose a condition requiring a cap, and may express concerns over the effectiveness of any cap, it is not reasonable for the Committee to insist on the particular design of a cap. It is up to the applicant to propose a solution and agree this with the EA
- Similarly, the Committee may believe this site to be unsuitable, but it cannot insist on the applicant moving to another site. It would be up to the applicant to make a separate application for that site and for the Committee to determine this on its own merits
- No bunding has been recommended for this tank, which suggests that the

EA do not believe leakage from the tank to pose a risk to groundwater.

The resolution was moved, seconded and following a vote of none in favour and eleven against, further discussion was held and it was

**Resolved**

That planning permission be refused for the following reasons:

- Unsustainable location
- Inadequate design details.

In accordance with the Committee Protocol, it was agreed Officers would present a report to the next meeting setting out appropriate advice as to the clarity and reasonableness of the reasons put forward for refusal of the application and a plan for appropriate enforcement action, if necessary.

**6. Driberg Way, Braintree**

The Committee considered report DR/04/14 by the Director of Operations: Environment and Economy.

The Committee was advised that the proposal was for a change of use of Industrial Unit, for mixed uses comprising a small scale waste transfer station, storage and associated office use. The waste to be stored on site would be health care waste.

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 that were:

- Need & Principle of Development
- Impacts on Local Amenity
- Hydrological Impacts
- Highway Impacts

Councillor Archibald left the meeting during consideration of this item, at 11:37 am, returning at 11:40 am.

The resolution was moved and seconded and following a vote of 11 in favour and none against (with Councillor Archibald not voting), it was:

**Resolved:**

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

1. COM1 – to be implemented within 5 years
2. COM3 – to be carried out in accordance with submitted details
3. HIGH2 – compliance with indicated access

## **7. Land to the south of Terminus Drive, Pitsea**

The Committee considered report DR/05/14 providing an update on an application with regard to a site on south of Terminus Drive, on Pitsea Hall Lane, Pitsea SS16 4UH (Ref ESS/69/12/BAS). Permission was given in May 2013 for a change of use of the site, to enable a waste recycling and materials recovery facility. Following the findings of a judicial review and errors within the decision notice, the council and the applicant agreed that the permission be quashed. As a result the application is now undetermined and will be reconsidered by the Committee shortly. In the meantime, officers recommended that the activities on the site should be monitored and the need for any enforcement action kept under review, until the determination of the application.

The Committee unanimously Agreed:

That no enforcement action is undertaken in respect of the existing breach of planning control (against the unauthorised development) pending the determination of the extant planning application (ref ESS/69/12/BAS), subject to the Waste Planning Authority continuing to monitor activities on site to ensure that no injury to local amenity takes place.

## **8. Statistics**

The Committee considered report DR/06/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

## **9. Dates of Future Meetings**

The Committee considered report DR/07/14, listing the proposed Committee meeting dates to April 2015.

The Committee **NOTED** the report.

The Committee also noted that the next meeting will be held on Friday 28 March 2014 at 10.30am in Committee Room 1.

## **10. Exclusion of the General Public**

### **Resolved:**

That the press and public should be excluded from the meeting during

consideration of the following agenda item on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 5\* of Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act:

(\*Paragraph 5 is Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

Restoration of mineral workings and non-compliance with planning conditions at Dannatts Quarry, Hatfield Peverel. Ref. 70/421/33/114

### **Enforcement of Planning Control**

#### **11. Restoration of mineral workings and non-compliance with planning conditions at Dannatts Quarry, Hatfield Peverel. Ref: 70/421/33/114**

The Committee considered report DR/08/14 by the Director of Operations: Environment and Economy.

The Committee **unanimously agreed the recommendations.**

There being no further business the meeting closed at 12.12pm.

Chairman

**DR/09/14**

Committee DEVELOPMENT & REGULATION

Date 28 March 2014

### MINERALS AND WASTE DEVELOPMENT

Proposal: **Circular tank, with an internal radius of 11.855m and depth of 4m; de-odourising ring; equipment container; and associated hardstanding to facilitate the storage of abattoir wash water. Together with the use of the existing agricultural access track to access the wash water tank (Retrospective)**

Location: **Little Warley Hall Farm, Ranks Green, Fairstead, Essex, CM3 2BG**

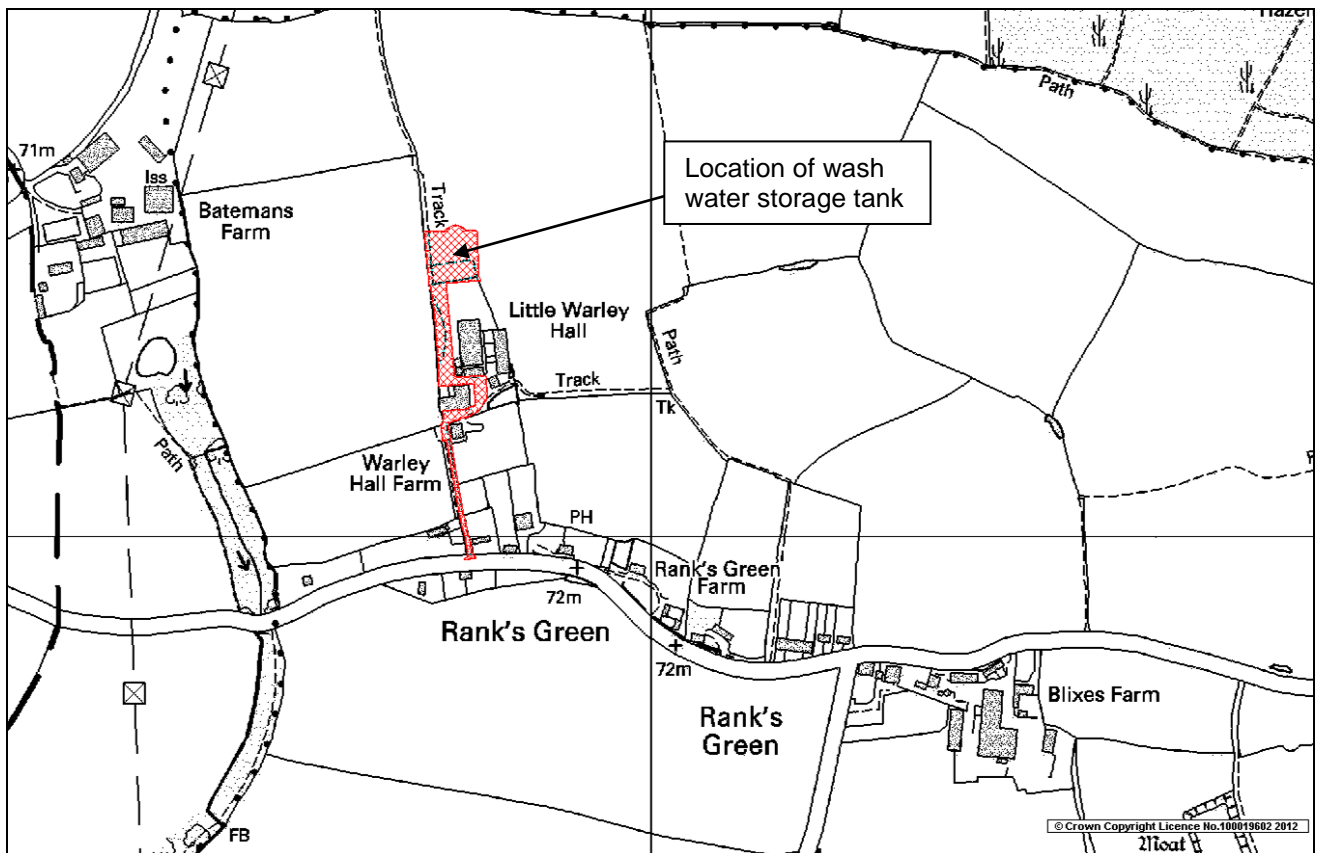
Reference: **ESS/60/13/BTE**

Applicant: **C Humphreys and Sons**

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 03330 136816

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



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## **1. BACKGROUND**

The planning application for the above development was considered by the Development & Regulation Committee on 28 February 2013. The original Officer report and addendum for the meeting are attached at Appendix 1.

Members resolved to refuse the application for the retention of the circular tank, with an internal radius of 11.855m and depth of 4m; de-odourising ring; equipment container and associated hardstanding to facilitate the storage of abattoir wash water for the following reasons:

- Not a sustainable location for the development; and
- Insufficient and/or inadequate design details.

In addition to the above, it was noted that as the development had already been constructed, the unauthorised development may require enforcement action to secure its removal.

In accordance with the Committee Protocol, a formal decision on the application was deferred until the March 2014 meeting of the Development and Regulation Committee. The deferral was to allow officers to provide an appropriate and reasonable recommendation, based on planning policy, setting out the reasons for refusal in full as well as a consideration of whether it is expedient to undertake enforcement action to remedy the existing breach of planning control.

## **2. SITE**

The application site is located in Rank's Green, circa 2km north-west of Fairsted, in a largely rural area (in terms of development and majority land use). Accessed from a lane off Mill Lane, the application site is situated at the northern end of the farmyard with arable fields to the north, east and west of the site.

Residential properties line the Lane from which the Farm is accessed. The closest residential property is approximately 150m south of the development (tank). The development site is not located directly within a sensitive area, as directed by the Town and Country Planning (Environmental Impact Assessment) Regulation 2011, however there are a number of Local Wildlife designations within the locality (within 2km).

Further details on the site, the background to the application and the proposal itself are set out in the report at Appendix 1.

### 3. CONSIDERATION

Policy W3A of the Essex and Southend Waste Local Plan 2001 (WLP) states that the Waste Planning Authority will:

1. In determining applications and in all consideration of waste management proposals have regard to the following principles:
  - Consistency with the goals and principles of sustainable development;
  - Whether the proposal represents the best practicable environment option for the particular waste stream and at that location;
  - Whether the proposal would conflict with other options further up the waste hierarchy;
  - Conformity with the proximity principle;
2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/compositing, energy recovery for waste and waste disposal in that order of priority;
3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.

Given the resolution that the proposed development represents an unsuitable or unsustainable location, it is considered the application conflicts with WLP policy W3A.

WLP policy W3A, as detailed above, seeks to ensure consistency with the goals and principles of sustainable development. Whilst the concept of best practical environmental option has been superseded by Planning Policy Statement 10: Planning for Sustainable Waste Management it is noted that this document clearly defines the overall objective of Government policy on waste as to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the waste hierarchy of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste.

Positive planning has an important role in delivering sustainable waste management: through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and, by providing sufficient opportunities for new waste management facilities for the right type, in the right place and at the right time. In view that it is considered that this site does not represent an appropriate location for the development, because of the potential impacts, and that the benefits to the proposal could be achieved from alternative, less sensitive sites it is considered that the proposal does not comply with WLP policy W3A and as such does not represent sustainable development as defined

within PPS 10 and the National Planning Policy Framework (Framework).

Additionally it was resolved that insufficient and/or inadequate information had been provided to allow the full impact of the development to be assessed. The Framework details at paragraph 120 that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The Environment Agency recommended that a condition is imposed requiring details of a cap for the tank to be submitted and implemented, however no information has been submitted in respect of the design of the proposed cap and whether that design would subsequently be appropriate and fit for purpose.

The requirement for mitigation and/or independent assessment of impact, in view of potential failure to tank integrity (construction), was also considered a noteworthy omission. It is considered without this information forming part of the application, a full assessment of potential impacts and appraisal of the development in context of the three dimensions of planning is unable to be fully completed. The proposal is therefore in view of potential impact considered, as it stands, to be contrary to WLP policy W10E and Braintree District Local Plan Review 2005 (BLP) policies RLP36, RLP62 and RLP90.

As the development is retrospective, given that the development causes ongoing harm, it is considered expedient that enforcement action is undertaken requiring the removal of the tank from its current unsustainable location.

#### 4. RECOMMENDATION

That planning permission be **refused** for the following reasons:-

1. That the development occupies an inappropriate location, which does not conform with the principles of sustainable development as defined within the Framework, due to the detrimental impact the provision would have on the locality and local residential amenity, contrary to Essex and Southend Waste Local Plan 2001 policy W3A (Sustainable Development, National Waste Hierarchy & Proximity Principle).
2. Insufficient and/or inadequate information has been provided to demonstrate that the design of the development would not cause unacceptable odour impacts and/or an unacceptable impact upon groundwater and flooding in the event of structural damage/failure to the tank, contrary to Essex and Southend Waste Local Plan 2001 policy W10E (Material Considerations: Policy Compliance and Effects of the Development) and Braintree District Local Plan Review 2005 policies RLP36 (Industrial and Environmental Standards), RLP62 (Development Likely to Give Rise to Pollution, or the Risk of Pollution) and RLP90 (Layout and Design of Development).



And that:

3. Given the continued injury to local amenity, it is considered expedient that an Enforcement Notice is issued requiring removal of the tank within 3 months of the date the notice comes into effect.

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**BACKGROUND PAPERS:**

ESS/60/13/BTE Application File

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**LOCAL MEMBER NOTIFICATION:**

BRAINTREE – Witham Northern

## APPENDIX 1

AGENDA ITEM .....

