

DR/12/17

committee DEVELOPMENT & REGULATION

date 24 March 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **CONTINUATION OF USE OF WASTE RECYCLING FACILITY (AS AMENDED BY PLANNING PERMISSION ESS/29/16/COL) WITHOUT COMPLIANCE WITH CONDITION 3 (OPERATING HOURS) TO ALLOW DUST CARTS TO OPERATE FROM THE SITE ON GOOD FRIDAY APRIL 14TH 2017 BETWEEN THE HOURS OF 06:00 – 16:30 AND CONDITION 4 (HGV MOVEMENT TIMES) TO ALLOW 24 MOVEMENTS ON GOOD FRIDAY 14TH APRIL 2017.**

Location: **LAND AT GREENACRES, PACKARDS LANE, WORMINGFORD**

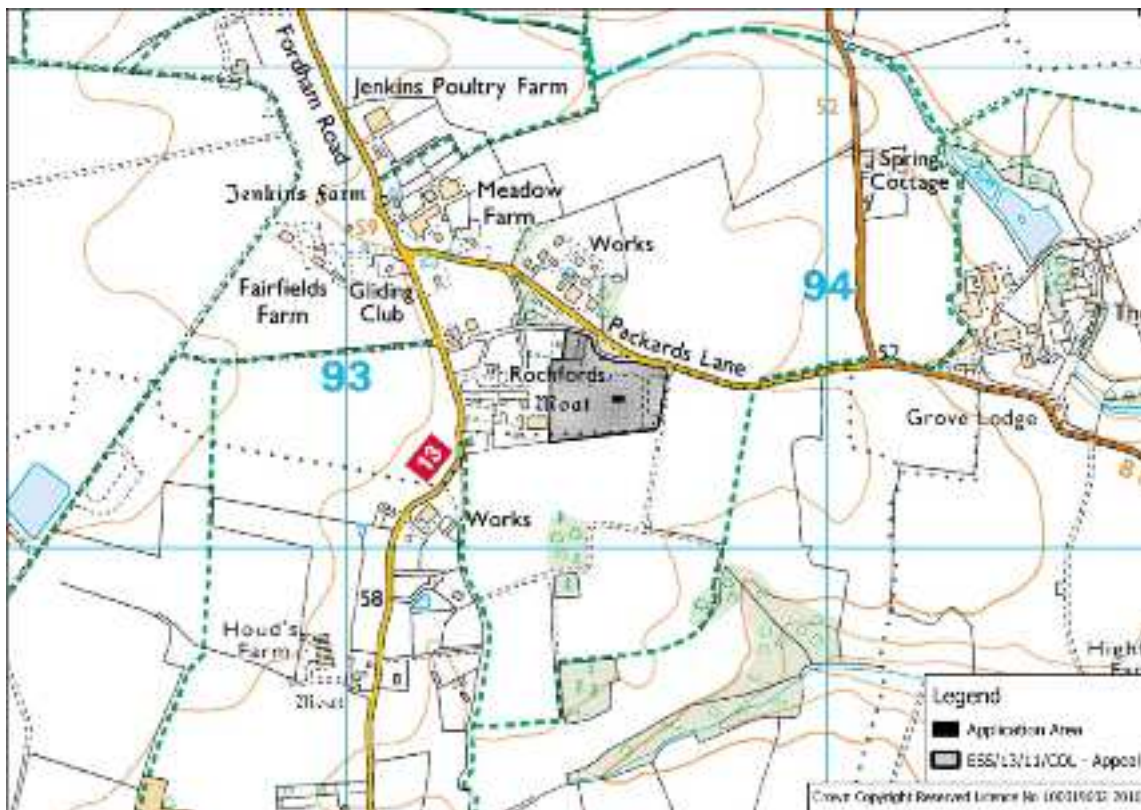
Ref: **ESS/18/17/COL**

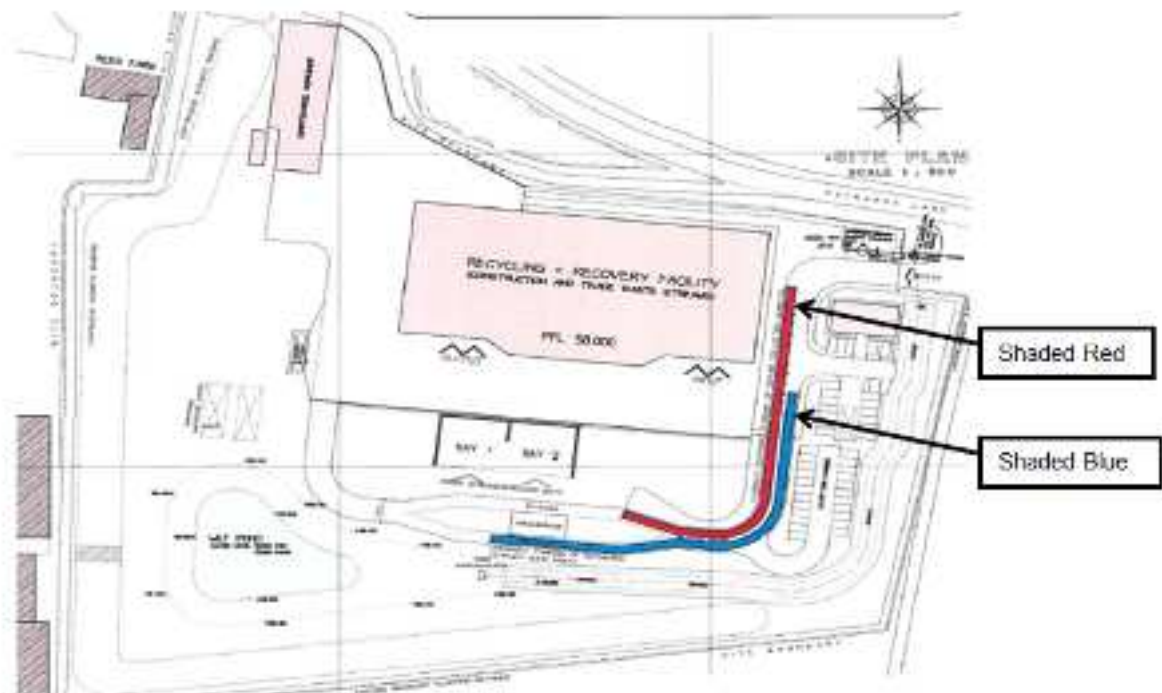
Applicant: **CSH Environmental**

Report by Director of Operations, Environment and Economy

Enquiries to: Terry Burns Tel: 03330 136440

The full application can be viewed at www.essex.gov.uk/viewplanning





1. BACKGROUND AND SITE

The Colchester Skip Hire waste management facility was granted approval on appeal in July 2012. Implementation of the permission has taken place with the commissioning in 2014 of the recycling/recovery building.

The business is restricted by condition to some 50,000 tonnes per annum through put comprising commercial and industrial waste and construction and demolition wastes. Food wastes are diverted away from the site directly from source to off site energy recovery facilities.

The business sees the above type wastes collected in the operator's own skip/dustcart type vehicles. Collected loads are then delivered to the site during the business day and sorted within the recovery building.

Since commissioning in 2014 of the recovery building, the site operator has been implementing various aspects of the planning condition requirements discharged through the submission of reserved matters. These have included amongst other matters the landscaping, foul/surface drainage and water catchment provision, revised colour cladding of the facility (approved July 2015) and a welfare building (porta cabin style approved as a non material development June 2016). This committee approved in July 2016 the use of part of the workshop building for the storage of dry waste bales and the retention of the sleeper wall on the north eastern boundary. Planning approval was granted in July of 2016, ESS/21/16/COL, that provided for the use of the end bay in the workshop/maintenance building to be used for the storage of dry bales and upgrading of part of the northern site perimeter fence. All other activities of waste handling are required to be taking place within the recovery building.

In November 2016 permission ESS/29/16/COL was permitted for the provision for bays to be constructed adjacent the recovery building to accommodate the timber recycling activities.

Ongoing landscaping to complete the required scheme and habitat management aspects are being completed later this planting season.

