

**Report to:** DEVELOPMENT & REGULATION (22 November 2019)

**Proposal:** MINERALS AND WASTE DEVELOPMENT – Importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access

**Ref:** ESS/31/18/ROC

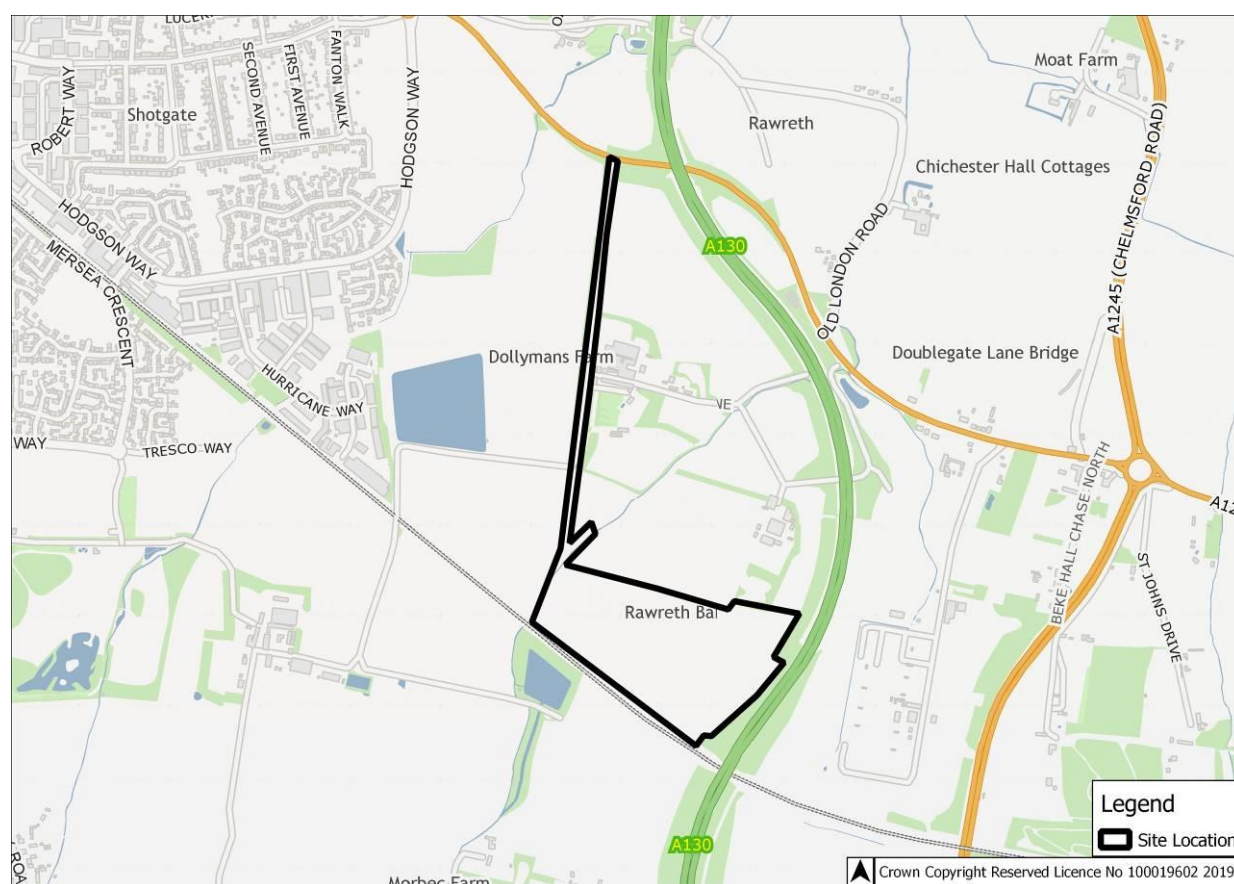
**Applicant:** Sewells Reservoir Construction Ltd

**Location:** Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Tom McCarthy Tel: 03330 320943

The full application can be viewed at: <http://planning.essex.gov.uk/>



## **1. BACKGROUND**

This application was previously presented to the Development & Regulation Committee in May 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement. There was a requirement for this legal agreement to be finalised within six months of the resolution. Unfortunately this has not happened.

For reference, the report as presented to Members in May 2019 is provided at Appendix 1.

## **2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT**

Since the May committee meeting, discussions have been on-going with the applicant regarding the legal agreement. A financial guarantee was required pursuant to the development and negotiations to date, both in terms of the value of this guarantee and also its general set-up and management, have been lengthy. A first draft of the agreement has however been recently finalised and this is due to be circulated to all parties involved. Assuming the draft is agreed by all, it is expected the agreement will be finalised for signing in the coming months.

The original six month period to complete/finalise the legal agreement expires on 24 November 2019. In the circumstances, a request has therefore been made for an extension to this period of an additional six months to complete the legal agreement.

Since this application was originally considered it is not considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that gives rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is in-principle remaining unchanged.

The Waste Planning Authority has been pro-actively engaged by the applicant to date and it is not considered the delay has not been caused for ill-reason. Accordingly, it is considered appropriate to consent to the extension as requested.

## **3. RECOMMENDED**

That subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement;

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', drawing no. M.17.149.D.001, dated April 2018; 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018; 'Initial Works', drawing no. M.17.149.D.004, dated April 2018; 'Phase 1 Restoration', drawing no. M.17.149.D.005, dated April 2018; 'Phase 2 Restoration', drawing no. M.17.149.D.006, dated April 2018; 'Phase 3 Restoration', drawing no. M.17.149.D.007, dated April 2018; 'Final Restoration', drawing no. M.17.149.D.008, dated April 2018; 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018; and 'Restoration Sections', drawing no. M.17.149.D.010, dated April 2018; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement, by which time the site shall be restored in accordance with the approved restoration scheme.

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday

07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

*Reason: In the interests of limiting the effects on local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

6. The total number of heavy goods vehicle movements\* associated with operations undertaken from the site shall not exceed the following limits:

60 movements (30 in and 30 out) per day (Monday to Friday); and

30 movements (15 in and 15 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy*

*(2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

*Reason: To allow the Waste Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

8. All vehicle access and egress to and from the site shall be from Doublegate Lane, and the access road, as shown on drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routeing to the site. The aforementioned shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

*Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

10. Only non-contaminated, non-hazardous inert material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

*Reason: To ensure appropriate restoration of the site, that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, NE4, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

11. The development hereby permitted shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. Operations shall commence in phase one and progress in numerical order.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much material has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies 6, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

14. The Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr  
West of Dollymans Farm: 55dB LAeq, 1hr  
Wethersfield Way, Wickford: 55dB LAeq, 1hr  
Bersheda, north of A127: 55dB LAeq, 1hr  
Electricity sub-station entrance, A129: 55dB LAeq, 1hr

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

15. For temporary operations, the Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties/locations referred in condition 14 shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

16. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at the five location points referred in conditions 14 and 15 and shown in Appendix B 1 (Site Location and Baseline Survey Locations) of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 29/08/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

17. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation, remediation (as appropriate) and recording has been submitted to and approved in writing by the Waste Planning Authority. Should a remediation strategy be deemed required following the investigation (i.e. the need to preserve in situ) such a scheme together with updated working plans shall be submitted to the Waste Planning Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

*Reason: To ensure that any archaeological interest on-site has been adequately investigated, preserved and/or recorded prior to the development taking place and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policies HE1 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

18. No development shall take place until a Construction Method and Initial Development Specification Statement has been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up;
- Areas proposed for the initial loading and unloading of plant and materials;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- The proposed construction of the access road to the site from



Doublegate Lane;

- The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
- The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
- Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and
- Statement of consideration of operational development issues raised within Network Rail's consultation response, dated 08/10/2018

That submitted, in respect of the access road, shall include details of construction; design (width, finish/surface and details of a bridge over Chichester Hall Brook watercourse); and any additional features proposed in respect of surface water run-off. The development shall subsequently be implemented in accordance with the details approved.

*Reason: For the avoidance of doubt as to the specification of the initial works proposed, to ensure appropriate management of the start-up phase of the development, in the interests of highway and site safety, ecology and amenity and to comply with policies 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, and T1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27, DM28 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, H12, GB1, GB3, GB11, CC2, CC4, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

19. No development shall take place until a scheme of landscape and visual mitigation for the site access, weighbridge, office and parking has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the formation of temporary bunding in addition to advanced planting and furthermore detail proposed management and maintenance during operations. The development shall subsequently be implemented in accordance with the details approved.

*Reason: On the basis that it is considered that additional mitigation could be provided to further offset impact, in the interest of visual amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM and, DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

20. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan for trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be

based on that suggested within the submitted 'Arboricultural Impact Assessment' but provide exact protection and working details/practices (including the 15m stand-off to the hedgerow) and the protection of the ground and watercourse below the access route. The method statement shall include measures to ensure that all removed timber, hedgerow arisings is utilised for habitat creation, such as habitat heaps, piles or log stacks. The approved details shall be implemented and maintained during the life of the development permitted.

*Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

22. No development shall take place, other than the construction of the haul route/access road, until a Public Rights of Way signage scheme for highway users has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide drivers and pedestrians/users of the Public Right of Way network with signage from the start of the access road and repeated at all crossings/junctions. The signage shall be clear as to both the hazard and the right of the users. The development shall be implemented in accordance with the approved scheme with signs erected and maintained for the duration of the development hereby permitted.

*Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); policy DM31 of the Rochford District Council Development Management Plan (2014); and policies T1, T3, T6 and T7 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

23. No development shall take place until:

- a) A revised scheme showing the plant area at existing or a lower land level, rather than 12 AOD and, and/or bunded on its eastern and southern boundaries has been submitted to the Waste Planning Authority for review. The scheme submitted shall be considered deliverable by the applicant and if elements referenced above are not considered so appropriate commentary provided; and
- b) A detailed layout plan for the proposed plant site as detailed on 'Initial Works', drawing no. M.17.149.D.004, dated April 2018 has been submitted to and approved in writing by the Waste Planning Authority.

Should in the view of the Waste Planning Authority, the revised proposals for the plant area be considered an improvement, the development shall be implemented as such. If not, the existing details as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018 shall remain approved. In both scenarios, details submitted and approved pursuant to part b) which shall show the exact layout of plant and machinery (together with specification); and location and maximum heights for stockpiles shall be maintained for the duration of the development hereby permitted. For the sake of completeness, no materials shall be stockpiled on-site unless within the plant site as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018.

*Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

24. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details 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 and proposed hours of operation. 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 nuisance and disturbance to the surrounding area and environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

25. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV5 of the Rochford District Council Core Strategy (2011); policy DM29 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no. M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, in the interests of safe working and to comply with policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017).

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping (if proposed) and detail how imported materials will be handled, maintained and engineered;
  - b) The proposed specification of the infill/restoration profile (i.e. an engineering report with detailed cross sections showing proposed make-up or construction to the restoration surface including depth of top soil finish) which demonstrates that material deposited will bond and not give rise to structural problems and/or excessive water retention;

- c) The type or machinery to be used to strip the site and place infill material; and
- d) Confirm that soil will only be stripped, handled and/or placed when in a dry and friable condition\*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

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

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

Reason: To ensure the re-use of the existing restoration layer, if considered appropriate, to minimise structural damage and compaction of soil to aid final restoration works, in the interests of amenity and to comply with policy policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1 and ENV3 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C5 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

28. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all existing trees and vegetation together with areas to be planted, in addition to those shown on the existing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018 with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

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

*Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

30. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide detailed drawings (including cross sections) of all water bodies proposed to be retained for ecological benefit and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Doublegate Lane and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

31. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

*Reason: To ensure the restored land is agriculturally versatile, agricultural operations are not impeded and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy GB11 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The

scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- If infiltration is proven to be unviable then discharge rates are to be limited to 45.61l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.
- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

*Reason: To ensure that that the development does not give rise to flood risk, ensure the effective operation and maintenance of drainage features and to comply with policies 10 and 11 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV3 and EN4 of the Rochford District Council Core Strategy (2011); policy DM28 of the Rochford District Council Development Management Plan (2014); and policies CC1, CC2 and of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

33. No development shall take place (including groundworks or site clearance) until a Farmland Bird Method Statement has been submitted to and approved in writing by the Waste Planning Authority. This must be provided after the results of a breeding bird survey undertaken following the British Trust of Ornithology Guidelines. The content of the method statement shall include the following if mitigation measures are required to offset impacts to Farmland Birds:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works; and
- f) initial aftercare and long-term maintenance (where relevant);

Specifically, a Skylark Mitigation Strategy shall also be included as part of the Farmland Bird Method Statement submitted pursuant to this condition. This shall include provision for the evidenced number of Skylark nest plots, in nearby agricultural land, prior to commencement. The Skylark Mitigation Strategy shall seek to cover a 10 year period and include the following:

- a) purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird and Skylark mitigation strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the overall site restoration and aftercare period.

*Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

34. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Waste Planning Authority no later than after completion of phase three. The submitted scheme shall accord with that suggested with the Planning Practice Guidance and:
  - a) provide an outline strategy for an aftercare period of five years. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme including the aims and objective of management from an agricultural, landscape and ecological perspective; and
  - b) provide for a detailed annual programme to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting, which shall in addition to covering agricultural matters also provide commentary on landscape planting, ecological and hydrological features; and the WWI memorials.