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Committee                      DEVELOPMENT & REGULATION

Date                              28 February 2014

### MINERALS AND WASTE DEVELOPMENT

Proposal: **Circular tank, with an internal radius of 11.855m and depth of 4m; de-odourising ring; equipment container; and associated hardstanding to facilitate the storage of abattoir wash water. Together with the use of the existing agricultural access track to access the wash water tank (Retrospective)**

Location: **Little Warley Hall Farm, Ranks Green, Fairstead, Essex, CM3 2BG**

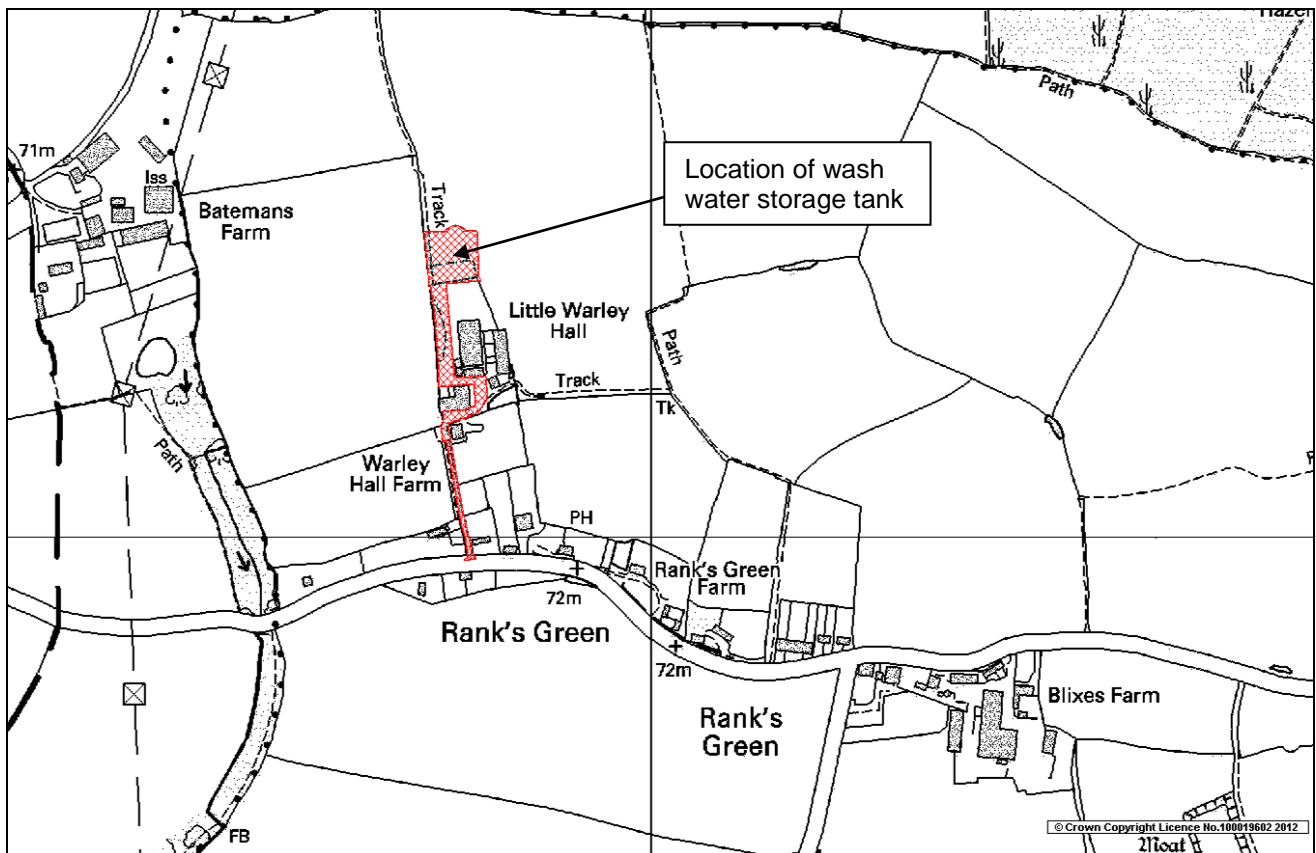
Reference: **ESS/60/13/BTE**

Applicant: **C Humphreys and Sons**

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 03330 136816

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



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## **1. SITE & BACKGROUND**

The application site is located in Rank's Green, circa 2km north-west of Fairsted, in a largely rural area (in terms of development and majority land use). Accessed from a lane off Mill Lane, the application site is situated at the northern end of the farmyard with arable fields to the north, east and west of the site.

Residential properties line the Lane from which the Farm is accessed. The closest residential property is approximately 150m south of the development (tank). The development site is not located directly within a sensitive area, as directed by the Town and Country Planning (Environmental Impact Assessment) Regulation 2011, however there are a number of Local Wildlife designations within the locality (within 2km).

This application is retrospective or an application seeking planning permission for development already carried out (Section 73A of the Town and Country Planning Act 1990). The application was previously submitted to Braintree District Council in August 2013 however during the course of determination it was decided that this application represented a County Matter application. The applicant therefore withdrew the application originally submitted to Braintree District Council (September 2013) and re-submitted it to Essex County Council (November 2013).

As background to the application and local concern, the Environment Agency between 20 December 2012 and 10 August 2013 received 47 reports relating to odour, dust and noise on their incident hotline. These reports mainly related to odour thought to be coming from a liquid waste storage tank at Little Warley Hall Farm (the tank subject of this application). The Environment Agency subsequently as such produced a report into the reported odours around Ranks Green with the aim being to assess the impact the site, regulated by the Environment Agency, has on the local community. The findings of the report are further discussed in this report.

## **2. PROPOSAL**

This application proposes the construction (retention) of a circular concrete storage tank, with an internal radius of 11.855m, to store abattoir wash water. The tank which stands 3m above ground and 1m being below ground would (4m deep in total), if filled to capacity (3.5m), would hold approximately 1,545,500 litres (339,962 gallons) of liquid.

The tank is a circular segmental structure comprising a number of identical concrete sections mechanically fixed together on a concrete base. The concrete surface is of a smooth finish and is light grey in colour. An area of crushed rubble hardsurfacing surrounds the tank and a shipping container, painted dark green is situated immediately to the west of the tank. This container is used by the applicant, in association with the tank, to store the deodorising equipment and the solution sprayed from this. The deodorising process is entirely automated and activates only when wind direction dictates this is required/necessary.

The applicant's wider business includes an abattoir at Blixes Farm, circa 500m

east of Little Warley Hall Farm. The waste service provider to that business: Albany Waste Services Ltd holds an Environmental Permit which allows the secure storage of specific wastes including untreated wash waters and sludges from washing and cleaning from abattoirs, poultry preparation plants, rendering plants or fish preparation plants only. The permit allows the storage of a maximum of 3000 tonnes (672,000 gallons) of such waste for a period of no longer than 12 months. The application details replicate the details of this with the applicant stating as part of the application that no more than 3000 tonnes of material (672,000 gallons) of waste would be stored on site in any year and that the material would not be stored for longer than 12 months.

Wash water, irrespective of the tank, is spread on the fields surrounding Rank's Green, by the applicant. This activity is permitted as part of the Environmental Permit issued by the Environment Agency by way of an approved deployment plan. This activity itself does not require express planning permission. The applicant has stated that using wash water reduces the need for the use of manufactured fertilizer, as wash water acts as a soil improver/nutrient. This activity (the spreading of the wash water), in its own right is therefore exempt from consideration as part of this application. The proposal is the installation of the tank for the storage of the wash water on site. The process of the spreading is not a consideration of this application. In respect of the tank, it is proposed that wash water would be delivered from Blixes Farm via tankers carrying 2600 gallons of water. It has been suggested that no more than twelve vehicle movements (six in and six out) would result from this activity per week.

### 3. POLICY CONSIDERATIONS

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP) and Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BLP) provide the development framework for this application. The following policies are of relevance to this application:

<u>Policy</u>	<u>WLP</u>	<u>BCS</u>	<u>BLP</u>
Sustainable Development, National Waste Hierarchy & Proximity Principle	W3A		
Highways	W4C		
Difficult and Special Wastes	W5A		
Alternative Sites	W8B		
Alternative Sites	W8C		
Planning Conditions and Obligations	W10A		
Material Considerations: Policy Compliance and Effects of the Development	W10E		
The Countryside		CS5	
Natural Environment and Biodiversity		CS8	
Industrial and Environmental Standards			RLP36
Development Likely to Give Rise to Pollution, or the Risk of Pollution			RLP62
Waste Reprocessing Facilities			RLP75
Landscape Features and Habitats			RLP80

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

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

In respect of the above, Paragraph 215 of the Framework, which it is considered is applicable to the WLP, BCS and BLP, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Consideration of this, as such, will therefore be made throughout the appraisal section of this report.

With regard to updates/replacements or additions to the above, the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) should be given little weight having not been 'published' for the purposes of the Framework. The Framework states (Annex 1 Paragraph 216):

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

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

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

Braintree District Council has produced a Site Allocations and Development Management Plan which together with the BCS will allocate development sites and protect other areas in the District from development over the next fifteen years. A public engagement on the Pre-Submission draft of this Plan is scheduled to take place from between 17 February – 28 March 2014 with submission to the Planning Inspectorate anticipated in mid-2014. As a draft of this Plan has not formally been published/submitted to the Inspectorate it is considered that only little weight can be applied, especially as objections may be currently outstanding from consultation.

With regard to waste policy and guidance, the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. The Waste Management Plan for England and an update to the national waste planning policy: Planning for sustainable waste management have both been published for consultation by the Department for Environment Food & Rural Affairs and the Department for Communities and Local Government, respectively. The principles of these documents can therefore be considered in determination of this application however, until formal adoption Waste Planning Policy Statement (PPS 10) remains the most up-to-date adopted source of Government guidance for determining waste applications.

#### **4. CONSULTATIONS**

**BRAINTREE DISTRICT COUNCIL** – Concerns are raised in view of previous complaints received from local residents and the Parish Council when this application was originally proposed to be determined by Braintree District Council. Attention is duly drawn to these letters of representation received in respect of application reference: 13/0909/FUL.

**CHELMSFORD CITY COUNCIL** – No objection in principal to the development subject to no other consultees including the Environment Agency or Environmental Health raising an objection to the proposal.

**ENVIRONMENT AGENCY** – No objection however request the imposition of a condition requiring the applicant to submit a design for the capping of the abattoir wash water storage tank within three months of planning permission being granted, with a requirement that within a further three months the cap shall be fitted, as approved. The Environment Agency consider, in justification for the imposition of this condition, that the proposed odour control measures (the de-odourising ring) would be/is inadequate.

**NATURAL ENGLAND** – No objection. It is advised that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**DEPARTMENT FOR ENVIRONMENT, FOOD & RURAL AFFAIRS** – No comments received.

**FOOD STANDARDS AGENCY** – Any comments received will be reported.

NATIONAL FARMERS' UNION – No comments received.

HEALTH & SAFETY EXECUTIVE – No comments received.

ANGLIAN WATER SERVICES – No comments received.

HIGHWAY AUTHORITY – No objection to the development in principle. The proposal does not involve any new trips on the highway network, but the redistribution of existing trips already on the network.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to a condition requiring the submission of a landscape plan detailing the species, sizes and planting distances of tree and hedge species proposed. It shall also specify plant protection and maintenance for a five year period.

PLACE SERVICES (Historic Buildings) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection with regard to harm to the setting of the nearby listed buildings. The site is within open countryside located in an established modern farm complex. The proposed tank has the effect of extending the development area further into the open fields, but it would be well screened from view by proposed vegetation. There are several listed buildings around the site; Tudor Cottage at the entrance drive to Little Warley Hall Farm being the closest. It is considered unlikely that this property would however be affected (visually) by the development as the tank is far to the north of the farm and there are a number of modern industrial farm buildings between it and the cottage. Other listed buildings that may have a view of or be included in views of the area, such as Batemans Farm and Ranks Green Farm are quite remote from the site and are themselves either within farms with modern farm building or have planted boundaries that would shield the site from view. Agrees with the landscape officer's recommendation for the details of the proposed landscaping to be submitted and agreed by way of condition.

THE COUNCIL'S AIR QUALITY CONSULTANT – Both the storage of the waste water and the associated spreading on agricultural land is regulated by the Environment Agency. Within the report produced by the Environment Agency, following odour complaints, it was concluded that the operator was working within the conditions of their Permit. The Environment Agency has however recommended that the storage tank is covered with either a roof or floating cover to mitigate the potential of odour issues in the future. In consideration of this it is recommended that a roof or floating cover be constructed.

TERLING AND FAIRSTEAD PARISH COUNCIL – Object to the proposal on the basis that it is considered the tank is being used for industrial waste and the application criteria and supporting documentation is disingenuous to say it is mere wash water. Industrial waste is being transported on a regular basis past the houses in Ranks Green without regard to residents' loss of amenity which is not acceptable, even in a rural location. Strongly commend that the application be refused.

LOCAL MEMBER – BRAINTREE – Witham Northern – The Parish Council has repeatedly discussed odour issues potentially relating to site. Request therefore in view of the significant local interest that the application be heard by the Development & Regulation Committee.

## 5. REPRESENTATIONS

10 addresses were directly notified of the application. The application was also advertised in the local press and on site. 13 letters of representation have been received. These relate to planning issues covering the following matters:

### Observation

Odour concerns. Have lived in the village for our entire lives and have never had to endure such odours since this started in December 2012. The smell renders gardens unusable and results in windows having to be kept closed. The odour can be smelt as far as 1500 metres from the tank.

### Comment

See appraisal.

The de-odourising equipment which has been installed is totally inadequate and in itself produces a very unpleasant odour.

See appraisal.

The Environment Agency's odour assessment cites numerous other sources of odours. These have all been in existence for a number of years and have never caused odour nuisance as currently exhibited.

See appraisal.

The odour report/investigation undertaken by the Environment Agency neglects to take account of the odour diaries which residents have been keeping, as requested by the Environment Agency.

It is not considered appropriate for ECC to comment on this. For ECC's assessment on potential odour impact refer to the appraisal.

The waste generated at Blixes Farm abattoir would be best treated in a filtration plant, as used at other abattoirs with the reclaimed water being used to wash vehicles and equipment. The reason the tank is not sited at the abattoir is that the odour could offend customers using the retail butchers shop.

This application has to be considered on its own merits. Whilst there is a link with Blixes Farm abattoir and consideration as part of this application will be given to the suitability of the site (see appraisal for comment), the abattoir is a separate entity and outside the immediate scope of consideration for this application.



The abattoir has expanded over the last few years and as such so have the vehicle movements.

See appraisal. Although note above comment re: particular consideration of the abattoir at Blixes Farm.

Dust nuisance generated from additional vehicle movements from Farm.

See appraisal and other comments with regard to vehicle movements and the existing permission for wash water (animal by-product) to be exported from Blixes Farm abattoir.

The only irrigation carried out previously with the wash water was on growing crops, straight from the bowser, irrespective of land conditions.

The deployment of the abattoir wash water is an activity not requiring express planning permission. The deployment is not materially changing the use of the land (i.e. the agricultural use is not ceasing) and no operational development is required. The deployment of the wash water, in itself, is therefore outside the scope of consideration of this application. However, this (the deployment) is regulated by the Environment Agency.

In terms of abattoirs in general, the primary function of an abattoir is the slaughter of animals. Following this process animal by-products are stored on site prior to removal. Waste effluent from the cleaning of the site is separately as abattoir wash water. Any statutory nuisance from the abattoir, itself, would be regulated by Braintree District Council's Environmental Health team. The regulation of the animal by-products Regulations is split between Essex County Council Trading Standards and the Food Standards Agency. Animal by-product consignment notes detail the transfer of animal by-products collected from the abattoir and taken to other sites for treatment or disposal. Odours originating from this movement is regulated by the Animal Health and Veterinary Laboratories Agency (DEFRA) and enforced by Essex County Council Trading Standards. The Food Standards Agency ensures that the abattoir is compliant with the animal by-product regulations which include the

	auditing of the abattoirs management.
	See appraisal for further comment.
Confirmation has been sought from the Environment Agency that the contents of the tank is actually 'wash water' however a conclusive response has not been received.	Noted.
The supporting documentation to the application suggests that it does not matter where the waste comes from. Concern is raised about the source of material entering the tank and ultimately the actual type of waste i.e. is it just abattoir wash water?	See appraisal.
Essex County Council in the Screening Opinion issued (ref: ESS/60/13/BTE/SO2) have misinterpreted the proposed number of vehicle movements. Confirmation is sought that this does not change the conclusion.	A revised Screening Opinion has been issued by Essex County Council to rectify this error (ref: ESS/60/13/BTE/SO2). The conclusion was that EIA was not required.
Slurry only has a limited value in itself as a fertiliser and in view that wash water can be spread all year round it is considered wash water would have even less of a value. This is in reality dumping an industrial waste as cheaply as possible.	See appraisal.
If a roof, as advised by the Environment Agency, is installed how would gas be dispersed?	The condition as suggested by the Environment Agency suggests the applicant is to submit a design for the cap of the tank. It is considered the design put forward would consider if and how gas could be dispersed.
The permit held by Albany Waste Services Ltd states that the deployment activity should not be harmful to human health or the quality of the environment; or cause offence to human sense. The permit is not being complied with.	Comment relates to the deployment of wash water rather than the provision of a tank to store it, as this application proposes. Concerns are nevertheless noted.
Health implications.	See appraisal.