As reported at previous committee meetings, the history of this site has seen the involvement of the local action group, Residents Against Skip Hire (RASH), principally comprising the occupiers of the sites three nearest local properties. Their involvement post the appeal Inquiry has continued and relations between the local residents and the site operator have been strained with the site activities having generated regular complaints to the Waste Planning Authority (WPA). These complaints have amongst other matters comprised noise, reversing beepers, odour, lighting, cladding requirements of the buildings and positioning of bunding.

In an effort to establish better relations and understanding on both sides of each other's concerns, a site liaison meeting has been established comprising the site operators, two of the three local residents (the third being party to minutes and invites), Local Member, County Council Portfolio Holder for Waste; Parish Councils (both Wormingford and Fordham), the WPA and more latterly the Environment Agency. Invites are also extended to the District Council Member and Planning and Environmental Health Officers.

The meetings that have taken place to date have been supported by all parties and whilst issues remain, these get raised at the meetings which themselves maintain an avenue for the locals to see site progress and have face to face contact with interested parties.

However more recently one of the residents has moved away and the other resident who attended has been considering withdrawing, questioning the use of the meetings when it appears the operator continues to flout planning controls; seeks relaxation of conditions it was bound to at the appeal and the lack of support residents feel they get from an ineffective Waste Planning and Environment Agency attendance.

The Waste Planning Authority (WPA) has been working to help steer the operator to achieving its responsibilities as well as addressing activities that have developed as the business has grown and which require regularising. The WPA has had, and continues to progress, meetings with both the operator and agent (together and separately) in identifying and working through the site operator's activities and future aspirations whilst also liaising with local residents separately as well as acting as a mediator between the parties, where appropriate. This approach is in accordance with the authority's Local Enforcement and Site Monitoring Plan.

Whilst the liaison meeting site visits have been used to enable the operator to show site progress, the meetings themselves have provided an opportunity to outline the forward work programme in terms of the issues still needing to be addressed. Included in this work programme has been the following:

- (i) Provision of the staff welfare cabin. This arose as a requirement to provide appropriate clean and dirty separation facilities for the staff when arriving and changing for work and their interaction with their rest/eating area. This matter has now been dealt with as addressed earlier in this report.
- (ii) Use of the approved workshop end bay for dry storage of bales and regularising the change in the design of part of the northern site perimeter fence. This was approved by this committee at the July meeting.
- (iii) Regularising the wood processing activities.
- (iv) Addressing the outside storage of filled skips awaiting removal off site.
- (v) Addressing the reversing beepers on highway vehicles such as the dustcarts and skip lorries.

Ongoing aspects that are being discussed with the operator to reflect the outstanding matters are those relating to (iv) and (v) above.

2. PROPOSAL

This application seeks without compliance with Condition 3 (Operating hours) to allow dust carts to operate from the site on Good Friday April 14th 2017 between the hours of 06:00 – 16:30 and Condition 4 (HGV movement times) to allow 24 movements on Good Friday 14th April 2017.

In support of the application the applicant confirms that “The 12 refuse vehicles will be parked in line on the access road Thursday evening in the area hatched red on the attached plan and on return the vehicles will be parked in the area coloured blue ready for emptying from 07:30 on Saturday morning.

The parked vehicles will be located well away from local residents and their operation in the manner suggested is unlikely to cause any effects on local amenity. All vehicles leaving the site will exit the site by turning right only, towards the B1508 as per Condition 4 (v) of the planning consent.

In commercial and waste management terms it is essential for CSH Environmental to service their customer base on Good Friday in line with other commercial waste operators. The vehicles will leave the site in the morning and not return until the afternoon. No other operations will take place on the site during Easter Friday.”

3. POLICY

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. Other material considerations include:

- i) The National Planning Policy Framework (NPPF) March 2012.
- ii) The National Planning Policy for Waste October 2014.
- iii) Essex and Southend Waste Local Plan Adopted September 2001
- iv) Essex County Council Replacement Waste Local Plan Pre Submission document June 2016

v) Colchester Borough Council Local Development Framework
Development Policies Adopted October 2010.

