
Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 26 January 2024 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr P Thorogood (departed after item 5.1)
Cllr M Steptoe	Cllr B Aspinell (departed after item 5.1)
Cllr J Henry	Cllr D Harris
Cllr M Steel	Cllr A Sheldon
Cllr M Hardware	Cllr L Mackenzie (departed after item 5.1)

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Garnett, for whom Cllr J Henry substituted, from Cllr J Jowers for whom Cllr A Sheldon substituted, and from Cllr L Bowers-Flint.

Cllr L Mackenzie declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he had campaigned against the site. Cllr Mackenzie considered that as he was predetermined on the issue, he would not participate in the debate or vote on this item.

Cllr A Sheldon declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he was employed by Rebecca Harris MP whose opposition was noted in the report. Cllr Sheldon considered that as he had a Disclosable Pecuniary Interest (DPI) he would not take part in the debate and leave the room after his public speaking slot.

Cllr J Henry declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as was Cabinet Member for Health, Wellbeing, Leisure, Arts and Culture at Basildon Borough Council, and the Council had objected the application. Cllr Henry considered that as he had not been involved in the objection and was not aware of the matter until he read the agenda, he was not precluded from participating in the debate and voting on the item.

Cllr P Thorogood declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he was opposed to waste incineration. Cllr Thorogood considered that as he was predetermined on the issue, he would sit at the back of the Chamber and not participate in the debate or vote on the item.

Cllr C Guglielmi declared an interest in item 5.2 of the agenda (Minute 9) concerning the land off Ipswich Road, Langham as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 27 October 2023 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

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

- 1) Land to the south of Archers Fields Close, Burnt Mills Industrial Estate
To consider report DR/02/24 relating to the development of an Energy Recovery Facility, ancillary office block and associated infrastructure on land to the South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, Essex.

Location: Land to the south of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, SS13 1DN

Ref: ESS/120/20/BAS

Public speakers:

- Cllr Andrew Baggott, on behalf of Basildon Borough Council,
- Cllr Craig Rimmer, Basildon Councillor for Pitsea South East,
- Cllr Luke Mackenzie, ECC Member for Pitsea,
- Cllr Aiden McGurran, ECC Member for Pitsea,
- Cllr Tony Ball, ECC Member for the abutting division Wickford Crouch,
- Cllr Kerry Smith, ECC Member for the abutting division Westley Heights,
- Cllr Andrew Sheldon, ECC Member for the abutting division South Benfleet,
- A statement read on behalf of Cllr Malcolm Buckley, ECC Member for Wickford Crouch,
- A statement read on behalf of Cllr Sam Gascoyne, Basildon Councillor for Pitsea North West,
- Mr Kevin Parr, agent on behalf of the applicant.

It was noted that due to public interest in the application, the Chairman had permitted more public speakers than was set out in the Public Speaking Protocol.

4. Development and Regulation Committee Protocol

The Chairman introduced the updated Committee Protocol and outlined the changes that had been made.

Cllr M Hardware outlined two concerns with the proposed wording of the revised protocol:

- Firstly, in the Summary, 'Members and officers shall avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors' as this implied that the Members knew the outcome of a Committee and were predetermined.
- Secondly, the Summary also advised that 'Members must make oral declarations at the Development and Regulation Committee of significant

contact with applicants and objectors,' whilst under Section 5 – Lobbying of Councillors, the protocol advised that 'lobbying is a normal and perfectly proper part of the political process.'

Officers advised that these parts of the protocol had not been revised, and that they would be reconsidered, and the revised Protocol brought back to a future meeting of the Committee.

There being no further comments, the Committee

Agreed

To endorse the updated Development and Regulation Committee Protocol.

5. Land to the south of Archers Fields Close, Burnt Mills Industrial Estate

The Committee considered report DR/02/24 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 30, 31, 32, 38, 41, 44 and 45.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the location for the development
- Waste or Waste Recovery
- Need/Capacity
- Noise Impacts
- Landscape/Visual Impacts
- Heritage
- Ecology
- Water Environment
- Climate Change/Greenhouse Gas
- Air Quality/Dust
- Odour
- Traffic
- Health and Wellbeing
- Contributions sought by Basildon Borough Council
- Topic Areas covered by the supporting Environmental Statement

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrew Baggott, speaking on behalf of Basildon Borough Council. Cllr Baggott made several points:

- Basildon Borough Council did not have a Local Plan and was in the process of putting a Local Plan together. Approving the application could derail the process of drafting and approving a Local Plan.