When the wash water is deployed, if it is not ploughed immediately, a huge number of birds are attracted.	Comment relates to the deployment of wash water rather than the provision of a tank to store it, as this application proposes. Concerns are nevertheless noted.
Whilst walking the dogs on public footpaths, animal remains have been picked up by the dogs. The wash water stored at Little Warley Hall Farm contains blood and animal tissue and is therefore not as per the DEFRA definition.	See appraisal.
Within the application there are a number of errors/omissions, for example there have been no statements supplied with regard to highways, landscape impact, the impact on waterways or an independent analysis of the contents of the tank.	The application was validated in accordance with guidance note 'Guidance on information requirements and validation' issued by the Department for Communities and Local Government; the Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended); and the Growth and Infrastructure Act 2013. See appraisal for comments with regard to areas of concern.
Enforcement action should have been pursued. A Stop Notice should be issued until sufficient information has been submitted to fully assess the application.	Noted.
This is industrial waste.	The application is being determined by Essex County Council, as the WPA, as it has been deemed this is a waste related development. A waste use/development is a sui-generis use as defined within the Town & Country Planning (Use Classes) Order 1987 (as amended). Sui-generis applications are considered on their own merits and therefore the actual clarification of the wash water is considered irrelevant. This is an application for the storage of a waste product to which the applicant has put forward a use for as an agricultural product.
There are clear dangers of using	Noted. See appraisal.

abattoir wash water as a fertiliser. Wash water, as detailed in Chapters 4-6 of the European Commission Directorate – General for the Environment (sec 4.2.3.) states wash water contains high levels of potassium, nitrogen and phosphorus. These elements can cause potential water pollution problems and the wastes also have a high tendency to have a high biochemical oxygen demand which can make the waste readily degradable by soil micro-organisms.

The nearest residential properties are within 100m of the tank and it is considered that this is a clear breach of planning legislation for storage of industrial waste.	See appraisal.
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The need/justification for the abattoir wash water storage tank at Little Warley Hall Farm is questioned.	See appraisal.
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In the event that it is deemed appropriate to grant planning permission, conditions with regard to the requirement of a lid/roof to the tank; what can be stored in the tank and limits on when and from where wash water can be delivered to the site are suggested. Times and conditions with regard to deployment are also suggested.	See appraisal.
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The odour report, produced by the Environment Agency, submitted as part of the application, does not address the real problem which is the odour coming from the storage tank.	See appraisal.
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The odour has resulted in us (a local business) having to send staff home early because the smell was unbearable.	See appraisal.
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A copy of a memorandum from Braintree Environmental Services to the Planning Section, dated 27 August 2013, has been enclosed to a	See appraisal.
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neighbours' representation. This details that the Environmental Health Officer at the end of 2012 whilst investigating the site, following complaint, witnessed a strong unpleasant odour affecting the residential area of Ranks Green. It is concluded that had best practicable means been considered...then an alternative site further from residential property should have been identified as the best environmental option.

Concerns are expressed about potential expansion plans or future additional tanks.

Every planning application has to be considered as applied for and on its individual merits.

Concerns about the impact on house prices and saleability of property in the area.

Property prices in their own right are not a material planning consideration.

This development is purely financially motivated.

See appraisal.

This is a change of use application and the application in turn as such needs to also include the land to which the wash water is deployed as the spreading of waste.

See Proposal section of this report.

The size of the tank is excessive.

See appraisal.

This location is completely inappropriate for this type of development (waste use).

See appraisal.

Recommended that the planning application is held in abeyance or its withdrawal required until appropriate and sufficient supporting assessments and credible mitigation strategies have been submitted; the tank has been categorised as an industrial building; the wash water classed as an industrial waste; and that the land to which the wash water is spread is included within the red line area.

Noted.

In addition to the above, some of the representations enclosed odour diaries detailing wind directions and levels of nuisance/impact since installation of the tank in August 2012.

## 6. APPRAISAL

The main issues for consideration are:

A – Need & Site Suitability

B - Proposed Operations

C - Impact on Landscape & Amenity

D - Human Rights

In respect of Environmental Impact Assessment, a Screening Opinion (reference: ESS/60/13/BTE/SO) was issued by the WPA in December 2013, following submission of the application. The Opinion concluded that in context of the site locality; the suggested source, maximum storage capacity and use of the wash water; and the likely impacts from the storage in its self that the development would not have an impact of more than local importance and therefore, on balance, an Environment Impact Assessment (EIA) would not be required.

During the determination process of this application an error was noted in the discussion of the Screening Opinion issued (Characteristics of potential impacts) with regard to vehicle movements. A further Screening Opinion re-assessing the application and potential impacts in view of the above was issued by the WPA in February 2014. The Opinion remained that an EIA would not be/is not required.

### A NEED & SITE SUITABILITY

The applicant has stated water is a valuable commodity and re-using wash, from the nearby abattoir, is inherently sustainable as it reduces the burden on water demand. The applicant has suggested that one of the benefits of using wash water for irrigation is that it contains nutrients which reduce the amount of fertiliser required, when crops are first planted. Ploughing in the wash water prior to sowing crops is beneficial to plant growth and materially reduces the amount of manufactured fertiliser that is required to supplement crop production/growth.

The applicant blends his own animal feed, mixing maize grown on site as a component of this. Maize is a nutrient hungry crop and having a supply of wash water available to irrigate the land prior to planting it has been suggested is of benefit to the applicant in ensuring a good return of maize. Without the ability to store the wash water deployed on site, it has been detailed that soil compaction or waterlogging can occur if the weather or soil conditions, when deployed is scheduled, are not appropriate. The tank would allow deployment to occur when conditions are right on the farm and weather conditions favourable (wind direction included) rather than being controlled by the availability of wash water from the abattoir. The applicant has stated that should deployment be programmed and occur when conditions are not necessarily good, compaction and/or waterlogging can occur and this could result in the loss of the holding's Single Farm Payment which is essential in terms of viability. Whilst in such a circumstance it would be easy for the neutral to argue deployment should be delayed, in context of factors outside the applicant's immediate control (availability of wash water), and the need for irrigation this may not be possible. The applicant therefore considers the provision of the storage tank provides flexibility for the holding whilst furthermore

allowing the potential amenity effects of the spreading to be minimised.

Whilst not necessarily a material consideration of this proposal, as explained within the Proposal section of this report, it is nevertheless considered worthwhile to note the operations at Blixes Farm (the abattoir where the wash water would be sourced from). Enquires have been made by the WPA however, understandably, the applicant's agent is unaware of the total amount of wash water produced at Blixes Farm. This it has been suggested is dependent on the throughput of animals at the abattoir. This is a separate issue which would have been considered when the abattoir was originally approved however, importantly it must be remembered that the wash water is a by-product of the abattoir. Without the storage tank, the wash water is still going to have to be transported from the site whether this is to land from deployment or to a storage or secondary processing facility. The provision of the tank on its own is not explicitly generating additional vehicle movements from Blixes Farm and the abattoir.

WLP policy W3A identifies the need for proposals to have regard to the following principles:

- consistency with the goals and principles of sustainable development;
- whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;
- whether the proposal would conflict with other options further up the waste hierarchy;
- conformity with the proximity principle.

Planning Policy Statement 10 (PPS 10) (Planning for Sustainable Waste Management) encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate. Whilst there has been some discussion as to if this development represents a waste development, when viewed in isolation (i.e. the abattoir separate from the deployment of the wash water) it is clear that the wash water is a waste (by-product) produced at the abattoir. Irrespective that the wash water has a secondary 'use' it is disposed of from the abattoir as a waste product (i.e. of no benefit to the operation of an abattoir). The WPA is unaware as to if there is a market for wash water (i.e. a market willing to pay for it) or if it is just disposed of for cost. This is nevertheless, in this case, considered irrelevant because of the tangible link (same ownership) between Little Warley Hall Farm and the abattoir at Blixes Farm. The proposal, in pure land use terms, is the provision of a tank to store waste (abattoir wash water). It is therefore considered the main consideration of the application is if this site is actually suitable for such a development and/or if the provision/facility would cause undue impact on the locality rendering it unsustainable. In relation to this, and WLP policy W3A, as the proposal is in essence facilitating the re-use of a waste product it is considered that the proposal in principle does comply with the objectives of PPS 10 and WLP policy W3A. That being said it should be noted that the tank in itself does not offer specifically support this as the re-use is in effect the actual spreading. The benefits of a holding supply, as suggested by the applicant, detailed above are

nevertheless noted in this regard.

WLP policies W8B and W8C and the locational criteria within Appendix E of PPS 10 detail a list of criterion to which, if met, such (waste management) development would be supported at. WLP policies W8B and W8C both identify types of location other than those in Schedule 1 of the WLP at which waste management facilities would be permitted. WLP policy W8B is generally targeted towards facilities with a capacity over 25,000 tonnes per annum and suggests that areas suitable for such development include employment areas (existing or allocated) or existing waste management sites where the proposed facility would not be detrimental to the amenity of any nearby residential area. WLP policy W8C which is directed towards sites with a capacity below 25,000 tonnes per annum suggests that such development would also be acceptable in more urban locations where they serve the local community, subject to the protection of residential amenity, and in rural locations where they would be located within existing buildings not requiring significant adaption, not prejudice the openness or character of the locality and not, in the case of farm buildings or hardstandings, result in the re-placement of buildings purely for operational reasons/requirements.

BLP policy RLP75 furthermore, with regard to waste reprocessing facilities, states that development proposals involving waste recovery (such as recycling, waste transfer stations and composting) will be permitted in employment policy areas, subject to: i) there being no unacceptable adverse impact on adjoining uses by reasons of noise, smell, dust or other airborne pollutants and ii) there being no adverse impact on the surrounding road network in terms of road safety or capacity.

In respect of the above policy stance, specifically looking at land use, the site (and surrounding area) is un-allocated white land in the Proposals Map (2011) accompanying the BCS. Ranks Green is considered stereotypical of a small rural village with sporadic housing lining the country Lane through the village. The proposed annual throughput of wash water to be stored on site is 3000 tonnes (672,000 gallons). With regard to facilities within a capacity below 25,000 tonnes per annum, WLP policy W8C details that rural locations may be appropriate providing they are located within existing buildings and do not prejudice the openness or character of the locality. Whilst this facility does not make use of an existing building or structure, it is considered that the tank in appearance is general akin to that expected and accepted on an agricultural holding. A further discussion with regard to the impact the development would have on landscape and amenity is nevertheless considered later in this report.

## **B PROPOSED OPERATIONS**

The supporting text to WLP policy W5C acknowledges that much of the 250 million tonnes of agricultural waste produced in the UK per annum<sup>1</sup> is dealt with by the industry itself mostly by spreading the material on agricultural land as a soil improver. In this regard, WLP policy W5A states that proposals for facilities to reduce the quantity of and to manage difficult and special wastes, using appropriate technologies, will be judged on their merits, against the criteria and

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<sup>1</sup> Accurate at the time of publication of the WLP (2001)



policies stated in the development plan, and having regard to alternative provision with the eastern or south east regions. Wash water is considered a special waste, in the meaning of WLP policy W5A, as facilities for handling and storing this type of waste are quite specialised and reliant on a particular source (i.e. an abattoir in close proximity). Research, undertaken by Essex County Council, into water usage in meat processing has suggested that slaughter and evisceration processes account for almost half the estimated 1,000 litres of water used per carcass. The remaining water usage for a typical plant is principally for cleaning and plant operation, irrespective of throughput<sup>2</sup>.

Wash water or 'dirty water' is defined by DEFRA within the publication Nitrate Vulnerable Zones Fact Sheet 1: Slurry and Dirty (Version 2.1, May 2011) as lightly-contaminated runoff from lightly-fouled concrete yards or from dairy/parlour that is collected separately from slurry. Dirty water is not referred to in the Nitrate Pollution Prevention Regulations 2008. Under these Regulations an organic manure means any nitrogen fertiliser derived from animal, plant or human sources, including livestock manure. Slurry and dirty water fall within this category. Both slurry and dirty water have a high readily available nitrogen content, so the rules for organic manure on storage and the closed periods should apply. However, compared with slurry, dirty water has a low total nitrogen content that limits its impact on nitrate leaching. Taking this into account, DEFRA and the Environment Agency have agreed to exclude dirty water from the need for long-term storage. This means it can be applied to land during the closed periods – provided it is managed and spread safely, so that it does not enter surface water.

The wash water proposed to be stored in the tank is the residue liquid from the wash down process at Blixes Farm abattoir. After animals are killed in the slaughterhouse the floor is initially cleaned manually with mop and shovel with the product collected stored in a Category 1 waste bin for disposal. The floors are then hosed down with pressure washers with water draining to a channel covered by a via 4-6mm grate. The water which is collected in this channel is 'wash water' as described by this application. The water contains blood, small traces of flesh and faeces but only of a size small enough to pass through the drain grate (i.e. less than 4mm in size). The channel of wash water leads to a tank where it is stored before being loading by vacuum into a tanker for onward transportation. Should planning permission be granted, the applicant is willing to accept a condition restricting the contents of the tank to that described with the application details, paraphrased above.

In terms of process, wash water would be delivered to the site from Blixes Farm via tankers carrying 2600 gallons of water. It has been suggested that no more than twelve vehicle movements would result from this activity per week (six in and six out). The applicant is willing to accept a condition as such and a condition restricting deliveries from just Blixes Farm however is unable to provide a more detailed assessment/breakdown of vehicle movements as the tank would not always be full. In practice, it is anticipated, that wash water would be deployed twice a year (after the main crop is taken off the land in July/August and after the

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<sup>2</sup> Planning for Sustainable Use of Water in Abattoirs, Guenter Hauber-Davison, Water Group Australia  
<http://www.watergroup.com.au/store/system/articles/products/127/OpinionFeature%20HauberDavisonWater%20Abattoirs.pdf>

maize crop in October). On the basis of a maximum of twelve weekly vehicle movements it would not be possible to fill the tank to capacity between July and October and conversely from October the tank could in theory be filled in approximately five and a half months (mid-March). This would in effect mean there would be a period (three and a half months), once the tank is full, when there would be no deliveries to the tank. This is however dependant on the amount and availability of wash water from the abattoir.