The following policies of the Essex and Southend Waste Local Plan Adopted September 2001 (WLPA); Essex County Council Replacement Waste Local Plan Submission document June 2016 (WLPS) and the Colchester Borough Council Local Development Framework Development Policies Adopted October 2010 (CBCP) (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within the Essex and Southend Waste Local Plan Adopted September 2001 are:

Policy W3A (Best Practicable Environmental Option)

Requires that consideration be given to:

- The goals of sustainable development
- Whether the proposal represents the best practicable environmental option for that particular waste stream
- Whether the proposal conflicts with options further up the waste hierarchy.
- Conformity with proximity principle.

Policy W10A (Planning Conditions and Obligations)

Provides for the WPA to impose conditions as appropriate to ensure the development is operated in an acceptable manner and undertaken in accordance with approved details.

Policy W10E (Content of Planning Applications and Material Considerations)

- Supports applications for waste management development where provision is made to address, amongst other matters relevant to this application:
- Effects on the amenity of neighbouring occupiers.
- Effects on the landscape.
- Impact on road traffic generation.

The most relevant policy within the Colchester Borough Council Local Development Framework Development Policies Adopted October 2010 is:

a) Policy DP1 “Design and Amenity”

The policy requires that “all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will....” the policy then lists various aspects with those of relevance to this application being:

- (i) “Respect and enhance the character of the site, its context and surroundings in terms of its height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing

- unsightly features as part of the overall development proposal;
- (ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access....
 - (iii) 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;
 - (iv) Create a safe and secure environment;
 - (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and the statement of the Council's commitment to carbon reduction measures including the promotion of efficient use of energy and resources".

The Essex County Council Replacement Waste Local Plan Submission document has been submitted in June 2016 to the Secretary of State for independent examination later in the year. The submitted policies reflect the intention of the Waste Planning Authority towards waste related matters and whilst such policies are at this stage of limited weight they remain material considerations in respect of applications of the nature being contemplated in this report.

Relevant policies within this document are:

(a) Policy 6 (Open Waste Facilities)

This policy considers such waste management facilities that take place in the open air and which could have noise and air impacts that influence where such activities should take place. The policy seeks to collocate such activities at existing permitted waste management sites or co-located with other waste management development.

(b) Policy 10 (Development Management Criteria)

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- (i) Local amenity
- (ii) Safety and capacity of road network
- (iii) Appearance quality and character of the landscape and visual environment.

(c) Policy 12 (Transport and Access)

Provides support for waste management development where it would not have "an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods

Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

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.

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

National Planning Policy for Waste

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is “the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through: delivery of sustainable development and resource efficiency

The National Planning Policy for Waste published October 2014 sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also amongst other matters and of relevance to this application:

- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management

facilities identified nationally;

- consider the extent to which the capacity of existing operational facilities would satisfy any identified need”.

In identifying suitable sites, Waste Planning Authorities are required to assess the suitability of sites against “ each of the following criteria:

- the extent to which the site or area will support the other policies set out in this document;
- physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B [which addresses locational criteria] to the appropriate level of detail needed to prepare the Local Plan; and
- the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”

For the determination of planning applications the policy statement requires waste planning authorities to amongst other matters “

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”

4. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL: Any comments received will be reported at the meeting.

WORMINGFORD PARISH COUNCIL: Object on the following grounds:

- Concern over increased noise on what would otherwise be traditionally a period of rest bite from activities of this nature.
- Concern over additional traffic movements and therefore disturbance on a Bank Holiday to direct neighbours, residents in Wormingford and neighbouring villages.
- Concern that Colchester Skip Hire does not adhere to the current planning

conditions. For example, an application was previously submitted for the Good Friday in 2016 and was subsequently refused, Colchester Skip Hire however still went ahead regardless of the conditions with seemingly no consequence.

- Concern that this will open the door to further applications for other Bank Holiday's during the year.

FORDHAM PARISH COUNCIL: Any comments received will be reported at the meeting.

COUNTY COUNCIL'S NOISE CONSULTANT (CNC) – Any comments received will be reported at the meeting.

ENVIRONMENT AGENCY (EA): Any comments received will be reported at the meeting.

LOCAL MEMBER – COLCHESTER – CONSTABLE -Any comments received will be reported at the meeting.