- Basildon Borough Council had been working with Essex County Council and the Department for Environment, Food and Rural Affairs to improve air quality in the area surrounding the site. The proposal would be contrary to this work in improving air quality.
- Basildon Borough Council had set out an ambitious waste strategy which aimed to achieve a 65% recycling rate by 2035, reduce residual waste and encourage residents to split the waste stream. The proposal would permit a waste site which would combine a variety of types of waste and burn these, which was contradictory to the work carried out by Basildon Borough Council.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Craig Rimmer, speaking as Basildon Borough Councillor for Pitsea South East. Cllr Rimmer made several points:

- As a county, Essex was able to process a large quantity of the country's waste, particularly with Rivenhall and possibly Tilbury in the future. This raised the question of the need of a private developer to request this application.
- Some of the evidence contained within the report was outdated, such as references to a nursery which no longer existed and the omission of a homeless shelter which had been established in Nevendon Place which would be directly affected.
- Further applications could request the processing of additional waste at the site. The Energy Recovery Facility would be running 24/7 and would be costly to shut down and restart. This would impact residents as well as the nearby church.
- A fire had occurred at a site run by Wasteaway, and no report had been produced on this, however, residents had been advised to keep windows and doors closed due to the nature of the toxic fumes being dispersed.
- The 50m stacks would be the same height as 15 storey buildings, impacting on the visual amenity of the residential area.

In accordance with the protocol on public speaking the Committee was read a statement on behalf of Cllr Sam Gascoyne, Basildon Borough Councillor for Pitsea North West. Cllr Gascoyne's statement made several points:

- The proposed development was situated in close proximity to the boundary of Cllr Gascoyne's division. Given the prevailing winds from the West and South-westerly directions, any emissions from the site would directly impact residents of this division.
- Despite advancements in technology, it was hard to accept that emissions would be reduced to zero.
- Despite the efficiency of incineration, there remained residual material (ash) that was potentially hazardous. This material needed to be transported elsewhere for safe processing, increasing the risks of spillage during transfer and removal from the equipment. The Committee was asked to consider the history of the nearby Tovi plant, which, as mentioned in the report, had been closed and was undergoing demolition. During its planning stages, it was

explicitly stated that the plant was only built as a Material Recovery Facility (MRF) due to the unacceptability of incineration in the locality. The former Leader of Essex County Council had pledged to 'No Incineration.' Such a facility should be situated well away from residential areas, mirroring examples seen across the country. Therefore, Archers Fields was not a suitable site on this basis alone.

- Recent events, such as the serious fire at the site attributed to the disposal of a battery, highlighted the potential dangers associated with waste management.
- The County Council was in the final stages of formulating its waste strategy, which was yet to determine the disposal method for residual waste. At current disposal levels, the capacity of the proposed plant would be insufficient to handle the county's residual waste.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Luke Mackenzie, speaking as the Local Member. Cllr Mackenzie made several points:

- Place Services had objected to the application on the basis of Nevendon Hall, St Peter's Church and Fore Riders, all of which were Grade II listed.
- The height of the proposed stack could set a precedent for high rise buildings in the area.
- The proposal would involve a 24-hour operation very close to a residential area, including the use of heavy machinery and the transportation of waste around the site.
- Essex County Council had reduced the speed limit on the A127 to 50mph in order to reduce emissions, and the proposals would backtrack on this work.
- The site was near a sewage treatment works, so residents already experienced odours, and could experience further odours coming from the proposed site.
- The proposal was in contradiction to the government's target of Net Zero by 2035, as burning waste would contribute to carbon dioxide emissions.
- The recent battery fire raised concerns for safety in the site.
- The homeless shelter had not been taken into consideration in the report.
- There was cross group opposition to the application.

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

- The distribution area of the consultation process was inadequate, with many residents not being consulted on the application. The questionnaire produced was skewed to illicit positive responses. Despite this, residents made well-argued and reasonable objections which could be found in the consultation documents.
- There had not been a public meeting hosted by the developers.
- The application did not encourage recycling, reuse or waste prevention, and the proposed development was harmful to these objectives and the County Council's draft waste strategy.