With regard to the above, as previously outlined, the use/spreading of wash water on this site is an existing practice. The vehicle movements therefore associated already occur and would continue to do so, even without the provision of the storage tank. This is important to consider as the tank in its own right is not explicitly generating additional vehicle movements from Blixes Farm. If the wash water was stored and spread directly from the abattoir then yes, these movements are additional, however there is no such provision at the abattoir and currently the wash water is transported by approved contractor.

In relation to this WLP policy W4C states access for waste management sites will normally be by a short length of existing road to the main highway network. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity existing for using a suitable existing access or junction, and where it can be constructed in accordance with the Council's highway standards. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment. The Highway Authority has not raised an objection to the proposal because it would not involve any new trips on the highway network, but the redistribution of existing trips already on the network. No concerns have been raised about the junction with Little Warley Hall Farm and as the wash water would likely be delivered, although this has not formally been expressed, by tractor with a tanker trailer it is further considered that there is likely to be a change in character of vehicles visiting the farm. Subject to appropriate site management in respect of the haul road, in context of the limited amount of vehicle movements per week, it is therefore considered the application complies with WLP policy W4C.

As outlined above, the Highway Authority has not requested any conditions be imposed, should planning permission be granted. The suitability of condition restricting the number of vehicle movements, to that detailed within the application, is considered further in this report.

## C IMPACT ON LANDSCAPE AND AMENITY

The Framework at Paragraph 122 details that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

WLP policy W10E details a list of criterion to which satisfactory provision must be

made, within the proposal, to demonstrate that no significant impacts are likely to result from implementation. Included in this list of criterion is the effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants; the effect of the development on the landscape and the countryside; and the impact of road traffic generated by the development. The locational criteria of Annex E of PPS 10 furthermore details a list of considerations and potential adverse impacts waste related developments can have including, as detailed in WLP policy W10E, visual intrusion; traffic and access; air emissions; odours; vermin and birds; noise and vibration; and potential land use conflict.

Looking initially at the design of the storage tank and the potential impact on the landscape, BCS policy CS5 details that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Furthermore, in relation to landscape and agricultural, BCS policy CS8 states that development should protect the best and most versatile agricultural land. Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape.

BLP policy RLP90 states that a high standard of layout and design in all developments will be expected. Planning permission will only be granted where the following criteria are met (only criteria related to this proposal have been detailed): the scale, density, height and massing of buildings reflect or enhance local distinctiveness; there shall be no undue or unacceptable impact on the amenity of any nearby residential properties; designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance; the layout, height, mass and overall elevational design of buildings and development shall be in harmony with the character and appearance of the surrounding area, including their form, scale and impact on the skyline in the locality; and landscape design shall promote and enhance local biodiversity.

The design of the storage tank, as considered by Braintree District Council, is utilitarian. The development itself does not have a positive impact on the landscape setting. That being said, the development being characteristic of an agriculturally related provision does not conversely significantly detract from the landscape setting and is not out of keeping with the surrounding area. Located to the north of the farm holding, the storage tank would be visible from areas to the north, east and west and from the public footpath network around the adjoining fields. These views would however be screened by the proposed landscaping around the tank and hardstanding. In respect of this, the Council's landscape consultant has raised no objection to the proposal, in principle, recommending a condition requiring the submission of a landscape plan detailing the species, sizes and planting distances of tree and hedge species proposed. This condition has been suggested to ensure that the necessary planting for screening establishes and is effective. Natural England has, for reference, raised no objection to the development detailing that the proposal is unlikely to affect any statutorily

protected sites or landscapes.

BLP policy RLP80 inter-alia details that development which would not successfully integrate into the local landscape will not be permitted. As expressed above, this development whilst of no real design quality is considered characteristic for a farm. No objection from any statutory consultee has been raised about the landscape impact of the tank and it noted that similarly no such concern has been expressed by the public. The development area whilst extending the working farm area further to the north is considered appropriate to the locality and with the screening proposed, secured by restrictive condition should planning permission be granted, it is considered would fully integrate the development in the existing landscape setting, rendering the actual provision of a tank in this location compliant with BCS policies CS5 and CS8 and BLP policies RLP80 and RLP90.

With respect to the above it is noted that there are several listed buildings within close proximity of the site and Little Warley Hall Farm. Ranks Green Lane (16) is furthermore in part a Protected Lane of Grade II Listing. The Framework inter-alia details at Paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Leading on from this, at Paragraph 133, it is detailed that where a proposal will lead to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that, when considered, outweigh the harm caused.

BLP policy RLP87 states that the Council will seek to conserve the traditional landscape and nature conservation character of roads designed as Protected Lanes, including their associated verges, banks and ditches. Any proposals that would adversely affect the physical appearance of these Lanes, or give rise to a material increase in the amount of traffic using them will not be permitted. The Council's historic building consultant notes that Tudor Cottage, at the entrance drive to Little Warley Hall Farm, is the closest listed building to the development. It is however considered unlikely that this property would be affected (visually) as the tank is at the far north of the farm site and there are a number of modern industrial farm buildings between it and the cottage. In context of the site, as existing, and the other nearby listed buildings whilst it is noted that there may be some views of the development it is not considered the tank would harm the setting of any of listed buildings at a level to be contrary to the Framework and/or BLP policy RLP87. Support is nevertheless shown to the requirement for a detailed landscape scheme, as recommended by the Council's landscape consultant, to ensure the effective management of the proposed screening.

A number of letters of representation received raised concern about damage being caused to Ranks Green Lane. As previously detailed in relation to vehicle movements (Proposed Operations) it is not considered that this application would explicitly result in additional vehicle movements on the Protected Lane. Wash water has to leave Blixes Farm and this transportation by the fact that Blixes Farm is also located on Ranks Green Lane has to, by default, travel on it. The types of vehicle using the Lane, necessary to transport the material, are large vehicles

however are considered akin to that utilised on a regularly basis by normal farming activities and as such it is not considered that the proposal in itself would give rise to a material increase in traffic generation and subsequent damage to verges, banks and/or road ditches. In this regard it is considered that the proposal would not unduly impact the Protected Lane designation or affect the setting of the nearby listed buildings at a level to be contrary to BLP policy RLP87 and RLP90 (criteria in respect of the local distinctiveness).

Turning now to amenity impacts, the vast majority of public representation received raised concern with regard to odour. BLP policy RLP36 details that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of noise; smells; dust; grit or other pollution; health and safety; visual impact; traffic generation; contamination to air, land or water; impact on nature conservation interests; and/or unacceptable light pollution. BLP policy RLP62 goes on to detail that planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm nearby residents including noise, smell, fumes, vibration or other similar consequences, unless: i) adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effect on health and the natural environment; and ii) adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emission occurring, which could cause harm to land use, including the effects on health and the natural environment.

In support of the planning application the applicant has submitted a report produced by the Environment Agency into reported odours around Ranks Green. As detailed in the report, the aim of the investigation was to assess the impact the sites regulated by the Environment Agency were having on the local community in an attempt to establish if the activities were creating unacceptable levels of odour. As detailed in one of the comment boxes to a representation received, the report separates the potential sources of odour from the abattoir itself, the transfer of the wash water to Little Warley Hall Farm, the storage at Little Warley Hall Farm and the deployment on to the surrounding fields. The assessment is made in context of other nearby sources of potential odour including manure heaps, silage storage tanks and Bateman's (poultry) Farm off Mill Lane.

Odour monitoring was undertaken by the Environment Agency between 10 June and 2 August 2013. Of which between 15 July and 2 August 2013 daily monitoring occurred. Set monitoring points were established around the site at points which were considered to represent high, medium and low sensitivity areas. Each site (six locations were chosen) was monitored for 10 minutes with the findings being recorded on a specific monitoring report sheet, used by the Agency in such circumstances. During the monitoring a range of weather conditions were experienced and of particular note so was a range of wind directions. Below is a table detailing the summary of the Environment Agency's investigation at the monitoring locations:

<u>Location</u>	<u>Summary of Findings</u>
Road Bridge – south-west of the storage tank and in a westerly direction of Blixes Farm abattoir.	Intermittent odour detected on 7 of the 29 occasions. Officers were unable to confirm any odour on 23 occasions. It is possible that 1 of the 6 confirmed odours was associated with the storage tank at Little Warley Hall Farm.
Little Warley Hall Farm – north of the storage tank and to the north-west of Blixes Farm abattoir.	Constant odour was detected on 6 out of 31 occasions and an intermittent odour was detected on 6 out of 31 occasions. Officers were unable to substantiate any odour on 19 occasions. It is possible that 7 of the 12 confirmed odours were associated with the storage tank at Little Warley Hall Farm.
Ranks Green – south-east of the storage tank and to the north-west of Blixes Farm abattoir.	Intermittent odour was detected on 4 out of 31 occasions. Officers were unable to confirm any sources of odour on 27 occasions. It is likely that none of the 4 confirmed odours were associated with the storage tank.
Footpath – south-east of the storage tank and to the north-west of Blixes Farm abattoir.	Constant odour detected on 1 out of 31 occasions. An intermittent odour was detected on 4 occasions. Officers were unable to substantiate any odour on 26 occasions. It is likely that 1 of the 5 confirmed odours was associated with the storage tank.
Footpath – south-east of the storage tank and to the north-west of Blixes Farm abattoir.	Intermittent odour was detected on 11 out of 29 occasions. Officers were unable to substantiate any sources of odour on 18 occasions. It is possible that 1 of the 11 confirmed odours was associated with the storage tank at Little Warley Hall Farm.
Ranks Green road junction – south-east of the storage tank and in a westerly direction of Blixes Farm abattoir.	Intermittent odour was detected on 6 out of 30 occasions. Officers were unable to substantiate any odour on 24 occasions. It is likely that none of the confirmed odours at this monitoring point were associated with the storage tank. The odours on these occasions were identified as likely being from Blixes Farm.

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With regard to the nuisance/odour diaries kept by local residents, the Environment Agency notes that on 7 occasions nuisance was recorded when land spreading (deployment) of the wash water was being undertaken. However, on 5 occasions no nuisance or incident report was recorded by residents when spreading was taking place. This it is considered by the Agency demonstrates that odours from the spreading does not always reach the Ranks Green area. From the analysis of the nuisance diaries, seen by the Environment Agency, it has been found that 58% of concern/incidents noted took place during time when the wash water was being spread on the land; and 41% of incidents recorded were at time when wash water was being transferred from Blixes Farm to Little Warley Hall Farm. Concentrating on the storage of the wash water, and the provision of a tank (the development to which this application relates), the Environment Agency note that from the monitoring points outside the farm the Officers were able to substantiate several odours which could have originated from the abattoir wash water storage tank. The Environment Agency have however inspected the tank and determined the tank is compliant with 'How to comply with your land spreading permit'.

A deodoriser was installed around the tank in March 2013 and this is being used as a suppressant when the wind is in a specific direction. Residents of Ranks Green have voiced concerns regarding the airborne deodoriser but we (the Environment Agency) have looked at the data sheeting and these state that the "the ingredients did not indicate any toxicological cause for concern in terms of hazard and risk, to either human users or consumers or to animals that may come into contact with the products".

The overall conclusion of the report was that whilst odour was detected on several occasions it was at a level that would be expected of a storage tank and the operator is taking the measures we would expect to minimise them. The storage of abattoir wash water is by its nature an odours one and therefore it would not be expected to be odour free at all times. In respect of this, and as detailed in the formal consultation response received from the Environment Agency, the Agency recommend a condition be attached, should planning permission be granted, requiring the tank to be capped, details of which would to be approved in writing by the Waste Planning Authority in conjunction with the Agency.

The Framework at Paragraph 109, a position/consideration replicated in many of the policies in the WLP and BLP referred to previously in the section, that the planning system should contribute to and enhance the natural and local environment by: (bullet point 4) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In consideration of this application – which is the provision of a storage tank for wash water – it is considered that the findings of the Environment Agency's report are useful in determining the actual impact the provision and storage of the wash water is/would have on the locality. The Environment Agency are the regulatory authority for the storage and deployment of the wash water and have already, as detailed previously, issued a Permit/Licence to cover the activities.

The Officer supporting report to Braintree District Council's formal consultation response, in relation to odour, notes that the site is in the countryside where it is not unusual to experience odours as a result of agricultural activity. However, it is considered in this report that this application relates to waste disposal and is not directly related to agricultural. Policies RLP36 and RLP62 of BLP, detailed previously in this report, seek to ensure that new development does not give rise to unacceptable environmental impacts as a result of, amongst other things, visual impact, traffic generation, noise and smells. The Council (Braintree District Council) is aware of issues regarding odour nuisance, however Braintree District Council Environmental Health does not consider they have sufficient evidence to support an objection on the grounds of odour nuisance.

In context of Paragraph 122 of the Framework; that the Council's air quality consultant has not raised an objection in principle to the development, although they have supported the motion for a condition requiring the tank to be covered (as suggested by the Environment Agency); and the above position of Braintree District Council Environmental Health it is considered that whilst odour is a concern the impact is likely to be significant enough, alone, to warrant refusal. In respect of this, and the notable local concern, it is nevertheless considered appropriate to consider if conditions could be imposed to limit potential nuisance and appease some of the local negativity. In this respect it must nevertheless be remembered that any condition imposed as detailed in Circular 11/95: Use of conditions in planning permission (the six tests for conditions) must be relevant to planning and relevant to the development to be permitted and in this regard any conditions imposed cannot solely relate to the deployment of the wash water. The conditions would need to relate to the tank and the activities associated with the use of that provision as a storage facility for abattoir wash water.

Initially with regard to covering the tank, a condition recommended by the Environment Agency and the Council's air quality consultant, the applicant has indicated that they would be willing to accept a condition as such. A cap it is considered would further seek to prevent odour nuisance and limit the actual exposure of the wash water to the atmosphere (during storage). With regard to other potential conditions, some of which have been recommend in public consultation responses received, it is considered that conditions could be applied limiting the use of the tank to just wash water as described in the application details and the total number of vehicle movements (deliveries) to the tank per week. The imposition of such conditions it is considered would seek to offer some certainty on the permitted storage and intensity of use.

With regard to the source of waste (wash water), whilst there is considered a tangible link between Blixes Farm abattoir and Little Warley Hall Farm, the benefits of the tank, as outlined by the applicant, remain irrespective of where the wash water is physically sourced from. It is considered that in land use terms, the site and proposal to a certain degree only comply with relevant policy because of the close proximity to the abattoir. However, the imposition of a condition specifically restricting waste sourced from Blixes Farm abattoir it is considered would be ultra-vires and not relevant to planning or the development to be permitted.