Whilst the formal aftercare period for the site shall be five years, the outline strategy shall, as a minimum, seek to cover a period of 10 years in respect of the management of on-site and boundary landscaping and ecological and hydrological features. The outline strategy should, in respect of this, include details of any legal and funding mechanism(s) by which the long-term management of the site will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives from a landscape and/or ecological perspective are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers long term net benefit.

Unless the Waste Planning Authority approve in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the submitted scheme.

*Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

35. There shall be no retailing or direct sales of soils and/or aggregates to the public from the site.

*Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and in context of policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

*Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and*

*Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

## **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.

## **LOCAL MEMBER NOTIFICATION**

BASILDON – Wickford Crouch  
ROCHFORD – Rayleigh North

**APPENDIX 1 – MAY 2019 COMMITTEE REPORT  
(INCLUSIVE OF CHANGES MADE BY WAY OF THE ADDENDUM)**

**DR/15/19**

committee DEVELOPMENT & REGULATION

date 24 May 2019

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access**

Location: **Land at Dollymans Farm, Doublegate Lane, Rawreth, Wickford, SS11 8UD**

Ref: **ESS/31/18/ROC**

Applicant: **Sewells Reservoir Construction Ltd**

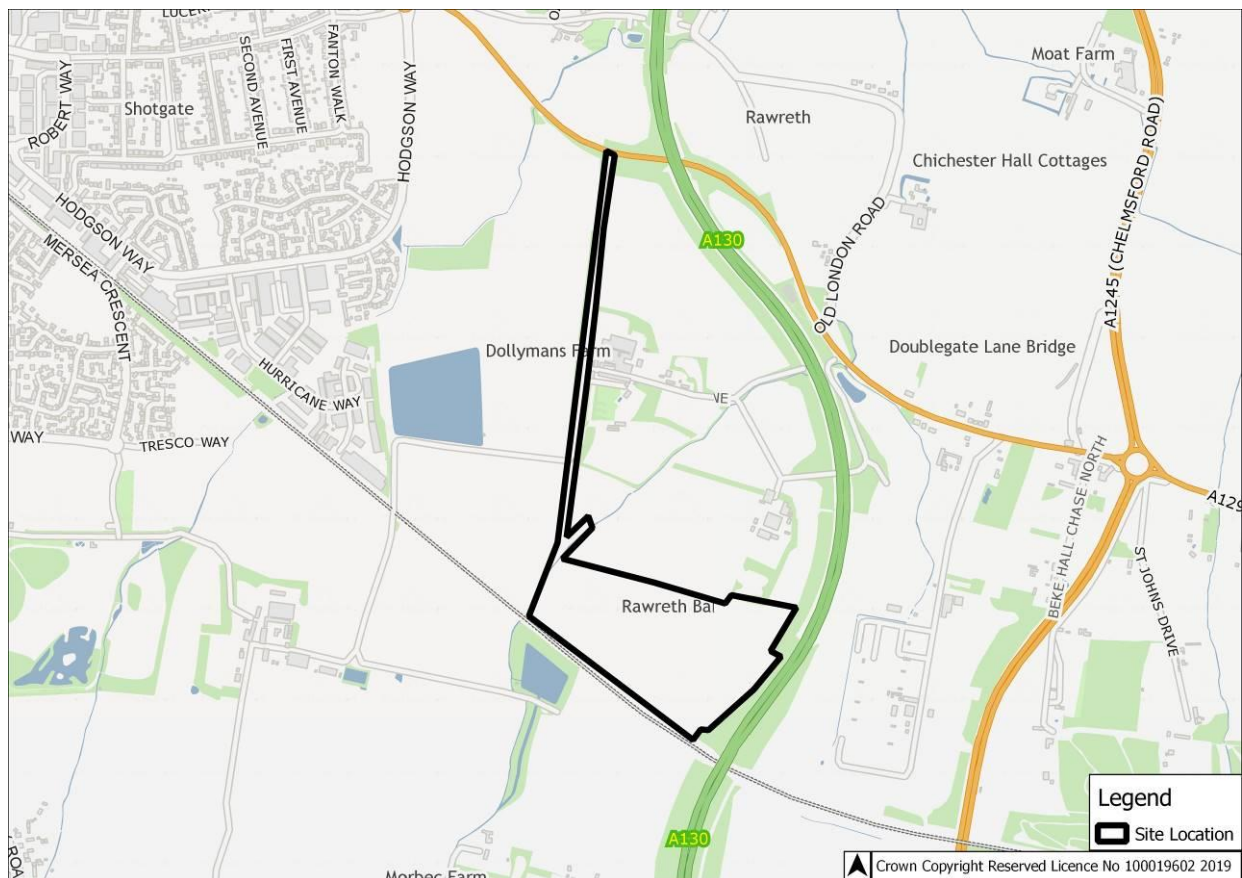
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Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

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

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## 1. BACKGROUND & SITE

The area to which this application relates is a former borrow pit associated with the construction of the A130. The site, which extends to some 17.6ha, was restored at low level, following this, to its current concave landform and is managed as grassland (grazing paddock for horses).

Dollymans Farm is accessed off the A129 via Doublegate Lane. This access serves Dollymans Farm including the small industrial/employment area, the Treehouse Club Nursery and Fanton Hall and Sappers Farm and industrial/employment areas associated. The Lane to the south connects with the A127. The Lane forms a Bridleway (Bridleway 17) off which to the north of the railway line runs Footpath 62 which connects with Footpath 63 to run south to north to re-connect with the Bridleway at Rawreth Barn.

The site is bound by the A130 to the east and a railway line to the south. To the west and north is agricultural land. Whilst the site is rural/agricultural in character, visually these characteristics are impacted by the A130 and nearby electricity plant.

Photo looking east on Footpath 62 to the south of the site



The site, which is part in the administrative jurisdiction of Rochford District (northern part) and part within Basildon Borough (southern part), forms part of the Green Belt with part of the site also within flood zone 2 and 3. The site falls within the impact risk zone for Thundersley Great Common and Crouch and Roach Estuaries SSSIs and is also within the Southend Airport safeguarding area. However, for confirmation, the site itself is not located within a 'sensitive area' for the purposes of the EIA Regulations.

On site there are two World War I memorials. The memorials, one of which (Kynoch Memorial) is located along the southern boundary and the other (Stroud Memorial) located on the eastern boundary, were raised as a permanent testament to the sacrifices made by two pilots (Captain Alexander Bruce Kynoch and Captain

Henry Clifford Stroud) killed in service at this site. Both memorials, erected around 1920 are Grade II listed.

Whilst there are a few isolated residential properties, and sensitive uses within the Dollymans Farm complex, the nearest built up area to the site is Shotgate circa 500m as the crow flies.

### Essex & Southend-on-Sea Waste Local Plan

This site was promoted through the call for sites for the Essex and Southend-on-Sea Waste Local Plan for inert waste recycling and landfill on the basis that it was suggested that the site was poorly restored and would provide additional inert waste management capacity whilst delivering several environmental benefits. The site was originally discounted (not taken forward as a preferred site) by ECC through the site selection process on Green Belt grounds. However, as part of the Examination in Public of the Waste Local Plan, following representations from the landowners planning agent, the Inspector whilst accepting that 'any proposal would still need to be considered on its individual merits, including whether it could satisfy local policies for the management of development in the Green Belt' considered that there was 'sufficient evidence at this stage to justify the allocation of this site, in order to identify its potential contribution to the management of waste and thus guide future decision-making.' The allocation within the WLP is however solely for inert landfill capacity (500,000 tonnes) with no recycling/processing.

## **2. PROPOSAL**

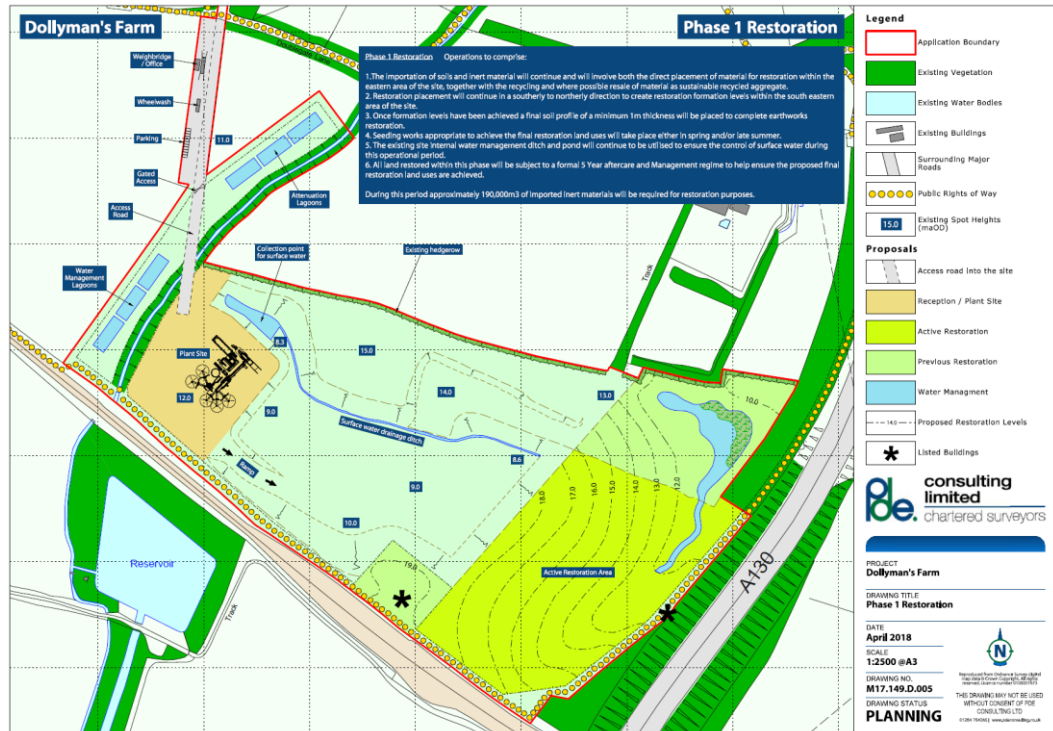
This application seeks the importation of inert material, installation and use of a plant for the recycling of such material (including separate silt press) and the final disposal of inert residues on the land to establish a revised landform, together with the formation of a new access.

The applicant suggests that to achieve a landform sensitive to the surrounding landscape a total of 580,000m<sup>3</sup> of inert material needs to be deposited (980,000 tonnes). The applicant in seeking to attract a wider inert stream to deliver this project is proposing to install a recycling facility at the site which would allow the production of recycled aggregates from material imported. Removing this aggregate, which the applicant anticipates to represent 30% of material imported, would accordingly increase the overall amount of material required (to 1.4 million tonnes) to complete the development.

The applicant has suggested that the site would be worked in four main phases. Phase one would involve the establishment of the proposed temporary access; preparation of the plant area and reception, weighbridge and wheel wash along the access road; creation of the water management/attenuation ponds and lagoons; together with the commencement of works (landfilling) to the immediate setting of the southern memorial and east of the site.

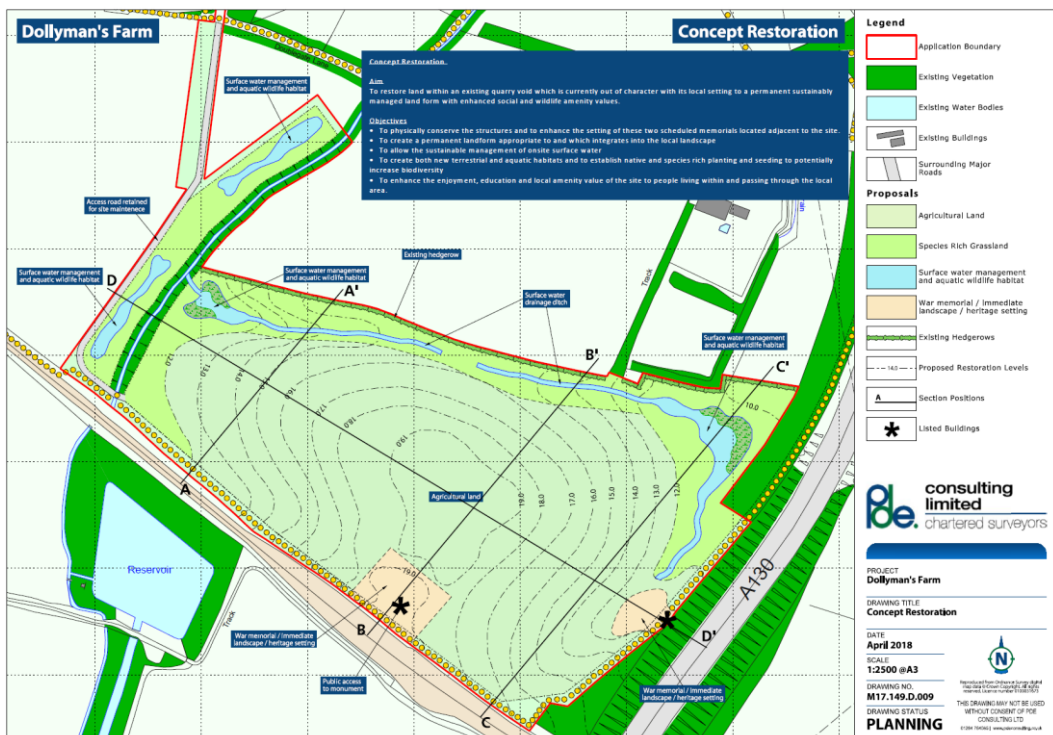


## Phase One – Drawing Number: M17.149.D.005, dated April 2018



Phases two and three would see the importation and infilling continue in an east to west direction, with phase four (final restoration) seeing the decommission and removal of the plant site and reprofiling of this area, final shaping of water bodies and planting and the site restored to agricultural use with biodiversity enhancements.