- There were existing residential properties within 200 metres of the proposed site, meaning the site was not suitable for the proposed use.
- The recent fire near the site had increased residents' concerns.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Tony Ball, speaking as the ECC Member for the abutting division Wickford Crouch. Cllr Ball made several points:

- Whilst incineration could work well in the right place, this proposal involved incineration in the wrong place.
- Cllrs T Ball and M Buckley were not consulted on this application, despite areas in their division being referred to in the report.
- It was unclear when and how the latest consultation with residents and businesses took place. There was evidence within the report that some consultation carried out was out of date.
- Further to the letter written by four MPs in March 2021, it would be helpful to receive clarification on the Secretary of State's views of the application and the possibility of call in.
- Cllr Ball agreed with Basildon Borough Council's objections on skills and employment and the future of this area.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Kerry Smith, ECC Member for the abutting division Westley Heights. Cllr Smith presented a petition entitled 'I/We the undersigned call on Essex County Council to refuse permission being granted to build two new waste incinerators that are planned for Basildon.' Cllr Smith made several points:

- 2,500 people had signed the petition.
- January 2024 was the 75th anniversary of the establishment of the new town of Basildon.
- Despite modern technology and filters, incinerators were toxic.
- As the proposed development would be run within the private sector, there could be limited accountability to the public.
- Asbestos was sometimes disposed with general waste due to the costs involved with removing it safely.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrew Sheldon, speaking as ECC Member for the abutting division South Benfleet. Cllr Sheldon made several points:

- Members of the Committee were asked to read the full comments made by the Director of Public Health and Wellbeing at Essex County Council.
- The report stated that 'given the site is within an Area of Search, the need for the facility does not have to be considered.' Areas of Search were designated where, in principle, the waste authority may support waste management development outside of allocated sites. Areas of Search were not site allocations and should not be treated as such. The report did not detail any of the allocated sites which were undeliverable or unviable.
- The report outlined that there would be a carbon saving from using the proposed form of energy, rather than other forms of fossil fuels. This

disregarded that the UK's energy mix was a third fossil fuels, with the rest being from renewable and other sources. Of the fossil fuels, 94% was natural gas, which produced less carbon than the output of the proposed flumes.

- There was no proposed condition requiring the feedstock to originate from the facility next door. This could lead to feedstock being imported, causing an increase in HGV movements.

In accordance with the protocol on public speaking the Committee was read a statement on behalf of Cllr Malcolm Buckley, ECC Member for the abutting division Wickford Crouch. Cllr Buckley's statement made several points:

- The proposed development was located close to the boundary of Cllr Buckley's division and given prevailing winds from the west and south westerly directions, any emissions from the site would directly affect his constituents.
- Despite advancements in technology, it was hard to accept that emissions would be reduced to zero.
- Despite the efficiency of incineration, there remained residual material (ash) that was potentially hazardous. This material needed to be transported elsewhere for safe processing, increasing the risks of spillage during transfer and removal from the equipment.
- The nearby Tovi plant had been closed and was in the process of demolition. During its planning stages, it was stated that the plant was only built as a MRF due to the unacceptability of incineration in the locality. The former Leader of Essex County Council had pledged to 'No Incineration.'
- Such a facility should be situated well away from residential areas, mirroring examples seen across the country. Therefore, Archers Fields was not a suitable site on this basis alone.
- Recent events, such as the serious fire at the site attributed to the disposal of a battery, highlighted the potential dangers associated with waste management.
- The report implied that some waste would be originating from Essex County Council, however, this was not correct. The County Council was in the final stages of formulating its waste strategy, which was yet to determine the disposal method for residual waste. At current disposal levels, the capacity of this proposed plant would be insufficient to handle the county's residual waste.

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

- Clearaway was an existing local business which had been operating for 12 years in Burnt Mills Industrial Estate.
- The proposed facility sought to solely utilise residual waste. As a result, there would be no impact on recycling as this would have already been undertaken for the feedstock. It was recognised that energy recovery was part of the waste management treatment process.
- The proposed facility was in accordance with the Local Plan and national planning policy. The site was an existing industrial location and immediately

adjacent to an Area of Search. A site that had been allocated as an Area of Search still had to go through the planning application process.

- There were no statutory objections to the development and there were no outstanding planning technical reasons for the development not to go ahead.
- There was a S106 agreement associated with this recommendation, which required the use of heat of a minimum of two megawatts, and if the application was approved, the applicant would be bound by this legal agreement. In addition, there would have to be arrangements for an Employment Skills Plan, and the applicant was already taking apprenticeships into the estate.
- There would be no additional waste being brought to the estate. The proposal would allow the existing waste coming to the waste management facility to be processed and treated prior to removal from the site. This meant there would be a reduction in vehicle movements associated with the site.
- Both Basildon Borough Council's Environmental Health team and Public Health England had raised no objections to the application. All necessary environmental and technical assessments had been undertaken.

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

- There had been a consultation carried out on Essex County Council's emerging Waste Management Strategy. The proposal was for a private commercial scheme and had no links at this time with the County Council's Waste Management Strategy.
- In the recommendation, there was a proposed clause for the Section 106 agreement to restrict the residual waste to come from the adjacent site exclusively.