The provision of a storage tank for abattoir wash water it is considered does offer the applicant additional flexibility in context of the land spreading/deployment which is undertaken of the material for agricultural purposes. It is nevertheless also a fact that wash water by its very nature is odorous and as such can have negative impacts on the locality. Guided by technical experts on the matter it is nevertheless not considered, in this instance, that the level of nuisance or impact from the tank would be of a level to warrant refusal of the development. In context of this conclusion and with appropriate conditions attached, should planning permission be granted, it is considered that the development would demonstrate general compliance with WLP policy W10E and BLP policies RLP36 and RLP62.

## **D HUMAN RIGHTS**

Article 8 of the European Convention on Human Rights (as incorporated by Human Rights Act 1998), provides that everyone is entitled to respect for his private and family life, his home and correspondence.

Article 1 of Protocol 1 of the European Convention on Human Rights provides that everyone is entitled to peaceful enjoyment of his possessions.

In light of the absence of considered significant impacts in terms of noise, odour, dust, lighting, traffic or other amenities, it is considered there is no interference with either Article 8 or Article 1 of Protocol 1. Even if there were such interference, Officers are of the view that the interference would be of such a level as to be clearly justified and proportionate in the public interest.

## **7. CONCLUSION**

At the heart of the Framework is a presumption in favour of sustainable development. At paragraph 6 of the Framework it is detailed that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In an economic role planning should be contributing to building a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and the right time to support growth and innovation. In a social role planning should be supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating high quality built environment, with accessible local services that reflect the community's needs and support is health, social and cultural well-being. In an environmental role planning should be contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

In relation to the three dimensions of planning it is considered that there are clear benefits, to this development, within the economic and environmental roles. The development would support the farming activities at Little Warley Hall Farm and in an environment role minimise waste in that the wash water (a waste/by-product of the abattoir) is being utilised for agricultural benefit. Questions have been raised

as to the merits and rationale of the proposal and process (deployment of abattoir wash water for agricultural reasons) however the WPA in view that expert statutory consultees have not expressed similar concerns, in-deed a Permit/License already exists for the deployment, consider that there is an accepted agricultural use and benefit to the spreading. In light of the Localism Act 2011 and empowering local communities, particular in respect of the social role of planning, the concern and objection raised with regard to odour is of note. That being said it is not considered that sufficient evidence exists to demonstrate that any potential undue impact to the social role would outweigh the above benefits within the economic and environmental roles. This opinion is furthermore supported by the fact that no objection, in principle, to the provision of a storage tank has been raised by any statutory consultee.

It is therefore considered, subject to the imposition of certain restrictive planning conditions, that this proposal does represent sustainable development and as such complies with WLP policies W3A, W4C, W5A, W8B, W8C and W10E; BCS policies CS5 and CS8; and BLP policies RLP36, RLP62, RLP75, RLP80, RLP87 and RLP90.

## 8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. COM3 – Compliance with Submitted Details
2. DET2 – Design Detail (Variant)  
Within three months of the date of this permission, design details for the capping of the storage tank shall be submitted to and approved in writing by the Waste Planning Authority. The submitted detailed include scale drawings together with an indicative guide of function during operation (delivery of wash water). The cap shall be implemented in accordance with the approved details within three months of the date of the design details being approved.
3. HIGH4 – Prevention of Mud and Debris on Highway
4. HIGH5 – Vehicle Movement Limits (Variant)  
The total number of vehicle movements associated with the delivery of wash water to the storage tank, hereby permitted, shall not exceed 12 movements (6 in and 6 out) per calendar week.
5. LAND1 – Landscape Scheme
6. LAND2 – Replacement Landscaping
7. WAST1 – Waste Type Restriction (Wash water as described within the application details)

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### **BACKGROUND PAPERS:**

ESS/60/13/BTE Application File

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

The proposed development is not located within the vicinity of a Special Area of Conservation (SAC) or Special Protection Area (SPA) and is not directly connected with or necessary to the management of those sites. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of

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Habitats and Species Regulations 2010 is not required.

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**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.

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**STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER:** In determining this planning application, the 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 National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

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**LOCAL MEMBER NOTIFICATION:**

BRAINTREE – Witham Northern

**ADDENDUM FOR THE MEETING OF DEVELOPMENT & REGULATION  
COMMITTEE 28<sup>th</sup> February 2014**

**Item 5a (DR/03/14) Little Warley Hall Farm, Ranks Green**

Page 17

**REPRESENTATIONS**

Since publication of the Committee Report an updated representation from a member of the public has been received. The following planning issues were raised:

Observation

Questions the use of the wash water on standing crops, especially as a condition of the deployment license is that it must be ploughed within 24 hours.

Comment

See appraisal (page 26-27 of the Committee agenda).

The local community are accepting that if planning permission is refused deployment may continue. The main problem with the storage tank is odour, which is emitted all the time. If the

Noted.

wash water was spread direct from the abattoir this nuisance would not occur.

The development is not typical of an arable farm. An arable farm would have no need for a storage tank for abattoir wash water, neither the vehicles associated. Vehicle movements are higher than stated in any case.

See appraisal, particularly Section B – Proposed Operations.

#### Page 23

#### SECTION A – NEED & SITE SUITABILITY

1<sup>st</sup> paragraph, first line insert the word 'water' for sentence to read '...and re-using wash water, from the nearby abattoir...'.

#### Page 26

#### SECTION B – PROPOSED OPERATIONS

3<sup>rd</sup> paragraph, sixth line delete the word 'via' to read '...to a channel covered by a 4-6mm grate.'

#### Page 29

#### SECTION C – IMPACT ON LANDSCAPE AND AMENITY

1<sup>st</sup> full paragraph, fifth line insert the word 'is' for sentence to read '...impact of the tank and it is noted that similarly no such concern...'.

#### Page 33

#### SECTION C – IMPACT ON LANDSCAPE AND AMENITY

2<sup>nd</sup> paragraph, sixth line insert the word 'not' for sentence to read '...the impact is not likely to be significant enough, alone, to warrant refusal.'

4<sup>th</sup> paragraph, final sentence replace 'ultra-virus' with 'ultra-vires'.

**DR/10/14**

committee DEVELOPMENT & REGULATION

date 28 March 2014

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Change of use from B8 (Storage and Distribution) to a waste transfer (Health Care Waste), storage and associated offices.**

Location: **Fulmar Way, Wickford Business Park, Wickford, SS11 8YW**

Ref: **ESS/08/14/BAS**

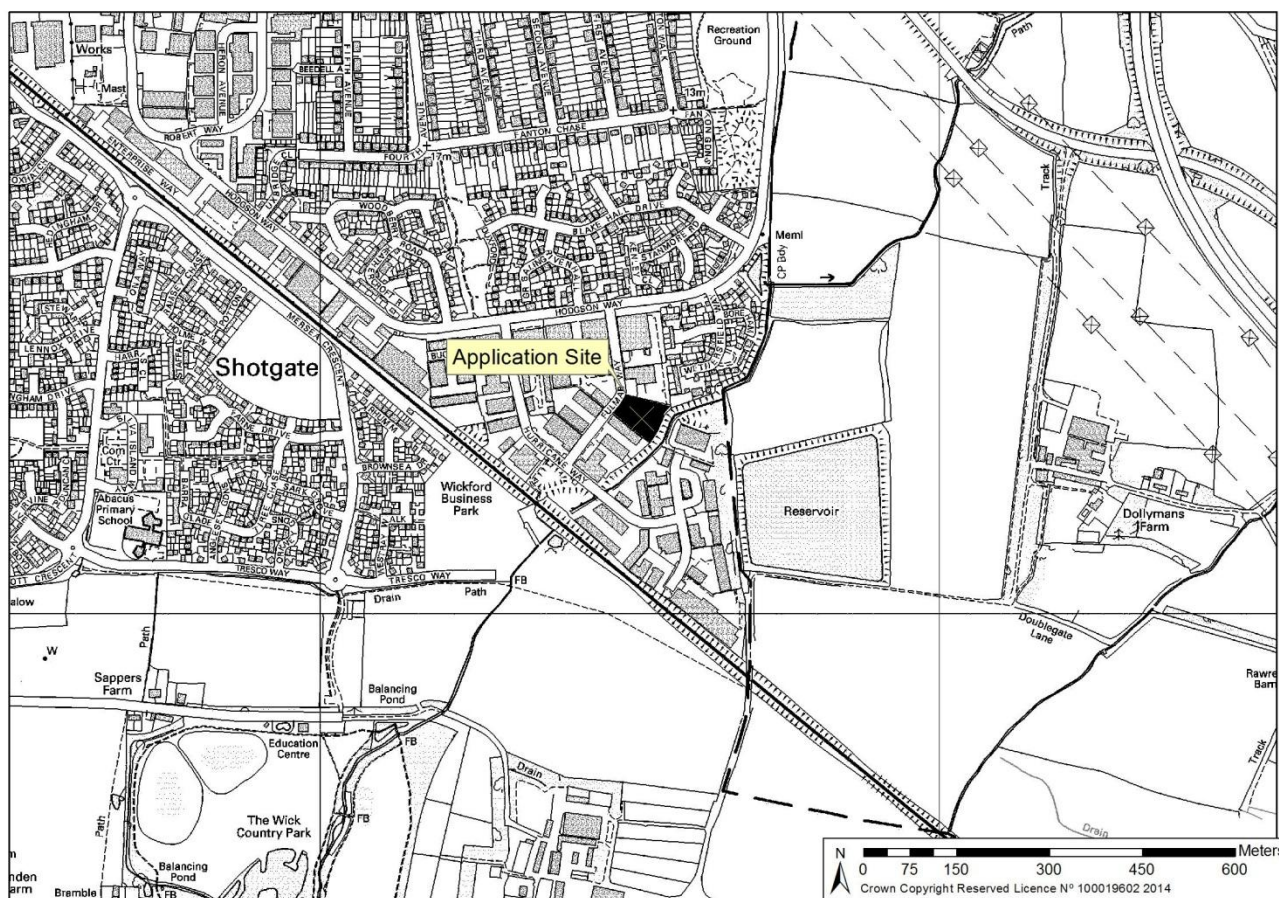
Applicant: **PHS Group PLC**

Report by Director of Operations: Environment and Economy

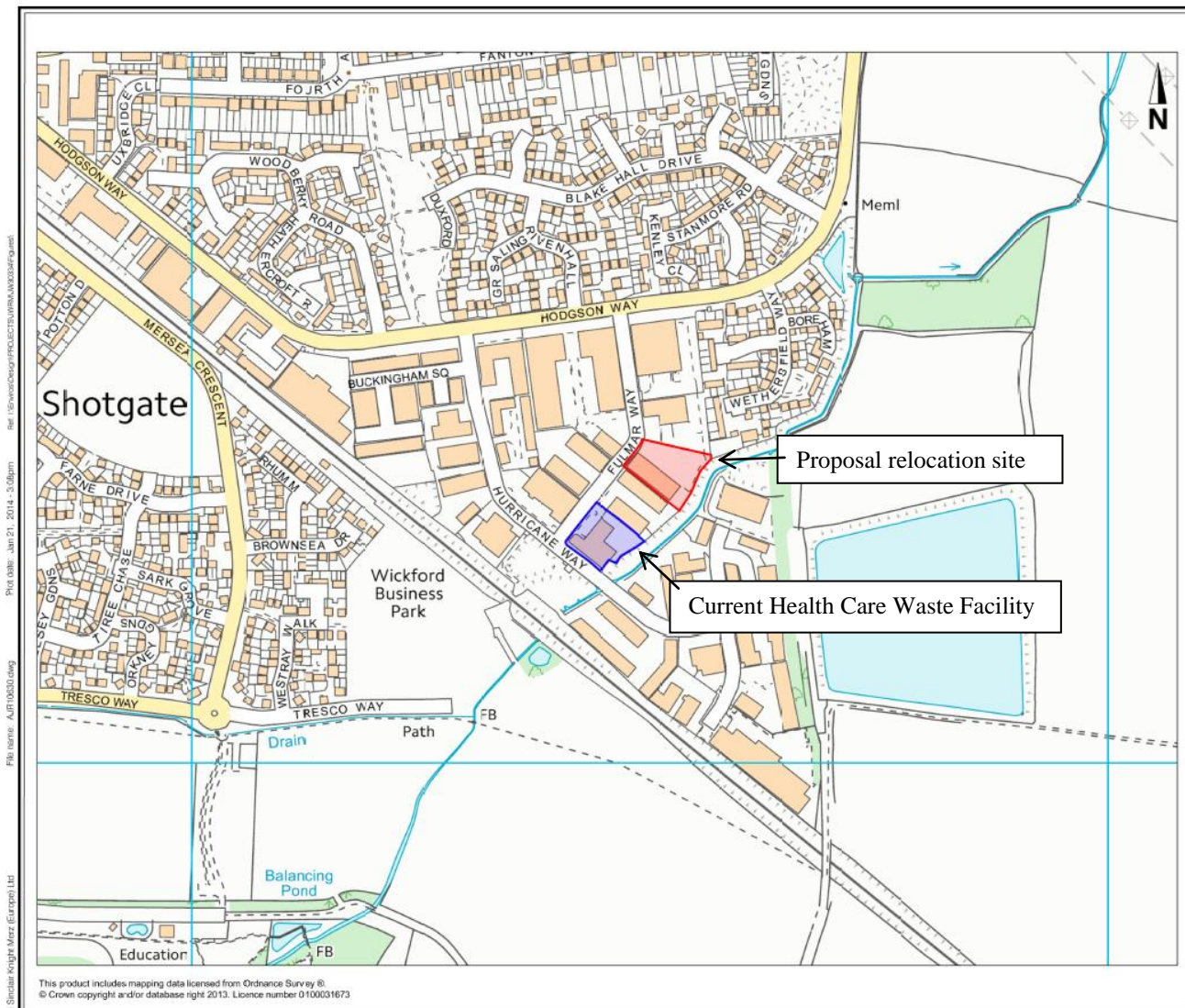
Enquiries to: Paul Calder Tel: 03330 136825

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

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(Taken from application submission ref: JW30334)

## 1. SITE

The application site is located to the east of the main urban area of Basildon, south east of Wickford within the Wickford Business Park. The Business Park is accessed from the A129 and then via a local distributary road, Hodgson Way, which leads onto Fulmar Way.

The application site lies within the eastern side of Fulmar Way, located within an established light industrial estate with a mixture of light manufacturing and distribution activities. The application site itself occupies an area 0.4ha with the existing warehouse building occupying 890m<sup>2</sup>, office building occupying 255m<sup>2</sup> with associated 2 – 2.4m high palisade fencing around the site boundary. The main yard of the site would be used for the manoeuvring and parking of all commercial vehicles and within the south eastern corner of the site there is parking for 16 cars.