## Final Restoration – Drawing Number: M17.149.D.008, dated April 2018



The applicant has suggested that the development would take 10 years to complete with the development predicted to give rise to 60 HGV movements a day (30 in and 30 out) in addition to 14 private (staff) vehicle/car movements (7 in and 7 out). Hours of operation of between 07:00-18:00 hours Monday to Friday; 07:00-13:00 hours Saturdays; with no working on Sundays or Bank Holidays are proposed.

### **3. POLICIES**

The following policies of the Essex Minerals Local Plan (MLP), adopted 2014; Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; Rochford District Council Core Strategy (RCS), adopted 2011; Rochford District Council Development Management Plan (RDMP), adopted 2014; and Basildon District Local Plan (Saved Policies) (BLP), adopted 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

#### Essex Minerals Local Plan

S5 – Creating a Network of Aggregate Recycling Facilities

S12 – Mineral Site Restoration and After-Use

#### Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities

Policy 3 – Strategic Site Allocations

Policy 6 – Open Waste Facilities on Unallocated Sites or Outside Areas of Search

Policy 9 – Waste Disposal Facilities

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

Policy 13 – Landraising

#### Rochford District Council Core Strategy

GB1 – Green Belt Protection

ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites

ENV3 – Flood Risk

ENV4 – Sustainable Drainage Systems

ENV5 – Air Quality

T1 – Highways

T2 – Highway Improvements

#### Rochford District Council Development Management Plan

DM1 – Design of New Developments

DM5 – Light Pollution

DM25 – Trees and Woodlands

DM26 – Other Important Landscape Features

DM27 – Species and Habitat Protection

DM28 – Sustainable Drainage Systems

DM29 – Air Quality

DM31 – Traffic Management



## Basildon District Local Plan

BAS GB1 – The Definition of the Green Belt

BAS C1 – Protected Areas

BAS C5 – Trees and Woodlands

BAS C13 – Water Wildlife

BAS BE12 – Development Control

The Revised National Planning Policy Framework (NPPF) published on 24 July 2018 (and updated on 19 February 2019) and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England have been produced. The strategy is framed by natural capital thinking and guided by two overarching objectives:

- To maximise the value of resource value; and
- To minimise waste and its impact on the environment

The strategy furthermore outlines five strategic principles:

- To provide the incentives, through regulatory or economic instruments if necessary and appropriate, and ensure the infrastructure, information and skills are in place, for people to do the right thing;
- To prevent waste from occurring in the first place, and manage it better when it does;
- To ensure that those who place on the market products which become waste to take greater responsibility for the costs of disposal – the 'polluter pays' principle;
- To lead by example, both domestically and internationally; and
- To not allow our ambition to be undermined by criminality.

With the aim of delivering five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable<sup>15</sup> plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity<sup>16</sup> by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Rochford District Council are in the process of preparing a new Local Plan, which will set the strategy for future development of the District beyond 2025. Once adopted the new Local Plan will replace a number of the adopted policy documents. Rochford District Council held a public consultation in early 2018 on the first stage of its new Local Plan (an Issues and Options Document). Given the early stage at which the new Local Plan is it is not considered that this holds any weight in the determination of planning applications at the current time.

Basildon Borough Council submitted the Basildon Borough Local Plan 2014-2034 to the Secretary of State for Examination in Public (EiP) on 28 March 2019. Hearing dates have yet to be formally scheduled however as the Plan has been submitted it is considered that the policies within hold some weight in the determination of planning applications. That said the weight to be applied to relevant policies is restricted by the fact the Plan has not yet been through EiP and formally adopted.

The following policies of the Basildon Borough Revised Publication Local Plan 2014-2034 (BLP-18), dated October 2018 are considered relevant to this application:

- SD1 – Strategic Approach to Sustainable Development in Basildon Borough
- SD4 – Presumption in Favour of Sustainable Development
- T1 – Transport Strategy
- T2 – Improvements to Carriageway Infrastructure
- T3 – Improvements to Footpaths, Cycling and Bridleway Infrastructure
- T6 – Managing Congestion
- T7 – Safe and Sustainable Access
- H12 – Land South of Wickford

DES1 – Achieving Good Design  
GB1 – Strategic Approach to Green Belt Protection  
GB2 – Green Belt Extent  
GB3 – New Development in the Green Belt  
GB11 – Positive Uses of Land in the Green Belt  
CC1 – Responding to Climate Change  
CC2 – Flood Risk and Drainage Management  
CC4 – Managing Flood Risk in New Development  
NE4 – Development Impacts on Ecology and Biodiversity  
NE5 – Development Impacts on Landscape and Landscape Features  
NE6 – Pollution Control and Residential Amenity  
HE1 – Strategy for Conserving and Enhancing the Historic Environment  
HE3 – Listed Buildings  
HE4 – Schedules Monuments and Archaeology

#### **4. CONSULTATIONS**

ROCHFORD DISTRICT COUNCIL – No comments received.

BASILDON BOROUGH COUNCIL – The part of the site which falls within the administrative boundary of Basildon is located within the Green Belt. It is noted that this site is allocated within the WLP for inert landfill. However, this application proposes the importation of more material than suggested in the designation; proposes the installation of a recycling plant and a timeframe/duration of 10 rather than 5 years. The additional plant and machinery associated with the recycling, its appropriateness and subsequent impact on the openness of the Green Belt must be considered carefully. Furthermore, the additional importation of material would result in additional vehicular movements with associated impacts on air quality. ECC should satisfy themselves that the application demonstrates compliance with the proximity principle and the need to deal with waste closest to the source.

ENVIRONMENT AGENCY – No objection. Infilling as part of this proposal would require large amounts of deposits. The type of material used is likely to be waste and therefore testing must be conducted on the type of waste used to make sure it is suitable, uncontaminated and non-hazardous. The application says the applicants would be using a press. Testing of the soil gathered from the press need to be undertaken as the waste soil from this could contain limited value other than bulk. The platelets from this sort of recovered soil waste is not likely to easily bond and therefore soil slippage and water retention could be an issue. Undulation of existing land may mean if the correct material/waste is not used pools may gather and the land may not be remediated as required.

NATURAL ENGLAND – Standard advice provided. Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Offer no comments.

HIGHWAYS ENGLAND – No objection.

HIGHWAY AUTHORITY – No objection subject to conditions requiring submission of a construction management/method statement; and Public Right of Way scheme of signage seeking to identify both the hazard and right of users from the start of the access road and where the access road crosses the Public Right of Way.

ESSEX BRIDLEWAY ASSOCIATION – Mainly concerned with the final restoration scheme rather than the detail of the actual infilling. Concern is raised about the inevitable increase in HGV traffic and the impact on Bridleway 17 which runs alongside Doublegate Lane and it is requested that consideration be given to segregation. Furthermore, request is made that footpaths 62 and 63 are upgraded to bridleway status to form a circular route around the site for all users. It is also noted that the scheme does not appear to offer any further public access and it is suggested that if not definitive but permissive access to the site, post restoration, should be considered.

RAMBLERS ASSOCIATION – No comments received.

NETWORK RAIL – The developer must ensure that the proposal, both during construction and after completion of works on site, does not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; and/or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future. In respect of maintenance, the developer must ensure that this can be carried out solely on the applicant's land and in terms of drainage surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement. If not already provided, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail strongly recommends the developer contacts [AssetProtectionsAnglia@networkrail.co.uk](mailto:AssetProtectionsAnglia@networkrail.co.uk) prior to any works commencing on site, and to agree an Asset Protection Agreement with us to enable approval of detailed works.

SOUTHEND AIRPORT – No objection. If a crane or piling rig to construct the proposed development is needed this would need to be safeguarded separately and dependant on location may be restricted in height. Any crane/piling rig application should be made to the Airport Authority directly.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction; and a maintenance plan for the surface waste drainage system.

THE COUNTY COUNCIL'S LANDSCAPE CONSULTANT – Concerns are raised about the loss and fragmentation of an ancient hedgerow with trees running along

the western boundary of the site which the site access road would dissect at a wide angle. The hedgerow would be defined as '*important*' under the criteria defined in the 1997 Hedgerows Regulations, this by virtue of its age, form (watercourse, banks, trees) and species make-up. The proposed access would create a significant detrimental landscape and visual impact and it is considered that an alternative means of access would be less intrusive. Conclusions formed in respect of landscape character and the site displaying 'elements and features which are out of character with its local setting' are disagreed with. Whilst the quality of the landscape clearly exhibits evidence of former excavations, by the presence of steep slopes and undulating landform, the character which has subsequently developed is not considered unattractive. It is also considered that the predicted visual effects during the operational period have been undervalued. The site access takes a very harsh alignment off the corner of Doublegate Lane and the operational activities (office, parking, weighbridge, wheel wash) would collectively create visual impact of an industrial nature. The visual impacts arising from the access road, proposed plant, movement of vehicles and re-profiling are considered to be significant and adverse particularly when experienced by users of the Public Rights of Way network. No proposals for landscape and visual mitigation or enhancement have been put forward. There are no specific proposals setting out how the WWI memorials would be enhanced despite the reference to this being proposed.

THE COUNTY COUNCIL'S ARBORICULTURE CONSULTANT – No objection subject to conditions. The submitted tree survey accurately identifies the trees within the hedgerow which would be impacted by the proposed access road. These have been suitably assessed although it is considered collectively that the trees do have a higher value than when viewed individually. Some Category B trees (BS 5837) would require removal however the impact of this would be more from a habitat and landscape perspective. From an arboricultural view, the mitigation proposed is considered acceptable, subject to final details of planting arrangements being secured by condition. In more general terms, it is nevertheless suggested the access should be by bridge rather than culvert and a detailed method statement and tree protection plan should be secured prior to any works commencing.

THE COUNTY COUNCIL'S ECOLOGY CONSULTANT – No objection subject to conditions requiring submission of farmland bird method statement and skylark mitigation strategy.

THE COUNTY COUNCIL'S HERITAGE CONSULTANT – No objection

THE COUNTY COUNCIL'S ARCHAEOLOGY CONSULTANT – No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The Essex Historic Environment Record shows that the proposed attenuation pond/water body is in an unexcavated part of the site. Excavated parts of the site have revealed multi-period archaeological features and there is therefore the potential for further features in this area.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to a condition limiting site attributable noise to 55dB L<sub>Aeq</sub> 1hr and the requirement for

periodic compliance noise monitoring.

THE COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to a dust management plan being secured by condition.

RAWRETH PARISH COUNCIL – Concern regarding the amount of lorry movements in and out of the site over a 10 year period. It is considered that access to the site using the A127 would be preferable and safer. Traffic on the A129 can travel at the National Speed Limit and vehicles turning into and out of Dollymans Farm pose a significant risk. If use of the A129 is deemed acceptable, then slip roads should be secured/implemented to and from the A129 allowing only a left turn only exiting the site. It is also considered that the A129 should be restricted to 40mph from Carpenters Arms roundabout to Shotgate roundabout. It is also suggested that the A129 floods under the A130 bypass, closing the road at times, therefore drainage improvements should be sought. Questions are raised about water management and how and where water from balancing ponds would be released and concerns about increased flood risk and pollution control. In the event of approval, it is recommended that hours of operation of 07:00-16:00 Monday to Friday are more appropriate, than those proposed, with no weekend working.

LOCAL MEMBER – BASILDON – WICKFORD CROUCH – This site is on the borders of my division, close to the Shotgate area of Wickford. When the site was first promoted residents and the Parish Council objected although it was eventually agreed by the Inspector. It is acknowledged that the principle of development is therefore established, however specific concerns are raised as below:

- Consultation – Shotgate is a large residential area, neither the Parish Council nor residents were advised of the application in order to make comment/objections.
- Traffic movements - Residents are anxious to ensure that all HGV traffic is routed via the A130 and not through Southend Road, Wickford. A condition should be attached to any consent the committee is minded to grant to ensure compliance.
- Reprocessing works - The site was described as landfill for inert materials widely considered to be construction materials. Within the application is a wish to reprocess some materials into building blocks. This is Green Belt area unsuitable for such uses and I object to that element of the application.
- This is a relatively flat part of the County and (the development) would be visible and thus intrusive for a considerable radius damaging visual amenities for residents and travellers on the A130 and A127. Industrial activities should be conducted in areas designated for that use<sup>1</sup>.

LOCAL MEMBER – BASILDON – WICKFORD CROUCH – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – RAYLEIGH NORTH – Echo concerns raised, by the Local Member for Wickford Crouch, about the consultation undertaken requesting the item is withdrawn from consideration until all parties have sufficient

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<sup>1</sup> Specific references made to a 'stack' within the comments received have not been detailed as no stack is proposed.

time to evaluate their concerns. Also recommend the Local Member for Wickford Crouch observations are considered. It is considered that drivers drive too fast along this stretch of carriageway and if this development is passed it may increase the number of accidents, and possible add to more serious accidents. I would be against this development on the grounds of safety for all road users.