5. REPRESENTATIONS

Site, press and neighbour notification was undertaken. As a result objections have been received from two of the local residents. In addition a member of Fordham Parish Council who attends the site liaison meeting has, in his own capacity, supported the local resident's concerns. The representation refers, in summary, to:

Observation	Comment
Object as they did last year This is not a high street or retail park with Bank Holiday shopping and it is also not on a retail park.	Noted. Noted and sentiments picked up in appraisal section.
Old Packard Lane is primarily residential and the operator are the only ones seeking to operate on a Bank Holiday.	Operator are a waste management business and the reasons for request are addressed in this report.
Vehicle movements will disturb residents when transiting through Fordham and West Bergholt	Noted although traffic on the public highway is outside planning control. The operator would be sticking to their routing out of the site.
Granting the application is likely to generate engine noise, reversing alarms and odour.	The proposal to line up on the road is to avoid these issues arising. The matter of odour is noted have been consulted
Returning vehicles would have waste on	EA have been consulted.

board and be sitting Friday afternoon and evening. This could create odour.
The Waste Planning Authority have consistently maintained the no working on Bank Holidays condition.

Noted. The operator was advised to find alternative arrangements last year as their request was made with too short a time period to allow and application to be determined.

Seek rejection of the application as the first time since 2010 that the residents amenities have been put before the CSH interests.

Noted.

6. APPRAISAL

The principal issues in respect of this proposal are:

- A. Appropriateness of the location for accommodating activities on Good Friday.
- B. Environmental aspects Noise and Dust

A. APPROPRIATENESS OF THE LOCATION FOR ACCOMMODATING ACTIVITIES ON GOOD FRIDAY.

The issue of “catch up” servicing of customers on Good Friday has arisen previously at this site. Last year the operator made a verbal request to seek servicing of customers, although given the short notice and likely local objections, the operator was advised to seek alternative arrangements. In the event the operator did park their vehicles off-site although they returned into the site parking up at the end of the day. Local residents raised objection noting at the time that any working would set a precedence; that the operator was flouting the planning conditions and that the use of the vehicles even when parked up off site and then used was in breach of the site permission stating no activities on Bank Holidays.

A report was subsequently taken to the April 29th meeting of this committee to clarify the enforcement aspect for what was considered a technical breach of the permission through the return of the vehicles into the site. The recommendation of the report that was subsequently endorsed by the committee was that *“It is not considered that the weight of “harm” caused to local amenity from vehicles returning to the site (at the end of the day on 25 March 2016 - Good Friday) had a significant adverse impact to local amenity and accordingly it is not considered expedient, in the wider public interest, to take enforcement action”*. In addition to this recommendation, Members required that a letter be sent to the operator warning that future infringements would not be dealt with in the same manner.

The operator has now submitted a formal application, the subject of this report, so enabling the proposal to be fully considered.

The applicant’s justification for the application is acknowledged. The more

frequent opening of businesses during Bank Holiday periods has necessitated a demand for the servicing of these activities which includes the collection of wastes. Such requests for working specific Bank Holiday days is not unusual and experience has been that where activities during such periods are unlikely to give rise to unacceptable environmental impacts on local amenity, such requests can be supported.

The previous local concern over such activities setting a precedence are acknowledged and need to be read alongside the above comments. Potential erosion of local amenities through this ever increasing world of commercial/industrial activity has the potential, unless safeguards are in place, to erode local amenity. Therefore each application of this nature needs to be properly assessed on its individual merits. A precedence in one area does not necessarily follow for the next site.

The applicant's agent has indicated that future applications may arise for seeking a relaxation of the Bank Holiday restriction if the issues raised by this application are satisfactorily addressed.

The facility operates from a location granted permanent approval through the appeal process and whilst the local residents have previously referred to the rural locality in which they co-exist with the site, the applicant's business is not the only one in this locality. There are other industrial businesses, former agribusinesses and food processing industries in the locality and these have developed and grown alongside the rurality of the area.

Furthermore, it has been previously expressed and reported in past applications to this committee concerning aspects of this site that conditions are being relaxed to suit the operator's needs. It is open to any operator to seek variations to the planning conditions and the appropriate way this is achieved is through the planning process, which the operator has properly done on this occasion.