Existing residential properties are located to the north and north west of the site towards the centre of Wickford. The nearest residential property to the application

site would be within 50m of the north east corner of the site boundary. To the south and east of the site are existing industrial units which give way to open countryside beyond the Shenfield to Southend-on-Sea main line railway and a water reservoir.

## **2. PROPOSAL**

The proposal is for a change of use from B8 (storage and distribution) to a sui-generis waste use comprising transfer of health care wastes, storage and associated office use. As this proposal is solely for a change of use, it is not proposed to increase the development area, change the design or external materials of the existing industrial unit.

The applicant currently operates a permitted healthcare waste transfer station facility at Unit E, Wickford Business Park. The current facility not only transfers health care waste but also provides a laundry facility for their 'Besafe' workplace mats and uniform cleaning operations. The existing water and drainage facilities at the current site (Unit E) are more suited to the laundry facility. Therefore, the applicant is seeking to relocate the healthcare waste transfer station facility to the application site.

Healthcare waste collected within Essex would be brought to the facility for storage and bulking up, negating the need for daily trips to a disposal facility in Slough. There would be no treatment or disposal of waste on site. Waste would be stored on site for a maximum of 3 months before being transported to the relevant facility. It is proposed that the waste would be collected from its source in sealed lockable plastic containers, unloaded with the building, to be transferred to the sealed waste containers or sealed compactors which would be contained within the industrial unit itself. This would result in a maximum amount of waste handled onsite to be 6,000tpa including a maximum 9.89 tonnes per day of hazardous waste which is the same as that currently permitted and operating at the existing site (Unit E).

The waste that would be handled on site is classified as 'healthcare waste'. In this case, this would consist of waste collected predominately from feminine hygiene bins, nappy bins from offices and other organisations, 'yellow and orange bag' healthcare waste and sharps from medical. The quantity of hazardous waste to be stored onsite at any one time would not exceed 10 tonnes.

The application proposes that the site would be in use during the hours of 07:30 to 17:30 Monday to Friday, including Bank Holidays. It should be noted that

It is proposed that there would be a maximum daily of 100 (50 in and 50 out) vehicle movements. Each delivery vehicle is fitted with a GPS tracker which allows the application to control the delivery of vehicles to control congestion within the local highway network.

## **3. POLICIES**

The following policies of the Essex & Southend-on-Sea Waste Local Plan (2001) (WLP) and Basildon Borough Local Plan Saved Policies (1996) (BBLP) provide the development plan framework for this application. The following policies are of

relevance to this application:

<u>Policy</u>	<u>BBLP</u>	<u>WLP</u>
Existing Employment Areas	BAS E4	
General Employment Policy	BAS E10	
Development Control	BAS BE12	
Waste Strategy		W3A
Need for Waste Development		W3C
Surface & Groundwater		W4B
Access		W4C
Clinical Waste		W5B
Non Preferred Locations		W8B
Small scale proposals		W8C
Development Management		W10E

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

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

The BBLP and WLP (both adopted pre 2004 and/or not under the Planning and Compulsory Purchase Act 2004) fall within the remit of consideration according to Paragraph 215. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The level of consistency of the policies contained within the WLP is detailed in Appendix 1. The level of consistency of the policies contained within the BBLP is considered further in this report, as appropriate.

With regard to updates/replacements or additions to the above, the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) should be given little weight having not



been 'published' for the purposes of the Framework. The Framework states (Annex 1):

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

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

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

BBC has produced a Development Control Policies Plan (DCPP) however, at the Full Council meeting on 29 June 2006, the Council resolved to withdraw the draft Replacement Local Plan and to proceed with the Local Development Framework (LDF). At the same Council meeting it was agreed that the Development Control policies contained in the draft Replacement Local Plan Redeposit (RLP), in principle, be treated as a material consideration in the determination of planning applications, until such time as the Core Strategy and Development Control Policies Development Plan Documents were adopted. The DCPP contains policies from the draft Replacement Local Plan Redeposit which was never formally adopted. As a draft of this Plan has not been formally adopted and published it is considered that little weight can be applied especially as objections are outstanding from consultation.

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

#### **4. CONSULTATIONS**

BASILDON BOROUGH COUNCIL – No objection.

ROCHFORD DISTRICT COUNCIL – Any comments received will be reported.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

WASTE MANAGEMENT (ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS)

– Any comments received will be reported.

SHOTGATE PARISH COUNCIL – Comments, as follows;

- A one page summary of this application should have gone out with the original letter to residents;

Comment: The County Council as Mineral and Waste Planning Authority is now able to provide web access for all applications. As a result all consultees/ members of the public are now able to view all particulars associated with an application online. This has resulted in the requirement to undertake site summarise to be removed as application details can be found via the Council's website.

- The title of the application is not detailed enough, the website has too much information for most people;
- An application that refers to hazardous material is of interest to all Shotgate residents. Many residents of nearby streets complained that they had not received a letter.

Comment: Under Essex County Council's (ECC) adopted Statement of Community Involvement (SCI) it is noted that the Council will contact properties within a defined radius of a planning application by a direct neighbour notification letter (DNN) as an additional method of involvement (statutory alternative to site notices and press adverts however, ECC currently does both). DNN for Minerals and Waste applications requires that all properties within 250 metres of the site boundary will be sent a letter.

- Despite the number of supporting documents it is still unclear whether this move to another building represents a substantial increase in the volume of waste handled

Comment: There would be no increase in the amount of waste handled by the operator.

LOCAL MEMBER – BASILDON – Wickford Crouch – Any comments received will be reported.

LOCAL MEMBER – BASILDON – Wickford Crouch – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – Rayleigh North – Any comments received will be reported.

## 5. REPRESENTATIONS

309 properties were directly notified of the application. Six letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Comment

### Principal of Location

This type of facility should not be located adjacent to a housing development. See appraisal.

Location of site adjacent to a residential estate would have an adverse impact upon residential amenity. See appraisal.

Site contains the possibility it may contain biological and other hazards to human health. Therefore, should not be located adjacent to residents and children. See appraisal.

Proposal is located opposite a Charity distribution centre. Noted.

### Waste type

Assurances should be made that no infections, Hazardous or Radioactive materials are intended to be stored onsite. The site would handle an element of Hazardous waste (sharps from medical uses) and would be required to register with the Environment Agency under the Hazardous Waste Regulations and would require a permit from the Environment Agency to operate. See appraisal.

If Prescription Drugs stored onsite assurances to the community should be made to ensure no authorised entry to the site. No prescription drugs are to be stored onsite.

Storage of surplus prescription drugs on the site has the potential to find their way to the open market. Drug users may target the site therefore becoming a nuisance to local area. See above.

### Highways

Proposal would increase traffic along Hodgson Way. See appraisal.

Heavy traffic causing vibration on roads which has resulted in damage to Hodgson Way forms part of the Highway Network in which HGV's are

properties on Hodgson Way.	suitable for Travel. No weighting restriction exists for the road. See appraisal.
Additional HGV's on the highway network will cost the Council major financial outlay in re-constructing roads.	The suitability of roads for vehicular movements and their maintenance is a matter for the Highway Authority. No objection has been raised on highway safety amenity grounds.
With the closure of Bridge Road the additional HGV's would cause greater problems for residents.	See appraisal.
16 car parking spaces onsite however, states that 71 full time employees. Another 50-60 cars parked in nearby roads would have an impact upon traffic flow.	See appraisal.

#### Noise

Continuous noise from HGVs entering and leaving the site in addition to reversing alarms would be intolerable.	See appraisal
Previous use did not work over bank holidays as this application proposes.	The previous use/operator had no restrictions on their operational hours/working days. See appraisal.
Operations are stated to be between 07:30 – 17:30 Monday to Friday. Experience with previous use is that opening or operating times are arbitrary and not adhered to. If operated outside times would impact upon residents.	See above.
Extractor fans for odour management system, use of the compactor, washing of equipment/HGV's, moving of trolleys and waste containers would create additional noise to the surrounding area.	See appraisal.

#### Odours

Likely to be odours despite operations being inside the building.	See appraisal.
Extraction of odour from the building	Bioaerosols and odour are controlled

would expel smells into the atmosphere impacting upon the environment and residents.

via the Environment Agency Environmental Permit regime. See appraisal

Negative Atmosphere Pressure System should be used within the proposed facility to stop odour emissions.

An odour management system would be used by the operator within the existing building.

The location of the compactor would be adjacent to where users of the adjacent industrial building take there break. Therefore, they would be subjected to odour.

See above.

### Application Details

Application states 6,000tpa of waste a year transferred. This suggested 6,000 in and out equating to 12,000tpa over approximately 261 days. This would be 46 tonnes per day. If permission granted a limitation on HGV and volumes of waste should be imposed.

The total annual tonnage of waste accepted onsite would be 6,000tpa.

Application states that no trees or hedges adjacent to the site however, a hedge was planted to screen the site from residents of Wethersfield Way.

Noted.

2 new houses were built in 2013 directly to the north east corner of the site which are not shown on the OS map.

During the application site visit the case officer noted the characteristics of the surrounding area which included noting the residential properties surrounding the application site.

Should review covenants on the land which may restrict changes of use.

The granting of planning permission does not supersede a legal covenant. Should a covenant existing on the land it is the responsibility of the landowner/operator to review its requirements and ensure that the can implement their consent.

### Other matters

Substances have the potential for fire risk. Should this take place further toxic contamination would be realised within the area.

The Health and Safety Executive is the responsible authority for ensuring all health and safety mechanisms are in place in relation to developments. In addition the existing building would

have been required to attain Building Regulations approval which covers fire safety.

## **6. APPRAISAL**

The key issues for consideration are:

- A. Need & Principle of Development, and;
- B. Impacts upon Local Amenity

### **A NEED AND PRINCIPLE OF DEVELOPMENT**

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

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

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

#### Need

WLP policy W3A (Best Practicable Environmental Option) identifies the need for proposals to have regard to the following principles:

- consistency with the goals and principles of sustainable development;
- whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;
- whether the proposal would conflict with other options further up the waste hierarchy;
- conformity with the proximity principle.

PPS10 also encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate.

As noted above the applicant currently operates a permitted waste transfer facility at Unit E on the Wickford Business Park. As part of their on-going plans to improve efficiencies in their operation the applicant is seeking to utilise the proposal site which is currently vacant. The applicant has stated that the relocation of the healthcare waste transfer facility from Unit E would allow the existing laundry facility within Unit E to be improved as the existing water and drainage services are more advanced within that unit allowing an economic enhancement of the 'Besafe' division of the company.

The proposed operations/process are, as follows;

- All wastes would be delivered in sealed lockable plastic containers and sealed bags. All delivery vehicles would be 3.5 tonne vehicles (typically vans) and would offload waste through one of the roller doors at the front of the main building;
- pre-acceptance checks with this type of waste are less than those associated with for other wastes because of the low health risks that would arise from opening healthcare waste packaging (opening would only occur within the building);
- Following pre-acceptance checks the waste would be sorted prior to collection by larger (up to 32 tonne) vehicles for transportation to offsite disposal or further treatment;
- All transfer operations will occur inside the building with only bagged sealed waste being transported to the external container and compactor unit;
- Other wastes, such as photographic chemicals, fixer and developer from x-ray development at dental practices, would also be stored on site. All of these wastes will be stored within the building on bunded pallets and checked for integrity on a daily basis by a suitable qualified member of the team, and;
- Additionally, the applicant considers that should planning permission be granted, the business could grow and lead to more staff being employed at the premises (this is in conformity with the economic dimension of the framework).

The only proposed change in terms of waste types and process operations is that applicant proposes to install a separate sealed compactor unit for the compaction of non-hazardous, non-clinical wastes. The compactor unit would have the major benefit of reducing the number of vehicle movements required to remove wastes for off-site disposal or recovery.

It should be noted that all the operations/processes noted above are all currently undertaken within their current site at Unit E which also holds an Environmental Permit from the Environment Agency (EA). The only change

Waste Local Plan policies W3A (Waste Hierarchy) requires applications to be considered in terms of consistency with the waste hierarchy, sustainability and the proximity principle. The proximity principle has been superseded within PPS10 such that the principle is now one of "waste to be disposed of in one of the nearest appropriate installations". Therefore, it is considered that the applicant has demonstrated a need for the proposal, in terms of reducing the need to travel

to the waste receptor sites and would provide and enhanced transfer facility for healthcare wastes. The proposal would reduce 'waste miles', with the benefit of reducing greenhouse gas emissions meeting one of the central aims of the Framework to address climate change.

In relation to the economic role the development would, as noted within the application details employ 71 people onsite and through relocation would allow enchantment of the applicants 'Besafe' division of the company resulting in additional employment opportunities should planning permission be granted contributing to the economic role of sustainable development.

#### Principle of development location

Concerns have been raised, in summary, that the site is located within an inappropriate area, should not be located close to residents and that resident's health may suffer if the waste is handled incorrectly.

WLP Policy W5B (Clinical waste) states, in summary, that proposals for facilities to manage clinical waste will generally be acceptable within appropriate locations identified within Policy W8B.

Specific locational criteria policies for small scale waste facilities are set out within policies W8B (Non Preferred Locations) and W8C (Small Scale Waste Facilities). When a proposal is not located within preferred locations (as described in WLP policy W8A) suitable locations are defined as within industrial estates and where the use can be located within existing buildings not requiring significant adaption or extension.

The site is located within an existing established industrial/employment area. BBLP Policy BAS E4 (Existing Employment Areas) states that 'Subject to the criteria set out in Policy BAS E10, planning permission for new business and general industrial buildings, extensions to existing buildings and changes of use of existing buildings to business and general industry (Use Classes B1 and B2), will normally only be permitted within those areas proposed or shown as existing industrial estates as identified on the Proposals Map. Subject to the criteria set out in Policy BAS E10, elsewhere within the urban area proposals for new business (Use Class B1) buildings, extensions to existing buildings or the change of use of buildings to business, will only be permitted where there is no adverse impact on residential amenities. All planning applications storage and distribution (Use Class B8) will be considered with regard to Policy BAS E8'. It should be noted that Policy BAS E8 has not been saved.

The supporting text to Policy BAS E4 states "By being flexible in the use of industrial buildings the Council can encourage vacant buildings to be brought back into use, thereby creating new jobs and avoiding the potential dereliction of the building." The applicant has highlighted within their submission that the application site is currently vacant and has been for a number of years. The relocation of the healthcare treatment facility to the application site would bring a vacant building back into operational use.



Policy BAS E7 of the BBLP goes further by stating that 'The development of land or buildings, allocated or in use for business, general industry, and storage or distribution purposes (Use Classes B1-B8) for a use falling within any other use class, with the exception of retail (Use Class A), may be permitted provided the following criteria are met:-

- i. there is adequate land and premises available elsewhere in the district to meet the district's business, industrial and storage or distribution needs;
- ii. the new use shall not lead to a significant net loss of employment;
- iii. there is adequate car parking; and
- iv. there is no adverse impact upon the amenities of the area;

Planning applications for retail development on land or buildings allocated for business, industrial and storage or distribution purposes will be considered with regard to Policies BAS SH1 and BAS SH6'.