#### Officer comment

Solely in terms of the concerns raised about the consultation process, as per the Council's Statement of Community Involvement (Revised July 2018), direct neighbour notification was undertaken to all address points within 250m of the red line (33 properties). The application was also advertised by way of site notice and press advert (press advert published in the Basildon Evening Echo 27/09/18). The site sits within Rawreth Parish and Rawreth Parish Council were notified of the application. Shotgate as an adjacent Parish Council was not directly notified.

## **5. REPRESENTATIONS**

33 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. Three letters of public representation have been received. These relate to issues covering the following matters:

#### Observation

#### Comment

Highway issues. The A129 is a very heavily used road and the speed limit is 60mph where the entrance/exit to Dollymans Farm is. Highway safety is a real concern.

See appraisal.

Should the application be approved, a long slip road should be installed on the A129 to allow vehicles to safely access the site. A line of mid road bollards should also be installed to ensure a left only turn out.

See appraisal.

Concerns raised about the junction on the A129 with Old London Road with reference made to a number of serious accidents in the last two or three years.

Noted. To confirm, the routeing arrangement proposed, in support of this application, does not seek use of Old London Road. Vehicles would enter and leave the site from the A129 either via the A132 or A1245. See appraisal for further commentary.

Concerns about weekend accumulation with the football pitch and recreational use of fields in Old London Road.

See above.

Predicted vehicle movements of 35/40 per day are more likely to be 70/80 on the basis of what goes in, must come out.	The transport statement submitted in support of the application suggests 60 HGV movements per full working day (30 in and 30 out). Noting there would be seven staff on-site, and on the assumption that each of these would drive, this would add an additional 14 vehicle movements to the above total (7 in and 7 out). Albeit these would be private vehicles and not HGV movements.
Confirmation sought that the development would not increase current noise levels to the detriment of nearby residential amenity and health.	See appraisal.
Concerns raised about odour and air quality issues and associated health implications.	See appraisal. References made to Courtauld Road are noted albeit not considered relevant to this application.
Increased flood risk and contamination concerns.	See appraisal.
Ecological impact and that the site as existing supports much wildlife include egrets, geese and many garden birds including sky larks.	See appraisal.
Loss of property value and concerns about future development proposals if the site is subsequently considered 'brownfield'.	Property prices on their own are not a material planning consideration. Regarding future development proposals for the site, without prejudice, any such applications would be considered on their own individual merits on the basis of the development plan at the current time.
It has previously been suggested that this site should be used to store surface water. The A130 causes rapid runoff down to the Fairglen and subsequently flooding in Rawreth village.	See appraisal and comments provided by both the Environment Agency and Lead Local Flood Authority in terms of flood risk. To confirm, no such application to use this site as a reservoir or for flood attenuation has also ever been submitted for formal consideration/determination by the LPA.
Numerous requests have been made for traffic calming measures to be installed at the junction of Old London Road and the A129. We have been told this would	Noted. See appraisal and comments provided in respect of a similar representation in terms of the use of Old London Road.



be too costly and would only be considered should there be a fatality.

## 6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development (and Green Belt)
- B. Landscape and Visual Impact
- C. Ecology
- D. Hydrogeology and Hydrology
- E. Heritage
- F. Amenity
- G. Transport

### A PRINCIPLE OF DEVELOPMENT

Although this application is principally being considered/determined as a waste development it is considered that there is a crossover of policy and that the reference to policies S5 and S12 of the MLP is appropriate. Policy S5 relates to aggregate recycling (relevant as a processing plant is proposed as part of this application) and policy S12 relates to mineral site restoration and after-use, this site being a former mineral site (borrow pit) albeit restored.

As a waste site, Dollymans Farm is allocated as a strategic site for inert landfill within the WLP (policy 3). The allocation as per Table 12 of Appendix B of the WLP is for 500,000 tonnes of inert landfill capacity. This application proposes the importation of more material than this, as per the below comparison, and includes the proposed provision of a wash/recycling plant which is not part of the WLP allocation:

	<b>Inert landfill capacity</b>	<b>Inert recycling capacity</b>
<b>WLP</b>	500,000 tonnes over five years	None
<b>ESS/31/18/ROC</b>	980,000 tonnes over 10 years	420,000 tonnes over 10 year
<b>Difference</b>	<b>+480,000 tonnes and +5 years</b>	<b>+420,000 tonnes / 42,000tpa for a 10 year period</b>

Initially with regard to this, and landfill capacity, it is accepted that the figures and timeframes suggested within the WLP are indicative or estimates. This is of note in this case, as the site was originally discounted through the site selection process, and as such no detailed review/assessment of potential capacity took place. The 500,000 tonnes figure being the initial estimate provided by the landowner's agent promoting the site as a guide of the size of facility potentially available as part of the call for sites process.

In view of this, and in support of this development as proposed, the applicant has provided drawings showing what could be delivered/achieved with 500,000 tonnes of material spread across part and the whole of the site; and furthermore, what could be delivered/achieved with 1.5 million tonnes of material deposited for

comparison. The applicant in providing these scenarios has in their view demonstrated the requirement for 980,000 tonnes of material is the minimum necessary to deliver restoration, to near previous levels, in line the aims of the designation within the WLP and policy 13.

As detailed previously, the Inspector's report on the WLP whilst suggesting any such proposal at Dollymans Farm would need to be considered on its individual merits, concluded that there was sufficient evidence to justify the allocation of this site, to identify its potential contribution to the management of inert waste and thus guide future decision-making.

With regard to this, policy 1 of the WLP states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. The supporting text to this policy seeks to clarify that local construction, demolition and excavation waste arisings were 3.62mtpa in 2014 (including 0.31mt of waste imported from London) and it was identified that there was/is a need for additional 1.95mtpa (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permission.

Nonetheless, discounting that some permissions will expire/sites get completed/restored, the WLP acknowledges that there is a need for some 7.05mt additional capacity. And, since no other submitted sites have been deemed suitable for the management of inert waste in the Plan, locational criteria policies are to be used to assess any additional future inert waste management proposals.

The most recent published update by the Council on this (Minerals and Waste Authority Monitoring Report (AMR) 1 April 2016 to 31 March 2017) suggested that as of 2016 the shortfall in inert management stood at just over a million tonnes per annum. That said, since 2016 (and the last AMR) notable planning permissions granted for 'new' inert recycling facilities include Crown Quarry (application ref: ESS/07/17/TEN), Sandon Quarry (application ref: ESS/41/17/CHL); and Martells Quarry (application ref: ESS/32/18/TEN). In addition, there is also a resolution to grant planning permission subject to Legal Agreement for infill and recycling at Newport Quarry (application ref: ESS/38/18/UTT) – at a greater level than allocated within the WLP. A more up to date picture of capacity will be available when the 2017-18 and 2018-19 AMRs are published, although as noted in previous AMRs obtaining reliable construction, demolition and excavation data can be difficult.

Policy 6 of the WLP relates to proposals for open waste facilities on unallocated sites or outside Areas of Search (which is considered applicable to the proposed recycling/wash plant). This states proposals for open waste management facilities will be permitted where: 1) the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development; 2) although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and 3) it is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology.

Whilst continuing the policy suggests that proposals should also be located at or in: existing permitted waste management sites or co-located with other waste management development; mineral and landfill sites where waste material is used in conjunction with restoration, or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation (only criteria relevant to this application provided) initially concern about compliance with policy 6 is raised in context that the site was originally discounted through the WLP site assessment methodology because of the Green Belt designation.

The National Planning Policy for Waste does however seek to suggest that it should be recognised that there are locational needs for some types of waste management facilities. Whilst acknowledging waste management facilities in the Green Belt would be inappropriate development, it is suggested it is necessary to weigh up degree of conflict with Green Belt policy against individual merits of a scheme or site for waste management purposes.

Accordingly, in the interests of seeking to assess the acceptability of this development a review of Green Belt policy and the development can be found below.

### Green Belt

Waste development is an inappropriate form of development within the Green Belt, in so much that waste uses are not one of the identified forms of development which are not inappropriate, by definition, within the Green Belt. Case law has confirmed that the lists of development that is 'not inappropriate', as detailed in the NPPF, are closed ones i.e. if a form of development does not feature in the lists, it cannot be regarded as appropriate.

As detailed in the NPPF the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.

Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Openness has been defined, through the courts, as the absence of development and as noted in the case of *Timmins*<sup>2</sup> (paraphrased) there are clear distinctions between openness and visual impact. In principle it is wrong to arrive at a specific conclusion as to openness by reference to visual impact alone – this is just one of the considerations that forms part of the overall weighing exercise with openness as such having both spatial and visual considerations.

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<sup>2</sup> *Timmins v Gedling* BC [2014] EWHC 654 (Admin), Green J

As per paragraph 144 of the NPPF very special circumstances, to approve inappropriate development in the Green Belt, will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the RCS states that development will be directed away from the Green Belt as far as practicable with protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. With policy GB1 of the BLP and policies GB1, GB2 and GB3 of the BLP-18 seeking to define the Green Belt boundary, protect the permanence and openness of land designated as Green Belt and outline the need for very special circumstances to approve inappropriate development. Policy GB1 of the BLP-18 does nevertheless state, in a similar vein to the NPPF, that opportunities that enhance the environmental quality and beneficial use of the Green Belt will be supported. With policy GB11 specifically expanding on this to state that a proposal that seeks to positively enhance the beneficial use of the Green Belt will be supported, where it is compliant with all other relevant policies of this plan and where it fulfils the following criteria:

- a) It does not harm the openness of the Green Belt or conflict with the purposes for including land within it;
- b) it is sited in an appropriate location which is not visually intrusive;
- c) the design and materials are of a high quality and sympathetic to the surrounding built form and the character of the area;
- d) it will not result in unacceptable generation of traffic, noise, or other forms of disturbances; and
- e) provides opportunities for one or more of the following:
  - improved access;
  - improvements to nature conservation;
  - improvements to the historic characteristics of the landscape;
  - improve the attractiveness of the landscape;
  - outdoor sports and recreation; and
  - improvements to damaged and derelict land.

### *Inappropriate Development and Very Special Circumstances*

Initially the applicant has sought to suggest that the restoration of the site cannot be achieved without the addition of the recycling/soil washing plant. In their view this is 'fundamental to achieving the proposed development and meeting the aspirations of the WLP'. In taking this view, the applicant considers that the development should be considered as one and that an assessment in isolation of the different elements of the proposal is inappropriate as the elements are intrinsically linked and necessary for the development to be viable.

However, it is suggested by the applicant that, if the development was considered in elements that the landfilling operation would constitute an engineering operation as per paragraph 146 of the NPPF and therefore should not be viewed as inappropriate development, on the basis that it is considered that the development would preserve openness and not conflict with the purpose of the Green Belt.

The applicant has furthermore highlighted that the WLP seeks to push waste up the waste hierarchy and the installation and use of a washing plant would maximise the recovery of recycled aggregate from the waste stream. Expanding on this, it is

suggested the wash plant would allow flexibility to generate suitable waste for use in restoration and this flexibility would also ensure suitable materials are available to complete the project in accordance with the proposed timeframe. If the site was only to accept material, without the ability to process it, it is suggested there could be delays because of sourcing material and potentially a compromised restoration quality.

In respect of the recycling/wash plant as built development, and this being inappropriate or harmful to openness and the purposes of the Green Belt, the applicant has suggested that the site should be considered previously developed land, since the former extraction and restoration and the plant viewed as limited infilling. This is disagreed with and considered an incorrect interpretation of previously developed land as per the definition within the NPPF: 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes:** land that is or was last occupied by agricultural or forestry buildings; **land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;** land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' (bolding added for emphasis/ease of reference).

Commentary/circumstances advanced in respect of this being previously developed land, and the recycling/wash plant being 'limited infilling' are therefore not considered relevant and have not been considered further as part of the argument put forward by the applicant with regard to this being appropriate development.

References to paragraph 141 of the NPPF and that local planning authorities should plan positively to enhance their (Green Belts) beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land are nevertheless acknowledged in so much as this potentially being classed as damaged land.

The circumstances advanced by the applicant, in this case, are considered largely to stem from a policy perspective in so much as the identified need in the WLP, the policy support for co-existing waste facilities, the policy support for moving waste up the waste hierarchy and delivering a network of secondary processing sites and secondary aggregates and that it is proclaimed that the recycling would provide a better and more timely restoration. Policy compliance for a type of development on its own is not however a positive benefit and as such unlikely to amount to very special circumstances. Accordingly, request was made to the applicant to elaborate on these circumstances at a more local/project specific level.

The additional statement received from the applicant sought to review other active inert recycling facilities within a 20 mile radius, with the aim of demonstrating that within the vicinity there are only a limited number of facilities (two suggested: Pitsea landfill and JKS on Purdeys Industrial Estate, Rochford) that would be able

to provide or handle the quantity of restoration material needed per annum to deliver this project over 10 years. It is however submitted that restrictions on permissions at these sites, HGV miles and in the case of JKS existing contracts demonstrate that there are no existing sites within the vicinity of the site that would be able to process and/or supply material on the scale required.