In respect of this application, the applicant is only proposing the movement of 12 refuse vehicles that would already be pre-positioned on the internal site haul road the night before. Returning vehicles would be parked up in a similar location. The location of the parking area would be separated from the more sensitive western site boundary by the intervening recovery building, the existing timber processing stockpile area and the skip storage arrangements.

The principal elements of the proposal are that the activities for the Good Friday are primarily for vehicle movements only; that the operators acknowledgement of the sensitivity of the site has been reflected in the proposal for pre-positioning, and that there would be no other site activities taking place. On that basis, and subject to other environmental aspects being acceptable, the proposal would not conflict with policies aspects of maintaining a sustainable and efficient handling of the waste arising set out in the National Planning Policy for Waste and WLPA policies W3A and W10A and CBCP policy DP1.

C. ENVIRONMENTAL ASPECTS - NOISE AND DUST

In terms of environmental arisings affecting the local amenities these would

principally be the generation of noise from the movement of the vehicles and associated dust.

Local residents have previously referred to both these aspects of noise (principally the reversing beepers) and dust from the site activities affecting their amenities.

The assertion from the operator of there being no site activities other than vehicles movements should assure the local residents that the dust aspect would not arise. The movement of refuse vehicles within the site generating dust nuisance has not been a specific area of concern. Likewise the pre-positioning of vehicles along the access road would obviate any need, subject to no breakdowns or necessity for accessing the air pumps, for reversing issues to arise.

The operator has, with the pre-positioning proposal, offered what could be deemed an additional “safeguarding” aspect if one were considered to be required in the first place to address any potential local residents concerns. The proposal as presented is not considered to conflict with WLPA Policies W10A; or WLPS Policies 6, 10 and 12 and CBCP policy DP1.

7. CONCLUSION

The operator’s business is recognised as being a permanent development situated with a mixture of residential, rural and associated industrial style businesses activities. The nature of the business is one that services customers who are exhibiting more frequent need for continuation of servicing over Bank Holiday periods.

The appropriateness of this location to undertake a Bank Holiday activity has been assessed and that in this particular location the pre-positioning of vehicles on the site access road would act as an additional “safeguard” towards minimising any perceived impact likely to arise on the sensitive adjoining residential receptors.

Noise, dust and visual aspects are considered to be appropriate and could be controllable through condition.

The opportunity has been afforded by such a variation of condition application for the WPA to review the extant conditions and these have been set out in the recommendation below.

On balance, the proposal is considered to comply with the relevant policies of the Development Plan taken as a whole and represents sustainable development in the context of the NPPF and accordingly planning permission should be granted.

RECOMMENDED

That planning permission be **granted** subject to:

1. Approved Details

(A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the ‘Planning Application’

(ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4th July 2012 comprising:

(a) Drawing Numbers:

- (i) No 220 entitled "Site Layout Plan" dated January 2011
- (ii) No. 221 entitled "Floor Plan" dated December 2010
- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
- (ii) AAD "Acoustic Report" dated 21/12/12.

- (e) For Sound Insulation those details set out in:
 - (i) Letters of 23rd January 2013
 - (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled Sound Insulation (Condition 10) dated January 2013 and revision dated February 2014
 - (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 13; 9th December 2013 and
 - (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.
- (f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:
 - (i) Letter of the 14th January 2013
 - (ii) Application form dated 14th January 2013
 - (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.
- (g) For foul and surface drainage those details as set out in:
 - (i) Letters of the 7th November 2012
 - (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 44218 dated November 2012;
 - (iii) Letter of 21st November 2012.
- (h) For Habitat protection scheme those details as set out:
 - (i) Letters of the 22nd February 2013
 - (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.
 - (iii) Letter of 12th April 2013
 - (iv) Email of the 3rd May 2013 and 19th March 2013.
- (i) For Habitat Management Scheme those details as set out in:
 - (j) Letter of the 22nd February 2013
 - (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144

- dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012
 - (iii) Letter of and 12th April 2013
 - (iv) Emails of the 15th March 2013 and 19th March 2013.