A Member suggested a proposed motion and the Chairman reminded the members that the Committee's Protocol required the debate to be concluded before motions could be proposed and seconded.

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

- When this application was received, it revealed that there was no express planning permission for the existing operation. As a result, an application was made and, in June 2023, the Committee approved application ESS/113/22/BAS relating to the regularisation, redevelopment and consolidation of an existing MRF at the land at Archers Field, Pitsea. That was a standalone application and so did not prejudice the application before Members.
- The proposed facility would have a throughput of 150,000 tonnes per annum.
- Government guidance encouraged Energy from Waste (EfW) facilities to be operated as recovery operations. If an EfW generated electricity and provided heat to an extent that R1 status was achieved, it would be classed as recovery. A proposed condition required the developers to evidence R1 classification.
- Any ash would be utilised, and not go into a landfill site.

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- The waste would move around the site in sealed vehicles, which were the existing vehicles operated by the applicant.
 - Any carbon dioxide emissions coming from the stack would be controlled by the Environmental Permit regime. Scenario calculations carried out by Environmental Health had found that EfW facilities would result in a reduction in the amount of carbon dioxide produced, in comparison with using landfill. Any carbon dioxide produced would go through the stack and be vented in a controlled way. The report detailed the carbon dioxide savings of the proposal.
 - The consultation had been carried out in line with the adopted Statement of Community Involvement and had been live since 2020. The most recent consultation was in December 2023, which considered revisions to the proposal. The applicant could not be required to carry out consultation; the powers which existed were with the Planning Authority.
 - Gasification was defined as the process which converted organic or fossil fuel-based carbonaceous materials at high temperatures, without combustion, with a controlled amount of oxygen and/or steam into carbon monoxide, hydrogen, and carbon dioxide.
 - The proposed facility was an energy recovery facility and the applicant intended to apply for R1 status (determined by the Environment Agency) via a permit application. This classification meant that the combustion of waste would generate more energy than the consumption of energy by the process itself, the greater part of the waste would be consumed in the operation, the greater amount of the energy generated would be recovered and used, and finally, the waste would replace the use of its source of primary energy.
 - If the application was deferred, it would be reconsidered in its entirety, with the addition of information requested by Members, at a future meeting of the Committee.

There being no further points raised, deferral was proposed by Cllr M Hardware and seconded by Cllr M Steel.

Refusal was proposed by Cllr B Aspinell and seconded by Cllr D Harris.

The Chairman asked for Members to vote on deferral, and, following a vote of 5 in favour, 2 against, it was

Resolved

To defer the application back to the applicant, the reasons being: for the applicant to produce additional detail on the impact of the proposed stack on the local environment, for the application to produce additional detail on the impact of emissions on residential properties, and for the Planning Authority to review the consultation carried out and further clarification on the process of gasification.

Because of this, no vote was taken on the refusal motion.

6. Land off Ipswich Road, Langham

The Committee considered report DR/03/24 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 2.

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:

- Principle of Development
- Landscape and Visual impact
- Amenity
- Highways

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

- The footpath appeared to have been informally re-rerouted based on operations on-going on-site. If the applicant wished to permanently divert the footpath, they would need to seek advice from Essex Highways on how to achieve that.
- Proposed Condition 4 was broken into two parts; the first part sought to define the general permitted hours of operation and the second part restricted the processing of material to certain hours within this. For the avoidance of any doubt, Members requested that the 'and at no other times including on Sundays and Bank Holidays' wording also be added to the second part of the proposed Condition.

There being no further points raised, the resolution, including the amendments to Condition 2 in the Addendum and to Condition 4, was proposed by Councillor D Harris and seconded by Cllr M Steptoe. Following a unanimous vote in favour, it was

Resolved

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the drawing titled 'Site Location and Layout Map', undated but received by the County Planning Authority 08/01/2024; and drawing titled 'Titan TN124 Specification Drawing', drawing no. GF0001 (Rev X), dated 18/05/94 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies 6 – Open Waste Facilities, 10 – Development Management Criteria and 12 – Transport and

Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy SP1 – Presumption in Favour of Sustainable Development of the North Essex Authorities' Shared Strategic Section 1 Plan (adopted 2021); policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land, DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour, DM21 – Sustainable Access to Development and DM22 – Parking of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022)

2. No waste other than 'black top' (road surface) waste as defined in Waste Classification: Guidance on the classification and assessment of waste (1st Edition v1.2 GB) Technical Guidance WM3 shall be imported, processed and/or treated on-site.