The applicant suggests that the site is surrounded by a number of urbanisations and with additional planned growth<sup>3</sup> the provision of a recycling plant on-site, for a temporary period in conjunction with landfilling, is logical and complies with the proximity principle. References are also made to some applications for recycling/wash plants in the Green Belt accepted both in Essex and nationwide for similar reasons to that put forward here.

To confirm, it is considered that this development represents inappropriate development in the Green Belt. The infilling is considered to represent waste disposal rather than large scale engineering and the recycling/waste plant a waste use albeit linked to restoration of the site. It is accepted that the applicant has put forward a series of circumstances which support this development. Furthermore, it is noted that the recycling/wash plant is only proposed temporarily (for the life of the operations) and this is not proposed as a permanent land use or development which does limit long term inappropriateness. That said during operations (so for a 10 year period) there would be an impact on openness through the stationing and use of plant and machinery, installation of the access road, office and weighbridge and general site activity including the stockpiling of material – impacts both from a spatial and visual perspective. To some degree it could be argued that 10 years is also not temporary and as such the development is undermining the purpose of the Green Belt as the development is not safeguarding the countryside from encroachment (noting the built form proposed to be introduced to the site as part of the development).

As established in *Lee Valley Regional Park Authority v Broxbourne Borough Council*<sup>4</sup> a ‘the lower quality of an area of Green Belt land does not reduce the harm done by inappropriate development, and though it may or may not affect any particular specific harm...’. Accordingly, it is considered necessary to fully assess the potential harms resulting from the development with a view to concluding if there are any other harms, and if overall these harms together with the definitional harm caused by reason of inappropriate development in the Green Belt are clearly outweighed, in this case, by other considerations including need for inert waste management capacity as previously discussed.

## B LANDSCAPE AND VISUAL IMPACT

Policy 10 of the WLP covers a number of issues relevant to this application, some of which are also discussed in the forthcoming sections of this report in greater detail. The policy states proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on: local amenity; water resources; the capacity

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<sup>3</sup> Policy H12 of the BLP-18 relates to a strategic housing allocation on land south of Wickford (circa 400m west of the site, at its closet point, as the crow flies) for 1,100 new dwellings.

<sup>4</sup> *Lee Valley Regional Park Authority v Broxbourne BC* [2015] EWHC 185 (Admin), Ouseley J

of existing drainage systems; the best and most versatile agricultural land; farming, horticulture and forestry; aircraft safety due to the risk of bird strike and/or building height and position; the safety and capacity of the road and other transport networks; the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness; the openness and purpose of the Metropolitan Green Belt; public open space, the definitive Public Rights of Way (PRoW) network and outdoor recreation facilities; land stability; the natural and geological environment; the historic environment; and the character and quality of the area in which the development is situated.

Specifically, in terms of potential landscape impact, but similarly being a catch-all policy, DM1 of the RDMP inter-alia states that proposed development should provide adequate boundary treatment and landscaping with the development; and retain trees, woodland and other landscape features. Policies DM25 and DM26 then specifically expand on this to the point that development which adversely affects (directly or indirectly) existing trees and/or woodland will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the features and that mitigating measures can be provided for, which would reinstate nature conservation value. Policy DM26 specifically referencing the protection of fauna and flora and (i) hedgerows.

Policy NE5 of the BLP-18 seeks to protect, conserve and where possible enhance landscape character and local distinctiveness stating development will be permitted provided:

- a) the landscape character and local distinctiveness of the area including its historical, biodiversity and cultural character, its landscape features, its scenic quality, its condition and its tranquillity;
- b) the distinctive setting of, and relationship between, settlement and buildings and the landscape including important views, landmarks and the degree of openness;
- c) the nature conservation value of the area including the composition, pattern and extent of woodland, forests, trees, field boundaries, vegetation and other features;
- d) the recreational value of the landscape;
- e) the special qualities of rivers, waterways, wetlands and their surroundings; and
- f) the topography of the area including sensitive skylines, hillsides and geological features.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application. This identifies that at a national level the site forms part of the Northern Thames Basin character area. Characteristics of this area are land rising above low-lying marshy landscapes adjoining the coast and estuaries of the Greater Thames Estuary. The landscape becomes extensively urbanised toward Inner London and includes major transport links from outside that area. The landform is described as varied with wide plateau divided by river valleys. Opportunities and management for the area include managing river valleys to protect and improve water quality and help alleviate flooding; conserving the riparian landscapes and habitats, for their recreational and educational amenity and for their internationally significant ecological value; managing the agricultural landscape; protecting and appropriately managing the historic environment for its contribution to local character and sense of identity...ensuring high standards of design (particularly in the Green Belt) with respect to the open and built character of the Thames Basin.

At a regional level the area is of a Lowland Settled Claylands typology. The typology being characterised by low-lying, gently rolling topography, associated with London Clay, criss-cross pattern of drainage ditches, a relative well protected presence of wetland habitat and a high proportion of designated sites, arable land use with some areas of peri-urban landscape, urban development and road infrastructure undermining area tranquillity.

At a local level, the site is principally located within the South Essex Coastal Towns landscape character area. Key characteristics of this area are large areas of dense urban development, rolling hills with steep south and west facing escarpments covered by open grassland or a mix of small woods, pastures and commons; extensive flat coastal grazing marshes in the south adjacent to the Thames Estuary; large blocks of woodland; narrow bands and broader areas of gently undulating arable farmland, with remnant hedgerow pattern, separating some of the towns; a particularly complex network of transportation routes; and pylon routes visually dominate farmland in the A130 corridor. The landscape condition of the woodlands and hedgerows in the area is considered moderate with the sensitivity to waste disposal stated as a moderate with key issues being inter-visibility and landform character. The northern extremity of the site forms part of the Crouch and Roach Farmland landscape area. Whilst not seeking to detail key characteristics of this character type, given the limited extent of the site falling within it, for reference the landscape condition for the area suggests hedgerows are fragmented with the sensitivity for waste disposal moderate.

The LVIA has sought to assess the effect of the site as existing on the landscape; and then the development over two phases: during operations; and post operations stage (i.e. once restored). In general terms, the sensitivity of change to the development in respect of both local character areas is considered medium. However, site specific the sensitivity to change is considered to be low. Reasoning for this is the site, in isolation, is considered degraded and out of character with the key characteristics of the landscape designations of these areas. The presence of the two listed monuments on-site are nevertheless deemed to be of high sensitivity to change, albeit the current environment in which these sit (adjacent to a railway line and major road) is not as existing considered high.

### Assessment of effect on Local Landscape Character from submitted LVIA

**Table 3:** Current Site's effect on Local Landscape Character

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Current Site form/ Land use magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	Medium (Adverse)	Moderate (Adverse)
Croach and Roach Farmland Landscape Area F2	Medium	Medium (Adverse)	Moderate (Adverse)
Site itself	Low	High (Adverse)	High (Adverse)



**Table 4:** The Proposed Development Effect on Local Landscape Character during the Temporary Operational Period

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Proposed Operational Development Magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	Low (Adverse)	Slight Adverse
Croach and Roach Farmland Landscape Area F2	Medium	Low (Adverse)	Slight Adverse
Site itself	Low	Low to Medium (Adverse)	Very Slight to Slight (Adverse)

**Table 5:** The Proposed Developments Effect on Local Landscape Character during the Post Restoration Period

LANDSCAPE CHARACTER AREA			
Landscape Character Area/ Landscape Description Unit	Sensitivity	Post Restoration Magnitude	Assessed level of significance
South Essex Coastal Towns Area G3	Medium	High (Beneficial)	Moderate to High (Beneficial)
Croach and Roach Farmland Landscape Area F2	Medium	Medium (Beneficial)	Moderate (Beneficial)
Site itself	Low	High (Beneficial)	High (Beneficial)

As per the above, as existing the Assessment considers that the proposals will have a moderate adverse landscape impact on the wider character of the locality and high adverse impact in immediate context. During the operations, so for a 10 year period, noting that Guidelines for Landscape and Visual Impact Assessment defined 5-10 years as medium term and after 10 years as long term, the impact is predicted to be slight adverse and very slight to slight adverse. With long term (post restoration) impact considered to be moderate to high beneficial.

Noting that this is just a landscape character assessment, an assessment of visual impact has also been undertaken and this seeks to suggest up to a medium to moderate level of visual impact, in some locations/to some users during operations with low level post restoration. This has been based on zones of visual influence which identified residential visual receptors in private properties, public viewpoints including public rights of way and public open spaces, places of work, and transport routes where views exist from vehicles. The assessment sought to predict visual impact based on the continued maintenance and management of site vegetation to provide screening, temporary placement of soil screening bunds, further establishment of planting associated with the raised section of the A130, progressive restoration on an east to west basis and a restoration profile which seeks to replicate similar local topography and return the site to former level.

The conclusion of the assessment is that the main visual elements and features which would be introduced as part of the operational stage of the development would be the site access, the recycling/wash plant and the progressive placement of inert materials. All these elements would nevertheless be temporary (subject to completion within a 10 year medium term period), which gives rise to the prediction of no long term visual impact with notable beneficial visual enhancement to the setting of the Listed memorials.

The conclusions formed by the submitted LVIA appear to align with that suggested by the Inspector within the report produced to accompany the WLP: '...this site has been left at the extracted base levels and that the sculpted landform, steep sided slopes and engineered profile contrast with the gentler rolling profiles of adjacent farmland. Thus, the condition of this site and its potential to improve landscape quality...'. The Council's landscape consultant nevertheless considers that the LVIA has under assessed the landscape impacts in terms of loss of hedgerow landscape feature and changes to landform and exaggerated the benefits arising from the scheme. The Council's consultant considering that '...whilst the quality of the landscape clearly exhibits evidence of former excavations, by the presence of some steep slopes and undulating landform, the natural character which has subsequently developed is not unattractive'. Expanding on this it is suggested that 'the poorer quality soils and landform may mean that agricultural production is limited and that horse grazing is currently the most viable land use option, however this use does not create an unattractive or degraded scene.'

As a restored site, principally there is a reluctance to acknowledge the site as unattractive despite some elements being degraded. That said, the site was put in the WLP because of the potential to improve landscape quality, so it is considered maintaining or attempting to defend a view that the site is of a quality which is not degraded in its current form would be difficult. Paragraph 141 of the NPPF, as referred previously, does also detail that local planning authorities should plan positively to enhance their (Green Belts) beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

In terms of attractiveness, it is not considered that the low level restoration and form of the site is particularly in keeping with the character area and therefore whilst it could be argued that the impact of this, as existing, is not highly adverse, it is considered it would be difficult to defend a position which seeks to suggest there would not be benefits to a restoration project coming forward. Originally this site scored an 'Amber 2' on landscape and visual effects, as part of the WLP site assessment methodology, with it considered the proposals would cause some damage to views from the Public Right of Way network with the operations also likely to be a readily discernible element in the view. An Amber 2 score whilst suggesting moderate landscape and/or visual effect(s) acknowledges that mitigation may however be able to make the impact/effects acceptable in the balance.

Whilst there is a slight difference of opinion between the Council's consultant, previous Assessments undertaken by the Council and the Inspector in terms of the value of the landscape as existing, and whether the site does represent degraded or damaged land, it is agreed that there is potential to improve landscape quality.

This is an important distinction as, as noted within an appeal decision relating to proposed engineering works (landraising) at a Green Belt site in the London Borough of Havering<sup>5</sup>, when an Inspector did not consider the site (Ingrebourne

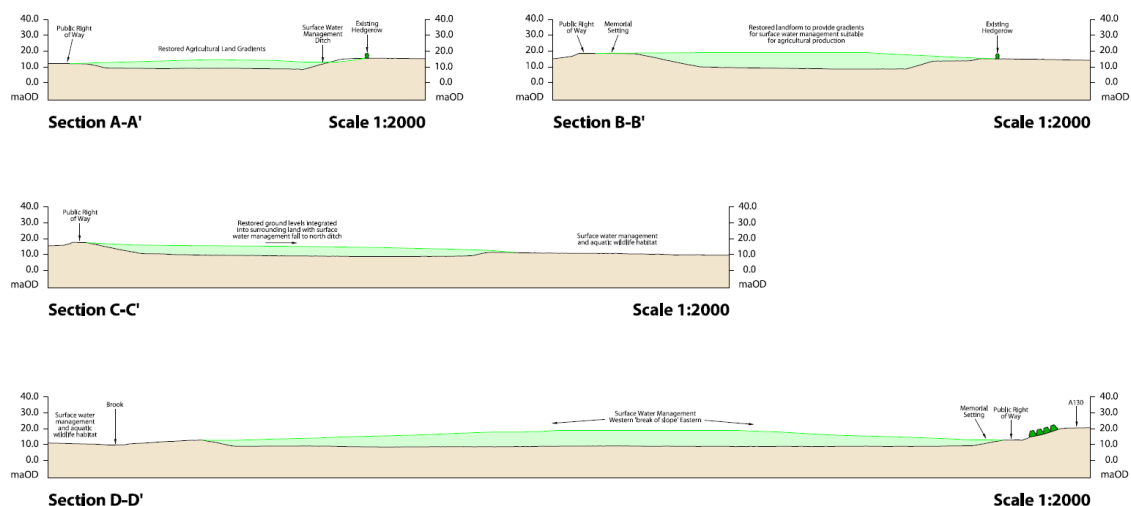
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<sup>5</sup> Ingrebourne Valley Ltd v London Borough of Havering [2016] Appeal Ref: APP/B5480/W/15/3023015, Peerless K

Hill) an 'eyesore' nor 'neglected or derelict' the appeal against the refusal of planning permission was dismissed. In coming to this conclusion, the Inspector stated 'all the factors contributing to the Green Belt harm caused by the proposal, both temporary and permanent, must be accorded substantial weight...*and...*when considering the benefits of the scheme, I find them to be limited and that there is nothing that, either individually or cumulatively, would outweigh this harm or amount to very special circumstances indicating that planning permission should be granted.'