- (k) For Tree and hedgerow Protection Scheme those details as set out in:
 - (i) Letter of the 28th January 2013
 - (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

- (l) For Landscaping Timetable and Management Plan those details as set out in:
 - (i) Letter of the 13th September 2012
 - (ii) Application form dated 13th September 2012
 - (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

- (m) For Archaeology those details set out in:
 - (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

- (n) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:
 - (i) Letters of the 14th January 2013
 - (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
 - (iii) Letter of 22nd April 2013
 - (iv) Emails of the 4th February 2013, 20th May 2013.

- (o) For Materials to be used for all hard surfaces those details as set out

in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012,

(p) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(q) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(B) As amended by the Non Material Amendment for the
Welfare
Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non Material Amendment Staff Welfare Facilities" dated May 2016.

(C) As amended by the planning application
ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry

- Storage Building” dated Feb 2016
- (iv) Drwg No: 165 entitled “Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/ Dry Storage and Containment Walls to Northern Boundary” dated May 2016.
- (v) Drwg No: 166 entitled “Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/ Dry Storage and Containment Walls to Northern Boundary” dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3 page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application
ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled “ Variation of Condition 06 (Waste Handling) “Greenacres” Old Packards Lane, Wormingford” dated May 2016;
- (ii) Drwg No: 155 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” dated Feb 2016
- (iii) Drwg No: 156 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled “Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound” dated May 2016.
- (iv) Letter from AAD Applied Acoustic Design dated 3rd October 2016 entitled “Acoustic Survey Note”.
- (v) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18th October 2016.

(E) As amended by the planning application ESS/18/17/COL comprising:

- (i) Planning application form from Peter Johnson dated 24/02/17 and accompanying:
 - (ii) letter from The Johnson Dennehy Planning Partnership dated 24th February 2017 and
 - (iii) Drwg No: 123 entitled “ Recycling and Recovery Facility Variation of Conditions 03 and 04 Bank Holiday Working” dated Feb 2017.

Availability of Plans

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

Authority shall also be available upon request.

Environmental Protection Operating Hours

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

07:30 – 18:30 Monday to Friday,
07:30 – 13:30 Saturdays

And, at no other times or on Sundays, Bank or Public Holidays (except for Condition 4 (vi) below).

HGV Movement times

4. (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays:	150 movements
Saturdays:	74 movements
Sundays and Bank/Public Holidays:	none (except for (vi) below)

- (ii) Outside the hours specified In Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays:	06.00- 07.00:	6 movements
	07.00- 07.30:	6 movements

Sundays and Bank/Public Holidays: none (except (vi) below)

For the avoidance of doubt, all movements permitted under Condition 4 (ii) shall count towards the daily limit for that day as set out under Condition 4 (i).

- (iii) All movements before 07.30 on any day, permitted under Condition 4 (ii) above shall be limited to out-bound movements only.
- (iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.
- (v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.
- (vi) For the purposes of this condition, and for the Good Friday April 14th 2017 only, 12 refuse vehicles shall be allowed to leave the site between the

hours of 06:00 – 07:30 hours and return no later than 16:30 hours making a total of 24 movements. Upon return the 12 refuse vehicles shall park up on the access road in the area coloured red on Drwg No: 123 entitled “ Recycling and Recovery Facility.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Noise

5. Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level(LAeq, 5 min):
 - (A) (i) the pre-existing background level (LA90) plus 5dB; and
(ii) the average residual level (LAeq 5 min) plus 1dB.
 - (B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).
 - (C) The frequency of monitoring shall not be less than once every three months.
 - (D) The monitoring scheme shall be implemented as approved.
 - (E) All noise measurements carried out in connection with this condition shall be undertaken In accordance with the guidance contained in BS4142:2014.

Waste Handling

6. All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

Waste Types

7. All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No

waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the waste planning authority on request.

Waste Throughput

8. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

Boundary Maintenance

9. The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

Dust Suppression

10. Within one month of the date of this permission, a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used in dry weather periods to suppress dust when the wood shredder is operational. Without prejudice to the foregoing, the water bowser and connected oscillating blower shall be used continually when the wood shredder is operational when, without water suppression, the prevailing wind speed and direction would cause dust to escape the site.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance 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 Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

COLCHESTER – CONSTABLE