Reason: The handling and processing of different waste materials has the potential to change the character of the proposed use, with waste material outside of the aforementioned also likely to give rise to alternate and potentially additional environmental concerns. This restriction is therefore to ensure compliance with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022)

3. No more than 750 tonnes of waste shall be stockpiled on-site at any one time; and the overall throughput of waste shall not exceed 6,000 tonnes per annum. From the date of this permission the operator shall maintain records of their quarterly throughput and shall make them available to the County Planning Authority within 14 days of a written request.

Reason: To control the intensity of operations, minimise the potential for harm to the environment and local amenity, allow the County Planning Authority to adequately monitor activity at the site and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

4. The use hereby permitted, including vehicles entering or leaving the site, shall be restricted to the following durations:

06:00 hours to 18:00 hours Monday to Friday;

08:00 hours to 13:00 hours on Saturdays;

and at no other times, including on Sundays and Bank Holidays.

With regard to above, the processing of imported material, which for the avoidance of doubt is deemed to include the screening and crushing of material and use of the Asphalt Recycling Unit, shall be specifically restricted to the following durations:

08:00 hours to 17:00 hours Monday to Friday; and

09:00 hours to 12:00 hours on Saturdays.

and at no other times, including on Sundays and Bank Holidays.

Reason: In the interests of limiting the effects on local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 – Development Management Criteria and 12 – Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour and DM21 – Sustainable Access to Development of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022)

6. Waste imported to the site shall only be deposited within the area marked 'Holding Bay Unprocessed Material' on drawing titled 'Site Location and Layout Map', undated. The height of any waste stored in this area shall furthermore not exceed 3m (when measured from the adjacent ground level). In respect of the bays, again shown on drawing titled 'Site Location and Layout Map', undated, these shall be constructed to a height no greater than 1.5m (when measured from the adjacent ground level). The height of any materials stored within these shall furthermore not exceed the height of the bay walls.

Reason: In the interests of local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

7. All stockpiles of waste and materials shall be sheeted and/or dampened during periods of windy and/or dry weather to prevent escape of dust from the site.

Reason: In the interests of local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

8. A) Within one month of the date of this permission a revised site layout plan shall be submitted to the County Planning Authority for review and approval in writing. The revised site layout plan shall seek to:
 - i) amend the depicted route of Footpath 47 (Langham) to that of the Definitive Map; and
 - ii) identify the area within the site proposed for the parking of vehicles. In this regard, the area identified shall be sufficient for three cars.
- B) Within one month of the date of this permission details of the following in respect of Footpath 47 (Langham) shall be submitted to the County Planning Authority for review and approval in writing:
 - i) A schedule and specification of fencing and gates proposed to be installed along both sides of the Footpath 47. In respect of this, the schedule to be submitted is required to show at least a 3m clear width of land fenced along the entire Footpath route, where it crosses the site. With all gates furthermore only capable of outward opening.
 - ii) A scheme of signage to warn users of the footpath of construction traffic, works, plant and machinery ahead; and drivers of vehicles using the access route of the footpath.

The development shall be implemented in accordance with the approved details with the fencing and signage in respect of Footpath 47 (Langham) required to be completed/installed within 1 month of the date of approval of the details submitted.

Reason: In the interests of users of the Public Right of Way, highway safety, safeguarding local amenity and to comply with policies 10 – Development Management Criteria and 12 – Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour, DM21 – Sustainable Access to Development and DM22 – Parking of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022).

9. Within three months of the date of this permission, a landscaping scheme shall be submitted to the County Planning Authority for review and approval in writing. The scheme shall include details of areas to be planted with species, sizes,

spacing, protection and programme of implementation. Following approval, the scheme shall be implemented within the first available planting season (October to March inclusive). Should any tree or shrub forming part of the approved landscaping scheme die, be damaged, become diseased or be removed within 5 years it shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to ensure development is adequately screened, to secure some environmental benefits and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

10. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the potential for nuisance and disturbance from any proposed external lighting to the surrounding area and environment and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

7. Enforcement of Planning Control Update

The Committee considered report DR/04/24 by the Chief Planning Officer, concerning an update on the enforcement of planning control.

The Committee NOTED the report.

8. Report on the Programme of Periodic Review of Mineral Planning Permissions

The Committee considered report DR/05/24, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

9. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/06/24; applications, enforcement and appeals statistics, as at the end of October 2023.

The Committee NOTED the report.

10. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/07/24; applications, enforcement and appeals statistics, as at the end of November 2023.

The Committee NOTED the report.

11. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/08/24; applications, enforcement and appeals statistics, as at the end of December 2023.

The Committee NOTED the report.

12. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 23 February 2024, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 2:05pm.