Accepting the potential to improve landscape quality, questions could be asked as to whether a different or lower level restoration profile (which requires less material) would be more acceptable in isolation or in the balance? The applicant has, in this regard, submitted a study of alternative options which involve the importation of less and more material, in support of the option/proposal put forward. And, as demonstrated by these, the importation of less material would mean that part of the site would remain at existing or at a lower level than the adjoining land which in turn would not improve the sites relationship with its context and landscape character designation.

### Restoration Sections – Drawing Number: M17.149.D.010, dated April 2018



Accordingly, the proposed restoration profile and land levels (as shown above) are considered acceptable in principle. It is however, in addition to this, necessary to consider/appraise the impacts resulting from the operational phase of the development and the significance of these. Spatially and visually it is considered that the proposed access, office, weighbridge and recycling/wash plant would give rise to the greatest landscape (and openness) impact and the assertion that this impact would only be slightly adverse is disagreed with.

Saying that the applicant has sought to review three different access arrangements into the site (CP1, CP2 and NEAP). Access CP1 which proposed a hard turn off Doublegate Lane heading in an east direction into the northern field and then down into the site, adjacent to the Brook; CP2 which followed the line of the proposed access but entered the site along the southern boundary with the Bridleway; with NEAP providing an access around Dollymans Farm and Rawreth Barn entering the site in the north-west. All these proposals would involve the partial creation or

enlargement of an existing roadway/path so spatially this impact would be consistent, visually it is nevertheless considered that all these options are less intrusive than that proposed. This conclusion is drawn because CP1 would align tightly with the field boundaries and not dissect the field to the south of Doublegate Lane as the current proposal would; CP2 would not give rise to the need to dissect the Brook; and NEAP would similarly follow field boundaries and existing highways<sup>6</sup>.

Whilst visually these options may be less intrusive or harmful, the applicant has sought to suggest that these are less suitable than the access proposed because CP1 would require significant invasive activity in a second agricultural field, the access would travel/encroach upon root protection areas adjacent to the Brook and the extant crossing point into the adjacent field is unlikely to be sufficiently sized for the development and would therefore need to be re-engineered which in turn would likely lead to the loss of more hedgerow. CP2 was discounted on the basis that the proposed access point is the only way users of the PRoW network can cross the Brook and it is not considered this would be satisfactory or safe for users of the network. NEAP was discounted on the basis that this route was significantly longer and would require the site to be worked in reverse (to avoid vehicles travelling across the site) which was considered to be a negative in terms of visual impact. Part of the existing track which would be utilised as part of NEAP would also need to be widened and concerns about joint use (as the track is a Footpath in places) and overhead electricity cables (and clearance) were suggested as reasons as to why this route was not furthermore not suitable.

Acknowledging this it was subsequently requested that a survey of the trees and hedgerows adjacent to the Brook be undertaken – as to understand, if in addition to any visual impact result from this, there were any arboricultural concerns through for example the loss of fine specimens. The Arboricultural Impact Assessment submitted showed that 10 trees adjacent to the Brook would need to be removed to facilitate the creation of the access point consisting of six semi-mature willows and four semi-mature field maples. Of the ten trees, eight have classified as category B trees with the other two specimens unclassified or diseased/dead. Two further trees' (also category B specimens) root protection areas would be encroached with the incursion into one of the root protection areas to such a degree that although remove is not required it is recommended that the tree be coppiced to ground level. This would be in addition to the hedgerow plants that coincide with this section of the watercourse.

Post completion of the development the hedgerow corridor is, to confirm, proposed to be replanted to replicate and enhance the existing vegetation structure. And, as part of the mitigation package offered, and as an additional benefit, the entire western hedgerow is proposed to be gapped-up and enhanced, not just the section impacted by the access.

The Council's arboricultural consultant purely from an arboricultural point of view has raised no objection to the development and loss of trees, subject to conditions. However, the consultant has suggested that collectively the loss of the group of the trees is likely to be higher than the individual category/quality of the specimens. Whilst the mitigation and compensatory planting is acceptable in principle from an

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<sup>6</sup> 'Highway' including the Public Right of Way network

arboricultural perspective, it is recommended that further advice be sought from both a landscape and ecological perspective as to whether a) the impact of the collective loss is significant and b) whether the mitigation satisfactory offsets the impact from a landscape and ecology perspective.

Overall, in terms of landscape and visual impact, it is considered that this development would, for the duration of operations, adversely impact on openness and landscape character. The site is readily visible to the public from the PRow network and from the A130 and mitigation-wise there is little which could be done to completely screen the site. Working the site east to west would as the development progresses to some degree screen the plant site. However, the continual movement of vehicles and site activity, whilst transient, would change the visual character of the site and introduce new activities and a use into the Green Belt. The combined impact of all development and activities during the operational phase of the project is therefore deemed to be quite high.

Long term it is not however considered that the restored site would fundamental conflict with the purposes of the Green Belt or unduly impact on openness (the site remaining open simply restored to a higher land level). The question could therefore be asked as to whether the scheme would deliver any long term landscape benefits which may counter or outweigh temporary harms? This is subjective, especially in context of the Inspector's report on the WLP and that suggested at paragraph 141 of the NPPF. However, on balance, it is not considered that purely from a landscape perspective that the improvements or benefits to the site, and its restoration to former levels in the long term clearly weigh in favour of approval. Saying that it is considered that a refusal on visual and landscape impact during the operational phase of the development would also be difficult to substantiate on the basis that impacts would only be temporary for a medium term, could be satisfactory mitigated long term and the site is allocated in the WLP for the reason of being degraded or derelict land. Landscape and visual impacts are considered neutral in the balance of harm and benefits, subject to completion of works within the ten year period.

To confirm, it is however not considered that the development is contrary to relevant policies of the development plan subject to the imposition of suitable conditions to secure consideration of additional visual mitigation to the site access and plant site, and an enhanced scheme of landscaping/planting and the long term management (10 years) of proposed landscape improvements. In this regard it is considered that the aforementioned would specifically seek to ensure a bridge is installed across the Brook rather than a culvert; a scheme of additional (to that currently proposed) bunding and planting around the access and plant site (inclusive of a review of proposed plant site land level); enhancement of the submitted landscape scheme with additional planting and timetable of planting and landscape and ecological management plan. There will be a need for advance landscape mitigation by way of bunding and planting to the west of the access and a revised restoration scheme showing the complete removal of the access track from Doublegate Lane post completion of the development.

## C ECOLOGY

Potential ecological impacts are covered within policy 10 of the WLP (previously referred) but also by policy ENV1 of the RCS; policies DM1 and DM27 of the RDMP; policies BAS C1 and BAS C13 of the BLP; and policy NE4 of the BLP-18.

As open grazing land this site is generally unsuitable for most statutorily protected or other notable species. However, grazing land does have potential to support protected species of reptile and in view of the number of reservoirs near there is considered a small possibility of habitat for great crested newts. The proposals and proposed access into the site would also, as previously referred, affect a section of the Chichester Hall Brook and associated hedgerow/tree belt which may provide habitat for protected species.

Following identification and assessment of site features, it is not considered as part of the Ecological Assessment submitted with this application that there would be any direct loss of habitat or direct effects of any notified sites within the vicinity of the site in either the short or long term because of the proposal. There would be some short-term disturbance/loss of vegetation, during the operational phase of the development, but in general the impact is considered to be low and of no more than local interest. Albeit it is acknowledged that the loss of some vegetation may result in some habitat loss within Chichester Hall Brook.

In respect of this, a series of mitigation measures are proposed which include no vegetation clearance during the bird nesting season, a 15m buffer either side of Chichester Hall Brook and associated tree belt, early and/or phased planting as part of the landscaping scheme which would seek to build on existing peripheral hedgerows, tree belts and other vegetation and the creation and maintenance of a strategy to encourage more widespread breeding bird use of the site. With the aforementioned secured, the Assessment concludes that the proposal and restoration of the site provides substantial opportunity for positive impact on biodiversity in the long term.

The Council's ecological consultant has raised no objection in principle to the development coming forward. The Council's consultant furthermore screened out the development for Appropriate Assessment on the basis that it was considered highly unlikely that the development would give rise to significant impact to any notified features associated with the nearby SAC, SPA and Ramsar site.

Whilst, overall, there would be some ecological harm during the initial start-up of the development; these would be 'single-hit' impacts rather than continual impacts during the life of the development. Mitigation proposed as part of the restoration scheme furthermore satisfactorily replaces features of potential value with wetland features proposed as part of the restoration scheme considered additional benefits. Subject to the imposition of suitable conditions to ensure mitigation measures are delivered the development is considered to comply with the requirements of relevant ecological-based policies of the development plan and give rise to biodiversity gains.

## D HYDROGEOLOGY AND HYDROLOGY

The NPPF at paragraph 163 states local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Supporting this position policies 10 and 11 of the WLP; policies ENV3 and ENV4 of the RCS; policy DM28 of the RDMP; and policies CC1, CC2 and CC4 of the BLP-18 all in part relate to or cover climate change, flood risk and sustainable urban drainage. Noting the southern part of the site falls within the jurisdiction of Basildon, policy CC2 states that in order to ensure that new development does not increase the number of people and properties at risk of flooding, the Council will:

- a) apply a sequential risk based approach to the allocation of land for new development, and when considering development proposals, in order to guide development to areas with the lowest risk of flooding. In doing so, the Council will take into account the flood vulnerability of the proposed use. The Exception Test will be applied, if required;
- b) ensure that new development does not increase the risk of flooding elsewhere, and that pluvial flood risk is managed effectively on site. In appropriate circumstances, the use of attenuation based Sustainable Drainage Systems (SuDS) will be required to achieve this;
- c) expect developers to fund in full flood defence and/or mitigations schemes predominantly required to make a new development acceptable in planning terms; and
- d) identify opportunities for new development to make a proportional contribution to off-site flood risk management infrastructure and/or surface water management measures as identified in the Surface Water Management Plan Action Plan, where they will provide benefits and/or protection to the development proposed.

Ground level on the rim of the landform (bowl), as existing, resides as a maximum at 18.5m AOD with floor level generally sloping from south (10m AOD) to north (8-9m AOD). There is a drainage grip running from east to west along the toe of the embankment at the northern margin of the floor. This leads to a low point in the north-west corner of the site, from where a drainage pipe is directed under the embankment into the adjacent watercourse. The site lies within the catchment of the Chichester Hall Brook, a tributary of the River Crouch. The River Basin Management Plan for the closest stretch of the Crouch is reported as having moderate potential while the chemical quality is good.

The Chichester Hall Brook runs along the western edge of the site, flowing from south to north. The Brook channel is typically 1.5m wide at its base, and 1.8m

deep, with shallow (2-3cm) flowing water. The drainage pipe, which comes from the site, is equipped with a non-return valve so rainfall runoff can be discharged from the site into the stream but stream flow cannot enter the site.

Prior to the extraction of the clay from the site, it has been suggested that the eastern half of the site would have drained in a north-easterly direction, on to the low-lying field between Rawreth Barn and the A130. With the western and northern boundaries are delineated by a drainage ditch which heads northwards alongside the A130 to confluence with Chichester Hall Brook at a culvert under the A130.

In context of the nature of operations proposed it is considered that impacts upon groundwater levels; existing groundwater quality; surface water quality; flood risk; and in turn existing abstraction and flora and fauna habitat are all possible. Regarding this as the development would not however involve sub-water table working or dewatering so it is not considered that there would be an impact upon existing groundwater levels. And, in terms of groundwater quality, the operation of plant does pose the potential for pollution. However, such to standard working practices and management this risk is not considered unduly high. Furthermore, subject to only inert material being used as part of the restoration the risk of contamination is only considered low.

From a flood risk perspective, part of the site is within Flood Zone 2 and part with Flood Zone 3, as per the Environment Agency's generalised modelling undertaken in 2004. More recent detailed modelling has been undertaken albeit this has yet to be used by the Agency to update the flood zone maps. In the circumstances, the applicant has utilised the updated information and sought to reevaluate the flood zone/risk for the site and in doing so sought to suggest that the current allocation might be inappropriate with the more recent modelling, inclusive of climate change, only putting part of the access road in the 1:1000 + 20% climate change flood event risk (Flood Zone 1 equivalent). The Environment Agency is content with this appraisal and the conclusions formed and as such consider the development appropriate or acceptable in flood risk terms (i.e. no need to apply the exception test).

The scheme does not seek to formally provide additional or compensatory floodplain storage, as per that that would be required for a Flood Zone 3 development. Albeit additional attenuation to the west of the Brook is provided as an additional benefit to the scheme, mindful of local concerns and risk which does exist downstream.