The applicant in support of their application has stated, in summary that there would be no material difference in level of activity or the general nature of the use compared with the existing use (located at Unit E). Employment would be retained and car parking would be unaffected. There will not be adverse impacts resulting from the use by the operator therefore, it is considered that the proposal is consistent with BBLP Policies.

In appraisal of WLP Policy W8B the applicant has stated that the Wickford Business Park is an identified Employment Area within the BBLP. The current operations at the Unit E have taken place within the estate for over 10 years. There have been no particular issues associated with this activity with respect to the effects on neighbouring businesses on the Business Park or in terms of proximity to nearby residential development. The type and intensity of use is entirely consistent with what would have been anticipated when the estate was established.

In addition, the social role of the proposed development would be achieved through the prevention of middle journey for the operator, from the job location to the landfill site, as the waste could be bulked up prior to being taken for further recycling/disposal which in turn would lead to social and environmental benefits though the reduction in CO<sup>2</sup> emissions and traffic on the highway network.

It is considered that the principle for the proposed development exists given the site's history, the context of the surrounding area being industrial and the site itself being located within the Wickford Business Park in compliance with Policies W5B, W8B and W8C of the WLP. It is acknowledged that residential land uses are in close proximity of the site and therefore, the environmental role of the proposal will be considered further in the report.

## B IMPACT UPON LOCAL AMENITY

The Framework seeks to always secure a high standard of amenity for all existing and future occupants of land and buildings.

WLP policies W5B and W8B both seek, in summary, to protect existing amenity, particularly from noise, smell, dust and other potential pollutants.

In addition WLP Policy W10E (Development Management Criteria) states that 'waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:

1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);
2. The effect of the development on the landscape and the countryside, particularly in the ANOB, the community forest and areas with special landscape designations;
3. The impact of road traffic generated by the development on the highway network (see also policy W4C);
4. The availability of different transport modes;
5. The loss of land of agricultural grades 1, 2 or 3a;
6. The effect of the development on historic and archaeological sites;
7. the availability of adequate water supplies and the effect of the development on land drainage;
8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and
9. In the metropolitan green belt, the effect of the development on the purposes of the green belt'.

BDLP Policy BAS E10 (General Employment Policy) states, in summary, that proposals for industrial development shall provide adequate controls to limit the emission of noise, pollutants, discharge and smells which could be associated with the proposed use.

BDLP Policy BAS BE12 (Development Control) states, in summary, that planning permission will be refused if it causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to the occupants of neighbouring dwellings and overshadowing.

Concerns have been raised that the proposal would have a negative impact upon the amenity of residents through, in summary, handling of hazardous waste, noise, odour and traffic. The following section seeks to assess these potential impacts as part of the Frameworks environmental role of sustainable development.

Handling of Hazardous Waste: Policies W5A and W5B of the WLP relate to hazardous waste management and highlights the importance of judging each application for facilities to manage difficult and special wastes on their merits against the criteria and policies stated in the development plan. As noted earlier within the report the hazardous waste element would be sharps from medical outlets. The quantity of this hazardous waste stored onsite at any one time would not exceed 10 tonnes.

The proposal would not increase or decrease the amount of hazardous waste which the company currently handles merely that it would allow for the continued effective reduction in the amount of journeys carried out per operation (as noted above).

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

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

Waste treatment undertaken on the site would be limited to simple treatments, such as repackaging for volume reduction. These activities along with unloading and loading would all take place within the building and only waste delivered by the operator would be accepted at the site. No third party wastes would be accepted at the site.

The Environment Agency has not raised any concerns that the activities may cause pollution or an environmental health risk and therefore it is considered that this proposal is in compliance with policies W5A and W5B. It is therefore considered that this proposal would not pose an increased risk to health and that it is in line with the aims and objectives of PPS10 and WLP Policies.

Noise, Dust and Odour Emissions: With regard to noise, dust and odour, the applicant holds an Environmental Permit which requires these aspects to be strictly controlled through the permitting regime. The applicant when seeking to gain a permit provided a Noise and Air Quality Assessment along with an odour management statement to the Environment Agency. The Environment Agency is responsible for undertaking monitoring of the site in relation to these aspects. As part of this application the Environment Agency has raised no objection.

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

Highways Impact: An assessment on potential transport impacts was undertaken within the application details.

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

It should be noted that the current planning permission granted by BBC does not limit traffic movements. Furthermore, other uses on the industrial estate do not

currently have limitations on their vehicular movements.

The applicant as part of their submission has stated that the proposals would not materially change the historic traffic use of the site relating to private or goods vehicles. The traffic movements would remain at 100 vehicle movements a day (50 in and 50 out) as there is currently 51 vans and 3 vehicles for technical staff. Furthermore, the applicant has confirmed that all delivery vehicles are fitted with a GPS tracker which allows for their arrival times to be controlled. This prevents all delivery vehicles arriving at the site at the same time. It is anticipated that the maximum number of delivery vehicles to be onsite at any one time is likely to be 15 vehicles are not parked at the site overnight. Compared with the space available for parking and vehicle manoeuvring at the existing Unit E, the application site provides considerably more flexibility to avoid vehicle congestion and manoeuvring conflicts within the Wickford Business Park at peak times. The applicant has also confirmed that there is also ample parking space for staff and visitors at the eastern end of the main warehouse building thus avoiding parking within the estate roads.

As noted above the Highway Authority has raised no objection to the granting of planning permission for the current proposal.

#### Amenity Conclusion

The applicant has addressed the criteria of WLP Policy W10E and comments, as follows;

1. There would be no detrimental impacts associated with issues such as noise, smell, dust and other pollutants. The activities are almost identical to those that have successfully taken place at Unit E for many years. The only exception being the external storage of a modular waste compactor unit. This new activity would form part of the new Environmental Permit with respect to its suitability and appropriate environmental precautions and mitigation;
2. There would be no impacts on Landscape and the Countryside;
3. There would be no net additional impacts on the highway network;
4. Alternative transport modes are not available and are not appropriate for this type of development which relies on collection of washroom wastes from numerous locations in the local area by road;
5. No agricultural land would be lost;
6. No historic or archaeological sites are affected;
7. The reorganisation of the operators activities within the Estate has been done in part due to the excess of water supplies at Unit E for the Wash Room activities which is more suited to the 'Besafe' Protective Clothing & Laundry Solutions operations;
8. There would be no adverse impacts on nature conservation or designated ecology sites, and;
9. The site is not located within metropolitan green belt.

In consideration of the above, the consultation responses received, the existing land use land use it is considered that sufficient information has been produced to demonstrate that the development would not have an undue impact of upon the

amenity or highway safety or efficiency. Accordingly it is deemed that the proposal complies with WLP policy, W4C, W5A, W5B, W8B and W10E and BBLP Policies BAS E10 and BAS BE12.

## 7. CONCLUSION

In conclusion, the need of the proposal has been demonstrated given that it would move waste management further up the waste hierarchy in compliance with the objectives of PPS10 and WLP policy W3A. Furthermore, the principle of the development being located within the Wickford Business Park has been demonstrated through the site's history, the context of the surrounding area being employment/industrial in compliance with WLP policy W5B and W8B.

It is considered that the relocation of the healthcare waste transfer facility would not have a detrimental impact upon the amenity of the area. The proposals have been sought due to the characteristics of the site which would enable the operator to maximise the transfer operation and advance their 'Besafe' area of their operation.

The economic, social and environmental strands of the Framework are considered to have been achieved equally and the change of use to a healthcare waste transfer facility would be considered to constitute 'sustainable development' in accordance with the Framework.

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

## 8. RECOMMENDED

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

1. COM1 – to be implemented within 5 years;
2. COM3 – to be carried out in accordance with submitted details, and;
3. HIGH2 – compliance with indicated access.

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## BACKGROUND PAPERS

Consultation replies  
Representations  
National Planning Policy Framework

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## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

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

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

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**EQUALITIES IMPACT ASSESSMENT:** 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 Essex County Council 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) (Amendment No.2) Order 2012

**LOCAL MEMBER NOTIFICATION**

BASILDON – Wickford Crouch

ROCHFORD – Rayleigh North

**DR/11/14**

committee DEVELOPMENT & REGULATION

date 28 March 2014

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**COUNTY COUNCIL DEVELOPMENT**

Proposal: **The continued use of 3 classrooms for a temporary period until 31 August 2019 without complying with Condition 8 (time limit) attached to planning permission CC/COL/14/11**

Location: **Kingswode Hoe School, Sussex Road, Colchester CO3 3QJ**

Ref: **CC/COL/04/14**

Applicant: **Essex County Council**

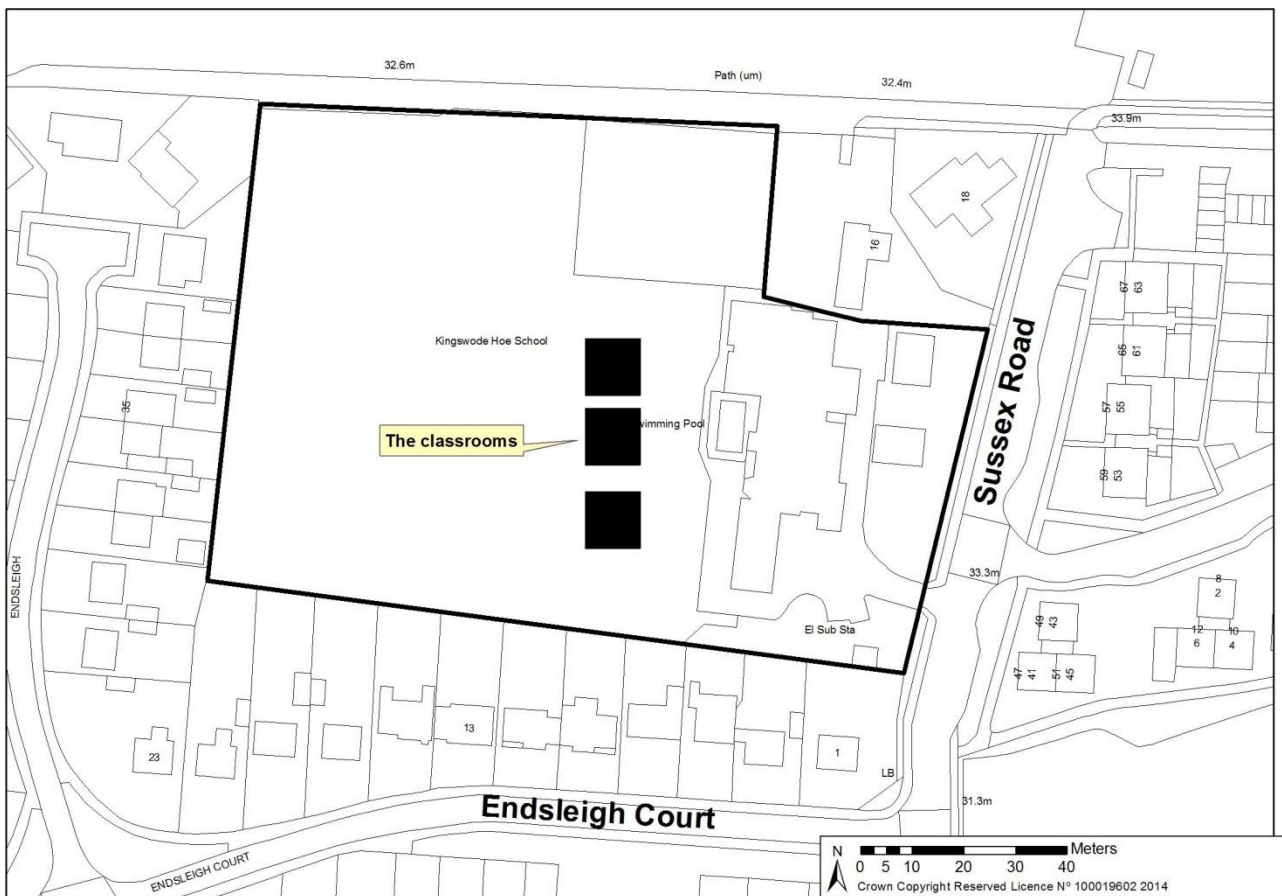
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Report by Director of Operations, Environment and Economy

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

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## **1. BACKGROUND**

There is a fairly short planning history for the site with a majority of applications relating to the continued use of temporary classbases on the site. The most recent planning permission granted in May 2011 (CC/COL/14/11) was for minor material amendments to approved application CC/COL/92/09. The minor materials amendments included the re-positioning of mechanical plant onto a higher roof and the raising of brickwork to the lower roof by 5 courses.

Planning permission was granted in March 2010 for the construction of an Outreach Centre on the school site and the re-location of the 3 temporary classbases, which are the subject of this application, to their current location (CC/COL/92/09). The conditions attached to planning permission CC/COL/92/09 were carried forward to planning permission CC/COL/14/11. The existing classbases have planning permission to remain on site until 31 August 2014.

## **2. SITE**

Kingswode Hoe School is located on Sussex Road to the west of Colchester town centre. The school site lies within a residential area with properties to the north and east in Sussex Road and south and west in Endsleigh Court. To the north of the site lies the Hilly Fields local nature reserve. The school site and surrounding area is a designated Scheduled Ancient Monument.

Although not a Listed Building, the main school building has been included as a locally listed building on the Colchester Historic Buildings Forum list, which was formally adopted by Colchester Borough Council in December 2011.

The main school buildings are located closest to the eastern boundary of the school which fronts Sussex Road. There is a hard play area to the north of the site. The playing field is to the west of the school buildings. The Outreach Centre, approved under planning permission CC/COL/92/09 is located to the east of the main school buildings, with a car parking area to the south.

The 3 temporary classbases, which are the subject of this application, are located to the west of the main school buildings on the edge of the playing field.

Vehicular and pedestrian access to the school site is via Sussex Road.

Residential properties adjoin the southern and western boundaries of the site in Endsleigh Court. Residential properties also adjoin the north eastern boundary of the site. There are further residential properties on the opposite side of Sussex Road.

There is established vegetation to the northern and eastern boundaries. There is more limited vegetation to the western and southern boundaries.

## **3. PROPOSAL**



The application seeks the continued use of 3 classbases for a temporary period until 31 August 2019.

Two of the 3 classbases are used to provide teaching accommodation for pupils in years 10 and 11. The third classbase is used as a music and drama room.

The official capacity at Kingswode Hoe School is 120 places and is organised in class sizes of 12. The latest forecast of pupil numbers shows that the number of places required at the school will remain consistent at a minimum of 120 for the foreseeable future.