The restoration profile of the site is proposed as a dome which does however have the potential to increase run-off rates within receiving catchments compared to existing as a bowl, albeit a new maximum AOD height is not proposed (i.e. the restoration is to former levels not greater than former or adjacent ground levels). Attenuation in the form of balancing ponds and drainage channels are proposed, in this regard, around the northern boundary of the site to nevertheless ensure runoff remains at pre-development rates. The Lead Local Flood Authority has raised no objection to the development subject to conditions which confirm exact details, management and maintenance of the surface water drainage scheme.



## E HERITAGE

With regard to heritage impact, the red line area includes two grade II listed World War I memorials. Whilst within the red line these memorials would be in themselves be unaffected, albeit their wider setting changed. As per the Historic England listings, the memorials provide as an eloquent witness to the tragic impact of world events on local communities and the sacrifices made by these two British pilots who died in service during the WWI. They are rare examples of memorials to British servicemen who died in training or service in Britain during WWI. For reference, and for confirmation, the listings relate solely to a two blade propeller mounted on a detached metal post and granite plinth (Stroud) and plinth and kerb stones (Kynoch). The timber posts and railings (Stroud) and concrete posts and rails (Kynoch) are not of special architectural or historic interest.

Policies HE1 and HE3 of the BLP-18 relate to conserving and enhancing the historic environment. Policy HE1 states that the Council will seek to protect, conserve and enhance the Borough's historic environment. This includes all heritage assets including historic buildings and structures, Conservation Areas, landscapes and archaeology. Development proposals should be sensitively designed and should not cause harm to the historic environment. All development proposals which would have an impact on the historic environment, or any features of the historic environment, will be expected to:

- a) safeguard, or where appropriate enhance, the significance, character, setting and local distinctiveness of heritage assets;
- b) make a positive contribution to local character through high standards of design, which reflect and complement its significance, including through the use of appropriate materials and construction techniques;
- c) ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and significance of the asset; and
- d) submit a Heritage Statement as part of the application.

In terms of listed buildings, policy HE3 states proposals for development, including change of use, that involve any alterations to a Listed Building or within its curtilage, will be supported where they:

- a) do not lead to substantial harm to, or total loss of, the significance of the building, including its setting, unless exceptional circumstances can be demonstrated;
- b) harmonise with the period, style, materials and detailing of the building;
- c) retain and repair existing features and fabric, or, if missing, replace them in a sympathetic manner;
- d) not harm the structural integrity or stability of the building, or that of adjoining buildings or structures; and
- e) relate sensitively to the original building and not adversely affect the internal or external appearance or character of the building, curtilage or its setting.

Proposals affecting the significance of a Listed Building will be required to:

- a) be supported by a Historic Building Survey carried out in accordance with Historic England guidelines, which demonstrate an understanding of the significance of the Listed Building and its setting by describing it in sufficient detail to determine its historic or architectural interest to a level proportionate with its

importance;

b) justify any harm proposed to the Listed Building and demonstrate the overriding public benefits which would outweigh the harm to the Listed Building or its setting. The greater the harm to the significance of the Listed Building, the greater justification and public benefit that will be required before the application could gain support; and

c) minimise any identified harm or loss to the Listed Building through mitigation.

The Heritage Assessment submitted in support of this application identifies that during the operational phase of the development there would be an impact on the setting of the memorials. This significance is however considered slight (less than substantial) on the basis that the impact would only be for a temporary period and the memorials themselves would not be impacted. Post restoration, the impact is suggested to be positive and significant as the restoration would provide a permanent improved setting for the monuments and provide a better context in terms of land levels and sightlines.

Paragraph 192 of the NPPF states that local planning authorities when considering heritage assets should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 expands 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Historic England has raised no comments in respect of the proposals with the Council's heritage consultant raising no objection. Accordingly, it is not considered that any harm would result to the listed memories, albeit accepting a less than substantial harm to setting only during the operational phase of the development which would not require specific temporary mitigation and/or support refusal of planning permission.

Paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development...with the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Neither Historic England or the Council's consultant have specifically sought to support the development because of the proposed enhancements being made to the setting of the memorials, post restoration. That said, in context of paragraph 200, it is considered that the improvement landscape relationship between the memorials is a benefit which needs to be considered as part of the planning balance and very special circumstances advanced.

For confirmation, the proposals do not specifically seek any alterations to the memorials (or the features: plinths and blades which form the listing/protection) and whilst improvements to the fencing/railings surrounding them and/or information signage would have likely be viewed favourably (as an additional benefit or offer to this proposal – noting the opportunity outlined with Table 12 of the WLP) it is understood that funding has already been secured by the Rayleigh Town Museum to undertake some improvements separately.

Overall, no objection is raised from a heritage/listed building perspective. Albeit it is considered that details of proposed fencing around the site perimeter would need to be secured by condition, should planning permission be granted, to ensure that post restoration better opportunity for public access to the southern memorial is provided.

In terms of archaeology, given the construction of the access road from Doublegate Lane and an area of lagoons, comprising approximately 2ha of land has not previously been extensively disturbed/disturbed (albeit subject to regular ploughing), it has been recommended by the Council's archaeology consultant that a scheme of archaeological investigation be secured by condition, to be undertaken before commencement of the development, in the event that planning permission is granted, to comply with policy HE4 of the BLP-18. Subject to the imposition of such a condition, and remediation strategy in the event that something is found, no in principle objection to the development coming forward is considered to exist from an archaeological stance.

## F AMENITY

Policy 10 of the WLP, as previously detailed, states waste management development will only be permitted if, amongst other things, it does not give rise to unacceptable impacts on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and/or vibration). Similarly, policy ENV5 of the RCS states proposed development will be required to include measures to ensure it does not have an adverse impact on air quality; with policy DM29 of the RDMP specifically covering air quality from a vehicle emission perspective. Policy BAS BE12 whilst referring to residential development does outline consideration of noise or disturbance with policy NE6 of the BLP-18 requiring all development proposals to be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.

### Noise

The National Planning Practice Guidance in respect of noise suggests that noise limits should be established, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (07:00-19:00). Where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-

2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22:00-07:00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with the other permissions granted for similar developments. The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays. And, in principle no concerns are therefore raised to these.

With regard to potential noise impact, the application has undertaken a noise assessment, which has sought to establish background noise levels at nearby sensitive locations. The levels evidenced are provided below, with a proposed maximum working limit to comply with that suggested in the NPPG:

<b>Location</b>	<b>Average Background Noise Level (dB LA90, T)</b>	<b>Proposed Free Field Working Limit (dB LAeq, 1hr)</b>
<b>East of Cottages, Doublegate Lane</b>	50	55
<b>West of Dollymans Farm</b>	45	55
<b>Wethersfield Way, Wickford</b>	49	55
<b>Bersheda, north of A127</b>	46	55
<b>Electricity sub-station entrance, A129</b>	54	55

The Council's noise consultant in view of the above has raised no objection, considering that subject to the imposition of appropriate noise limits by way of condition that the development should not give rise to significant noise nuisance.

#### Air Quality

On the basis of mean mapped background PM<sub>10</sub> concentrations it is not considered that this development during construction and/or operation poses air quality concerns. The Council's air quality consultant notes highest annual mean concentrations in this area are well below air quality objectives and emissions from plant, machinery and vehicles would not cumulatively give rise to such an exceedance.

The dust assessment submitted with this application does nevertheless acknowledge that the proposal has the potential to cause air quality impacts at sensitive locations in the vicinity of the site. That said it is considered unlikely that nuisance dust would have a significant effect on human health or ecosystems with a suitable dust management plan in place. This opinion has been supported by the Council's consultant who subject to the securement of a dust management plan

has raised no objection to the development coming forward.

### Lighting

No details of external lighting proposed to support the development have been submitted albeit it is considered that lighting would be required around the office and weighbridge and plant site. Whilst an aspect of lighting is likely to be considered acceptable, to allow full assessment and ensure no undue impact resulting it is considered appropriate to impose a negatively worded condition, should planning permission be granted, which restricts any external lighting being installed until a scheme of lighting has been submitted to any approved in writing by the WPA. The imposition of such a condition would specifically ensure compliance with policy DM5 of the RDMP.

## G TRANSPORT

A Transport Statement has been submitted in support of this application. This confirms that that Dollymans Farm is served by Doublegate Lane, which connects to the A129 (Southend Road) at a priority T junction. The bellmouth is formed by kerbed radii, with kerbs extending approximately 11.5m to the west and 10m to the east. The radii reduce the width of Doublegate Lane to 7m up to the gateway which is set 102.5m from the A129. Doublegate Lane is surfaced in macadam with kerbs and double yellow lines along the initial section to the gateway. There is a clear opening width of 5.7m. The access serves Dollymans Farm including the industrial/employment uses located here, the Treehouse Club Nursery and Fanton Hall and Sappers Farm and industrial/employment areas associated.

Signage of Doublegate Lane confirms this initial length is also a public bridleway (Bridleway 17) which heads west immediately south of the gateway continuing south to the west of a gravelled area and planted area, running parallel with Doublegate Lane. The southern continuation of Bridleway 17 extends approximately 630m where it then connects with Bridleway 55. Bridleway 55 runs generally on an east/west alignment.

Visibility at the junction between Doublegate Lane and the A129 was measured to extend beyond 215m to the left (northwest) to the near edge of the carriageway for a 2.4m set back along the centreline of the access from the near edge of the priority route. When approaching from the west, on the eastbound approach, there is a warning sign immediately to the east of the signal controlled Bridleway crossing, beyond which there is a further warning sign altering oncoming vehicles to the double bend ahead, with an advisory 40mph speed limit. A local flag sign at the junction confirms the access route to 'Dollymans Farm access only'. Visibility to the right (east) was measured to extend 170m to the near edge of the carriageway. The restriction (from default 215m) was a result of vegetation within the highway verge.

Annual Average Daily Traffic (AADT) flow information obtained from the Department for Transport suggests that in 2017 14,675 vehicles including 747 HGVs travelled to the east of Doublegate Lane on the A129. To the west of Doublegate Lane, near Hodgson Way junction, data suggests 11,116 vehicles including 221 HGVs. In terms of actual use of Doublegate Lane, in the absence of

data from the Department of Transport (no counter located on Doublegate Lane) an Automatic Traffic Counter (ATC) was installed by the applicant's transport consultant to record vehicle movements between 14-24 April 2018. This revealed that the average daily flow of vehicle movements was 1,115. Excluding weekend periods from this (where movements were lower) the average was 1,387 (the peak being 1,435 vehicle movements recorded over one day). In terms of the type of vehicle movements, Monday to Friday this ranged between 154 to 182 HGV movements per day on Doublegate Lane. The weekday AM peak was found to be 08:00-9:00 with the PM peak being 15:00-16:00.

The Transport Assessment also suggests that there have been no recorded injury accidents along Doublegate Lane or at its junction with the A129. Eight incidents are noted to have occurred within the vicinity of the site, involving goods vehicles, however the fact that these incidents have all occurred in different locations in the view of the applicants suggests that this is not because of unacceptable highway safety or principally HGV traffic.

In respect of this and the vehicle movements associated with this development, based on 1.4 million tonnes of material being imported over a 10 year period (140,000tpa), a 17 tonne payload and 5.5 day working week (275 working days per annum) the development would give rise to 60 movements per day (30 in and 30 out). When distributed throughout a working day, this equates roughly to 6 movements (3 in and 3 out) per hour.

All HGV traffic would travel to/from Doublegate Lane to the A129 where it would be disturbed east and west. Based upon its superior links to the primary road network it is considered that most traffic would travel to/from the east of the Doublegate Lane junction. In respect of impact, disregarding the negligible impact of staff trips, the additional 60 HGV movements does exceed the observed day to day variation of HGV movements on the route. However, it is pointed out that when assessing the existing day to day variation during peak hours (14 movements) the forecast 6 movements falls within this existing variation.

When considering AADT flows, 74 movements (so 60 HGV movements and 14 staff movements) equates to 0.5% to the east and 0.8% to the west of the most recent counted flow off the junction with Doublegate Lane. In respect of the joint use of Doublegate Lane as a Bridleway the Assessment seeks to suggest that this development is not introducing anything that could not and does not already occur and based on predicted vehicle movements it is not considered that Bridleway users would be unacceptable affected.

The Highway Authority has raised no objection to this development coming forward on highway safety or efficiency grounds. Conditions have been recommended from a construction management perspective and for a scheme of signage to make drivers aware of the PRoW network. However, no improvement to the PRoW network has been requested and/or any mitigation within or to the access junction. With regard to this, it is not therefore considered that improvements/modifications to the highway would be necessary or justifiable in the case. In terms of the comments received from the Bridleway Association in respect of updating the status of Footpaths 62 and 63 such a proposal has not been suggested by the Highway Authority and accordingly it is not considered that this

could be secured by way of this application. That said, through the submission of the hard and soft landscaping scheme (inclusive of fencing) it can be ensured that should in the future such an improvement be supported/proposed that land is appropriately safeguarded

Overall from a highway perspective, subject to suitable conditions limiting the maximum number of HGV movements per day, securing a routeing agreement (to prevent access or exit via the A127), the prevention of mud and debris being deposited onto the highway, details of construction management and a scheme of advisory signage for Footpath/Bridleway users it is considered that the development would comply with the relevant highway aspects of policies 10 and 12 of the WLP, policies T1 and T2 of the RCS, policy DM31 of the RDMP and policies T1, T2, T3, T6 and T7 of the BLP-18.