#### **4. POLICIES**

The following policy of the Colchester Borough Council Local Development Framework Development Policies (CBC LDF DP) adopted October 2010 provides the development plan framework for this application. The following policy is of relevance to this application:

	CBC LDF DP
Policy DP1	Design and Amenity

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Colchester Borough Council Local Development Framework Development Policies adopted October 2010 is considered further in the report.

#### **5. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – Objects as a further temporary consent would be contrary to Circular 11/95

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection

LOCAL MEMBER – COLCHESTER – Drury – Any comments received will be reported.

#### **6. REPRESENTATIONS**

26 properties were directly notified of the application. Two letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Comment

The buildings are an eyesore and not in keeping with the original building which is a historic property.	Noted. See Appraisal.
Appreciate am not entitled to a view but it is a consideration to property values in the area therefore having an impact on my home value.	Noted. However property values are not a material planning consideration.
My property has been damaged by children at the school	Noted. This is a school management issue. Comments have been passed to the applicant
Children hide in and around the buildings. Could be better monitored in an extension sited within the property especially so their safety and wellbeing can be better monitored.	Noted
At what point do the buildings become a permanent feature? Is it reasonable to think if you keep applying for temporary applications in time they become permanent?	Each application is considered on its own merits and the justification for the proposal.
Understood planning permission was reliant on the removal of the 3 relocatables	The temporary classbases were relocated as a result of construction of the Outreach Centre and a further temporary 5 year planning permission was granted.
Know through bitter experience that over a course of 15 years temporary planning permission becomes a permanent extension	The temporary classbases have not been granted permanent planning permission. The construction of the Outreach Centre was a separate project and did not replace the teaching accommodation provided by the existing temporary classbases.
Against the continued use of the relocatables on the playing fields being a keen supporter of sport & recreation for all children especially special needs children	Noted. See appraisal
Sad to hear about the dismantling of the swimming pool	Noted. This is the subject of a separate application

## **7. APPRAISAL**

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design & Location
- D. Impact on Landscape & Residential Amenity

### **A NEED**

Kingswode Hoe School is a special school, catering for pupils with special educational needs. The official capacity at Kingswode Hoe School is 120 pupil places and is organised in class sizes of 12. The latest forecast of pupil numbers show that the number of places required at the school will remain consistent at a minimum of 120 for the foreseeable future.

Two of the existing classbases are used to accommodate pupils in Years 10 and 11. The third classbase is used as a music and drama room.

Colchester Borough Council has objected to the continued use of the classbases until 31 August 2019 as it considers that the fact that the use of the buildings necessitated time limited conditions in the past suggested that Essex County Council considered the classbases to be unacceptable as a long term solution.

The Borough Council considers that the classbases have clearly become a long term solution. To impose a further condition making these structures 'temporary', would in the Borough Council's opinion, be contrary to government advice and be a contradiction in terms. It considers the classbases clearly have more than a degree of permanence and are therefore buildings – not merely a use of land.

It is accepted that the use of temporary accommodation is not ideal and Members and Officers acknowledge this by taking the presence of temporary accommodation into account when selecting priorities for "suitability" improvements at schools.

Unfortunately, the County Council's dedicated capital programme for replacing temporary accommodation with permanent accommodation has come to an end, which reflects the on-going pressures on public spending.

However a major exercise is under way to produce a Policy Paper for an Education Estates Strategy in Essex. As part of this exercise, the existing Special Educational Needs (SEN) accommodation in Essex will be reviewed. It is expected that the policy paper will, among other things, enable the County Council to identify proposals for enhancing the SEN estate, both by rationalisation of accommodation and by investing in the estate.

Circular 11/95: Use of conditions in planning permissions was archived and replaced by National Planning Policy Guidance Use of Planning Conditions on 7 March 2014. However Annex A (Model Conditions) of Circular 11/95 has been retained. This new guidance states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.

The applicant has applied for a further temporary permission as there is currently no funding available to replace the existing temporary accommodation with permanent accommodation. It is not considered that there is clear justification to refuse planning permission as the classbases are required to accommodate existing and future pupil numbers at the school.

One representation has been received asking at what point the buildings become a permanent feature. It has also asked whether if continual application for temporary permissions means that in time the buildings become permanent.

A further representation has been received stating it was understood that the granting of planning permission for the Outreach Centre was reliant on the removal of the classbases, which are the subject of this application. It further states that over the course of 15 years temporary permission becomes a permanent extension.

The Outreach Centre was funded for a different purpose than replicating the teaching provision in the temporary classbases and allowing these classbases to be removed from site. The location of the Outreach Centre on the school site necessitated the re-location of the existing classbases, to their current location.

Consideration was given at the time to a second phase project which would have seen a further extension to the school buildings and allowed the removal of the temporary classbases. However the change in public sector funding climate, with the schools' capital funding being significantly reduced, meant this project had to be abandoned.

It is considered that the need for the continued use of the classbases until 31 August 2019 has been demonstrated as they provide much needed teaching accommodation for the school.

## **B POLICY CONSIDERATIONS**

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development: economic, social and environmental.

In summary the social role involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with local accessible services that reflect the community's needs and support its health, social and cultural well-being.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key planning issues before applications are submitted.

It is considered that the continued use of the 3 existing classbases until 31 August 2019 would be in accordance with Paragraph 72 of the NPPF given the emphasis on ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

## C DESIGN & LOCATION

CBC LDF DP Policy DP1 (Design and Amenity) states inter alia that “*development proposals will respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting and detailed design features.*”

The 3 existing classbases are standard relocatable type, comprising timber-framed prefabricated units of ‘Relocatable’ design constructed in bays specifically designed for ease of transfer.

Colchester Borough Council has stated that if ECC considers this form of building is good enough in design terms, then permanent permission should be granted. It is the Borough Council's opinion that the buildings are poorly designed and, in the absence of any justification within the application for their design, should be refused on that basis.

One representation stated that the existing classbases were an eyesore and not in keeping with the original building, which is a locally listed building.

The existing classbases have been on the school site for a number of years and were originally located adjacent to the eastern boundary of the site. It is considered that the relatively small scale and temporary nature of the existing classbases is appropriate for the school site. It is not considered that the proposed continued use of the classbases would have any greater impact on the character of the main school building than existing.

Place Services (Urban Design) has no objection to the proposed continued use of

the classbases until 31 August 2019.

It is considered that the design of the classbases is acceptable and fit for its intended purpose on the school site.

Although the classbases are not new buildings it is considered that the proposal is in accordance with Policy DP1 as the height, size, scale, form, massing, density, proportions and materials is considered to respect the character of the site.

One representation has been received objecting to the location of the existing classbases on the school playing field.

Sport England was consulted as part of application CC/COL/92/09 prior to the relocation of the classbases.

Sport England did not raise an objection as it considered that there would not be any harm to sport and recreation provision on the school site. This response was subject to a planning condition being attached to the permission requiring the removal of the classbases at the end of the temporary period and the restoration of the land to playing field use. This condition was required to help ensure that the impact of the development on the playing field was not permanent and would offer the potential for the size of the usable area of the playing field to be increased in the future. Should planning permission be granted it is considered appropriate to attach a further time limited condition requiring the removal of the classbases at the end of the temporary period and the restoration of the land back to playing field.

The presence of the 3 classbases has not prevented any activities such as a football tournament and Sports Day from taking place and the provision of a 200m running track in the summertime.

It is not considered that the continued use of the classbases until 31 August 2019 would have any greater impact on the school playing field than existing.

## D IMPACT ON LANDSCAPE AND RESIDENTIAL AMENITY

There would not be any changes to the existing landscaping as a result of this application.

CBC LDF DP Policy DP1 (Design and Amenity) states inter alia that “*development proposals should protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.*”

The classbases would remain in their existing location, which provides pupils and staff with access to the central amenities in the main school building.

The nearest residential properties adjoin the southern boundary of the school site in Endsleigh Court and are 15 metres from the most southerly of the existing classbases. Partial vegetation to the southern boundary of the site helps screen

the classbases from view. The main school buildings help screen the existing classbases from view in Sussex Road to the north and east. Residential properties in Endsleigh Court adjoining the western boundary of the school site are 70 metres from the existing classbases.

The classbases have been in their current location for approximately 3 years. It is not considered that their proposed continued use until 31 August 2019 would have any greater detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties than existing.

It is not considered that the continued use of the classbases would have an impact on existing public or residential amenity with regard to privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight and would therefore be in accordance with Policy DP1.

## **8. CONCLUSION**

It is considered that planning permission should be granted for the continued use of the 3 classbases until 31 August 2019 as they provide the school with much needed teaching accommodation in line with Paragraph 72 of the NPPF.

As stated previously, it is acknowledged that the use of temporary accommodation is not ideal but in the absence of available funding to replace the existing temporary accommodation with permanent accommodation there are no other alternatives other than granting permanent planning permission.

However permanent permission has not been applied for and therefore cannot be considered under this current application. It is also likely that Sport England would raise an objection to the granting of permanent planning permission in light of their comments received in relation to application CC/COL/92/09.

It is not considered that the continued use of the classbases until 31 August 2019 would have a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties.

It is considered that the proposal is in accordance with Policy DP1 of the Colchester Borough Council Local Development Framework Policies adopted October 2010.

## **9. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/COL/04/14 dated 14 January 2014 and validated on 20 January 2014 together with Essex County Council Information Sheet dated 10 January 2014 and Site Plan: Kingswode Hoe School, Colchester 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 condition:

2. The use of the temporary classbases hereby permitted shall cease on 31 August 2019 and within 3 months of that date the units shall be removed from site and the land restored to its former condition within a further 28 days.

## **BACKGROUND PAPERS**

CC/COL/04/14 Application File

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

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

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

**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 County 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)(Amendment No. 2) Order 2012.

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER - Drury



committee                      DEVELOPMENT & REGULATION

date                              28 March 2014

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**INFORMATION ITEM: Report on the programme of Periodic Reviews of Old Mineral Planning Permissions**

Report by Director of Operations: Environment and Economy

Enquiries to Claire Tomalin – Tel: 03330 136821.

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**1.            PURPOSE OF THE REPORT**

To update Members on the current status of the MPA's programme of Periodic Reviews of old mineral planning permissions (also known as ROMPS).

**2.            BACKGROUND**

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

National Planning Policy Guidance (NPPG) outlines the manner in which Periodic Reviews are to be undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also that the interval between any two reviews is not less than 15 years.

**3.            PERIODIC REVIEWS**

Under the Environment Act 1995 the MPA is required to review mineral planning permission issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This year the MPA must review permissions to be 15 years old between Feb 2015 and Feb 2016 i.e. permission issued from 22 February 2000 to 21 February 2001.

This ensures the Authority has the opportunity to notify the operator 1 year in advance.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

### **The Periodic Review programme in Essex**

In the report submitted to members in April 2012 no permissions were identified for review. In the report submitted to Members in February 2013 Royal Oak Quarry was identified as requiring a ROMP in 2014. Pre-application discussions have taken place with a ROMP application expected imminently.

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2000 and 21 February 2001 and assessed them for the need for Periodic Review. Full details are contained in Appendix 1 attached.

Only 1 site (Brightlingsea Quarry/Moverons Farm) requires a periodic review in the review year of Feb 2015/Feb 2016 requiring notification in the year before i.e. Feb 2014/Feb 2015.

### **The future Periodic Review programme**

A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in early 2015.

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## **BACKGROUND PAPERS**

70.421.63/A

Ref: P/DM/Claire Tomalin

## **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Chelmer

MALDON – Maldon

TENDRING – Brightlingsea

# NPPG Review of Mineral Planning Permissions

NPPG PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2000 to 21 February 2001  
identification of Planning Permissions granted 15+ years ago requiring Periodic Review between February 2015 and February 2016

Site Ref.	Address	Applic No.	Description	Decision Date	Periodic Review needed Y/N
14 421 18	Land at Plumptions Farm, Plumptions Farm, Ford Lane, Alresford, Colchester, CO7 8BB	ESS/52/97/TEN/R	Review of Mineral Permission TEN/645/61	18/07/00	No  The site is in its last year of aftercare and the aftercare is due to be completed this year
14 421 13	Land at St Osyth Quarry, Colchester Rd, St Osyth, Martins & Wellwick Fms, St Osyth, Clacton-on-Sea, CO16 8HN	ESS/21/97/TEN/R	Review of Mineral Permission TEN/03/49 and TEN/308/64	23/11/00	No  Extraction is complete. The site has adequate restoration, but hasn't been signed off as complete. The site is subject of an application (ref 11/00332/FUL submitted to Tendering DC for non-mineral development which is currently subject of an appeal. If the appeal were dismissed, the restoration and aftercare conditions are adequate.
13 421 14	Villa Farm, Inworth Grange Tiptree, Grange Road, Tiptree, Colchester, CO5 0QQ	ESS/36/00/COL	Sand & Gravel extraction & backfilling with inert material to restore land to agriculture	12/01/01	No  Extraction and restoration are progressing well
14 421 01	Moverons Farm / Brightlingsea Quarry, Moverons Lane, Brightlingsea, CO7 0SB	ESS/47/94/TEN	Sand & Gravel restoration	29/01/01	Yes  Extraction and restoration on going and permission until 2026



**DR/13/14**

Committee DEVELOPMENT &amp; REGULATION

date 12<sup>th</sup> March 2014**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Head of Planning, Environment & Economic Growth  
Sustainable, Environment and Enterprise

Enquiries to Robyn Chad – tel: 03330 136 811

or email: [robyn.chad@essex.gov.uk](mailto:robyn.chad@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/Robyn Chad/

**MEMBER NOTIFICATION**

Countywide.

**SCHEDULE****Minerals and Waste Planning Applications**

No. Pending at the end of previous month

**18**

No. Decisions issued in the month

**5**

No. Decisions issued this financial year

**44**

Overall % in 13 weeks this financial year

**66%**

% on target this financial year (CPS returns count)	55%
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Nº Delegated Decisions issued in the month	4
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Nº Section 106 Agreements Pending	1
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County Council Applications

Nº. Pending at the end of previous month	10
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Nº. Decisions issued in the month	3
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Nº. Decisions issued this financial year	45
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Nº of Major Applications determined (13 weeks allowed)	0
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Nº of Major Applications determined within the 13 weeks allowed	0
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Nº Delegated Decisions issued in the month	3
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% age in 8 weeks this financial year (Target 70%)	80%
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All Applications

Nº. Delegated Decisions issued last month	7
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Nº. Committee determined applications issued last month	1
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Nº. of Submission of Details dealt with this financial year	161
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Nº. of Submission of Details Pending	76
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Nº. of referrals to Secretary of State under delegated powers	0
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Appeals

Nº. of appeals outstanding at end of last month	1
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Enforcement

Nº. of active cases at end of last quarter	31
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Nº. of cases cleared last quarter	15
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Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	0
Nº. of Temporary Stop Notices Issued last month	0
Nº. of Stop Notices Issued last month	0