## **7. CONCLUSION**

This application is considered to represent inappropriate development in the Green Belt. As per the NPPF inappropriate development should only be approved in very special circumstances and such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The definitional harm caused by this development would be time-limited and long term it is not considered that the development and/or after-use poses particular conflict with the purposes of the Green Belt. Albeit the proposed after-use would not in itself (as agriculture) provide additional access or public benefit to/of the Green Belt. The development, particularly during the operational phase, would however give rise to a number of harms or impacts. The majority of these (harms or impacts) could be mitigated through the imposition of safeguarding conditions. However, there would be an adverse impact of the landscape and openness of the Green Belt (visually and spatially) for the life of the operations and until such a time that the landscaping restoration establishes.

Mindful of the longer term benefits resulting from the restoration scheme and mitigation proposed from a landscape and ecology perspective, in addition to the benefits resulting to the setting of the WWI memorials and improved drainage/flood attenuation provision on-site, on balance, it is considered that the harm by reason of inappropriateness, and others harm, in this instance are nevertheless outweighed by other factors. The very special circumstances, in this instance, are considered to include the need for additional inert waste management capacity; the fact that this is an strategic site allocated for inert landfill within the WLP; that the development would enable a more productive agricultural use of the site; the benefits which would be secured to the landscape quality through the restoration of site to former levels and additional planting; the ecological enhancements which would be delivered through the creation of wetlands and ponds and also through additional planting; the improvements which would be made to on-site drainage and flood risk associated with surface water run-off; and the improved landscape context which would better reveal and allow understanding of the WWI memorials.

In coming to this view, a pragmatic view has been taken that the recycling/wash plant embodies the principles of sustainable development. Whilst there is an obvious reluctance to allow unnecessary built form in the Green Belt, in this instance as an ancillary operation which would support a better quality restoration and also offer additional assurances over the life of the project, it is not considered that sufficient specific harm resulting solely from this element of the proposal would support a refusal or the WPA taking a firm view on the allocation as per the WLP.

In this context, it is considered that the proposal would represent sustainable development, as per the NPPF, subject to the imposition of conditions discussed, without prejudice, throughout the appraisal section of this report and a Legal Agreement covering the duration (timeframe) of the development and a financial guarantee surrounding its restoration.

A financial guarantee is considered justified in this case, mindful of guidance contained within the Planning Practice Guidance, given the subjective nature of the recommendation and that a prolonged use (i.e. beyond 10 years) may likely tip the planning balance the other way (i.e. impacts or harms which are not clearly outweighed and supported by very special circumstances). The application is furthermore not specifically the restoration of a mineral site so whilst the applicant is a Member of the Mineral Products Association it is not necessarily considered that the Waste Planning Authority could call on the MPA Restoration Guarantee Fund in the event of partial restoration.

The balancing exercise undertaken as part of this report has involved some subjective judgements. It is not considered that the scales are significantly tipped in this case, albeit a clear distinction in favour of the development has been concluded. For reference and confirmation, in terms of potential precedent, it is considered that had the site not been considered damaged land or there not been an in principle need for additional inert waste management capacity that the definitional and other harms identified to the Green Belt, albeit temporary, would not have likely been clearly outweighed by the resulting benefits of the development.

## **8. RECOMMENDED**

That subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site, as per the approved details, within 10 years of commencement;

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

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



2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', drawing no. M.17.149.D.001, dated April 2018; 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018; 'Initial Works', drawing no. M.17.149.D.004, dated April 2018; 'Phase 1 Restoration', drawing no. M.17.149.D.005, dated April 2018; 'Phase 2 Restoration', drawing no. M.17.149.D.006, dated April 2018; 'Phase 3 Restoration', drawing no. M.17.149.D.007, dated April 2018; 'Final Restoration', drawing no. M.17.149.D.008, dated April 2018; 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018; and 'Restoration Sections', drawing no. M.17.149.D.010, dated April 2018; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement, by which time the site shall be restored in accordance with the approved restoration scheme.

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB2, GB3, GB11, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

Reason: In the interests of limiting the effects on local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

6. The total number of heavy goods vehicle movements\* associated with operations undertaken from the site shall not exceed the following limits:

60 movements (30 in and 30 out) per day (Monday to Friday); and  
30 movements (15 in and 15 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made

available for inspection by the Waste Planning Authority within seven days of written request.

*Reason: To allow the Waste Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

8. All vehicle access and egress to and from the site shall be from Doublegate Lane, and the access road, as shown on drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

*Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

10. Only non-contaminated, non-hazardous inert material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

*Reason: To ensure appropriate restoration of the site, that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies*

*BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, NE4, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

11. The development hereby permitted shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018. Operations shall commence in phase one and progress in numerical order.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much material has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

*Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of

restoration and aftercare.

*Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policies 6, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAG GB1, BAS C1, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE4, NE5, NE6 and HE1 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

14. The Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr  
West of Dollymans Farm: 55dB LAeq, 1hr  
Wethersfield Way, Wickford: 55dB LAeq, 1hr  
Bersheda, north of A127: 55dB LAeq, 1hr  
Electricity sub-station entrance, A129: 55dB LAeq, 1hr

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

15. For temporary operations, the Free Field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties/locations referred in condition 14 shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

16. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at the five location points referred in conditions 14 and 15 and shown in Appendix B 1 (Site Location and Baseline Survey Locations) of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 29/08/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning

Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

17. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation, remediation (as appropriate) and recording has been submitted to and approved in writing by the Waste Planning Authority. Should a remediation strategy be deemed required following the investigation (i.e. the need to preserve in situ) such a scheme together with updated working plans shall be submitted to the Waste Planning Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

*Reason: To ensure that any archaeological interest on-site has been adequately investigated, preserved and/or recorded prior to the development taking place and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policies HE1 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

18. No development shall take place until a Construction Method and Initial Development Specification Statement has been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:
- The parking of vehicles of site operatives and visitors during initial site set up;
  - Areas proposed for the initial loading and unloading of plant and materials;
  - A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
  - The proposed construction of the access road to the site from Doublegate Lane;
  - The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
  - The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
  - Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and
  - Statement of consideration of operational development issues raised

within Network Rail's consultation response, dated 08/10/2018 That submitted, in respect of the access road, shall include details of construction; design (width, finish/surface and details of a bridge over Chichester Hall Brook watercourse); and any additional features proposed in respect of surface water run-off. The development shall subsequently be implemented in accordance with the details approved.

*Reason: For the avoidance of doubt as to the specification of the initial works proposed, to ensure appropriate management of the start-up phase of the development, in the interests of highway and site safety, ecology and amenity and to comply with policies 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3, EN4, and T1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27, DM28 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies T1, T6, T7, H12, GB1, GB3, GB11, CC2, CC4, NE4, NE5, NE6, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

19. No development shall take place until a scheme of landscape and visual mitigation for the site access, weighbridge, office and parking has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the formation of temporary bunding in addition to advanced planting and furthermore detail proposed management and maintenance during operations. The development shall subsequently be implemented in accordance with the details approved.

*Reason: On the basis that it is considered that additional mitigation could be provided to further offset impact, in the interest of visual amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM and, DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

20. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan for trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Arboricultural Impact Assessment' but provide exact protection and working details/practices (including the 15m stand-off to the hedgerow) and the protection of the ground and watercourse below the access route. The method statement shall include measures to ensure that all removed timber, hedgerow arisings is utilised for habitat creation, such as habitat heaps, piles or log stacks. The approved details shall be implemented and maintained during the life of the development permitted.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

22. No development shall take place, other than the construction of the haul route/access road, until a Public Rights of Way signage scheme for highway users has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide drivers and pedestrians/users of the Public Right of Way network with signage from the start of the access road and repeated at all crossings/junctions. The signage shall be clear as to both the hazard and the right of the users. The development shall be implemented in accordance with the approved scheme with signs erected and maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); policy DM31 of the Rochford District Council Development Management Plan (2014); and policies T1, T3, T6 and T7 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).

23. No development shall take place until:

- c) A revised scheme showing the plant area at existing or a lower land level, rather than 12 AOD and, and/or bunded on its eastern and southern boundaries has been submitted to the Waste Planning Authority for review. The scheme submitted shall be considered deliverable by the applicant and if elements referenced above are not considered so appropriate commentary provided; and
- d) A detailed layout plan for the proposed plant site as detailed on 'Initial Works', drawing no. M.17.149.D.004, dated April 2018 has been submitted to and approved in writing by the Waste Planning Authority.



Should in the view of the Waste Planning Authority, the revised proposals for the plant area be considered an improvement, the development shall be implemented as such. If not, the existing details as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018 shall remain approved. In both scenarios, details submitted and approved pursuant to part b) which shall show the exact layout of plant and machinery (together with specification); and location and maximum heights for stockpiles shall be maintained for the duration of the development hereby permitted. For the sake of completeness, no materials shall be stockpiled on-site unless within the plant site as indicated on drawing 'Block Proposals Plan', drawing no. M17.149.D.002, dated April 2018.

*Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

24. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details 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 and proposed hours of operation. 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 nuisance and disturbance to the surrounding area and environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

25. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

*Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV5 of the Rochford District Council Core Strategy (2011); policy DM29 of the Rochford District Council Development Management Plan (2014); policy BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policy NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no. M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

*Reason: To ensure that that the development does not give rise to undue groundwater impacts, in the interests of safe working and to comply with policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017).*

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- e) Be submitted at least three months prior to the expected commencement of soil stripping (if proposed) and detail how imported materials will be handled, maintained and engineered;
  - f) The proposed specification of the infill/restoration profile (i.e. an engineering report with detailed cross sections showing proposed make-up or construction to the restoration surface including depth of top soil finish) which demonstrates that material deposited will bond and not give rise to structural problems and/or excessive water retention;
  - g) The type or machinery to be used to strip the site and place infill material; and
  - h) Confirm that soil will only be stripped, handled and/or placed when in a dry and friable condition\*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

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

*\*The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This*

*assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

*Reason: To ensure the re-use of the existing restoration layer, if considered appropriate, to minimise structural damage and compaction of soil to aid final restoration works, in the interests of amenity and to comply with policy policies 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1 and ENV3 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C5 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

28. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all existing trees and vegetation together with areas to be planted, in addition to those shown on the existing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018 with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

*Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and*

*policies NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

30. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide detailed drawings (including cross sections) of all water bodies proposed to be retained for ecological benefit and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Doublegate Lane and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

31. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

*Reason: To ensure the restored land is agriculturally versatile, agricultural operations are not impeded and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy GB11 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- If infiltration is proven to be unviable then discharge rates are to be limited to 45.61l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Final modelling and calculations for all areas of the drainage system.
- Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.
- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

*Reason: To ensure that that the development does not give rise to flood risk, ensure the effective operation and maintenance of drainage features and to comply with policies 10 and 11 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV3 and EN4 of the Rochford District Council Core Strategy (2011); policy DM28 of the Rochford District Council Development Management Plan (2014); and policies CC1, CC2 and of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

33. No development shall take place (including groundworks or site clearance) until a Farmland Bird Method Statement has been submitted to and approved in writing by the Waste Planning Authority. This must be provided after the results of a breeding bird survey undertaken following the British Trust of Ornithology Guidelines. The content of the method statement shall include the following if mitigation measures are required to offset impacts to Farmland Birds:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works; and
  - f) initial aftercare and long-term maintenance (where relevant);

Specifically, a Skylark Mitigation Strategy shall also be included as part of the Farmland Bird Method Statement submitted pursuant to this condition. This shall include provision for the evidenced number of Skylark nest plots, in nearby

agricultural land, prior to commencement. The Skylark Mitigation Strategy shall seek to cover a 10 year period and include the following:

- a) purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird and Skylark mitigation strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the overall site restoration and aftercare period.

*Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

34. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Waste Planning Authority no later than after completion of phase three. The submitted scheme shall accord with that suggested with the Planning Practice Guidance and:

- c) provide an outline strategy for an aftercare period of five years. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme including the aims and objective of management from an agricultural, landscape and ecological perspective; and
- d) provide for a detailed annual programme to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting, which shall in addition to covering agricultural matters also provide commentary on landscape planting, ecological and hydrological features; and the WWI memorials.

Whilst the formal aftercare period for the site shall be five years, the outline strategy shall, as a minimum, seek to cover a period of 10 years in respect of the management of on-site and boundary landscaping and ecological and hydrological features. The outline strategy should, in respect of this, include details of any legal and funding mechanism(s) by which the long-term management of the site will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives from a landscape and/or ecological perspective are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers long term net benefit.

Unless the Waste Planning Authority approve in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the submitted scheme.

*Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

35. There shall be no retailing or direct sales of soils and/or aggregates to the public from the site.

*Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and in context of policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

*Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend-on-Sea Waste Local Plan (2017); Rochford District Council Core Strategy (2011); Rochford District Council Development Management Plan (2014); Basildon District Local Plan (Saved Policies) (2007); and Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development falls within the Zone of Influence (Zoi) of the following Habitats Sites: Blackwater Estuary Special Protection Area (SPA) and Ramsar site; Crouch & Roach Estuaries Special Protection Area (SPA) and Ramsar site; Essex Estuaries Special Area of Conservation (SAC). The proposed development would not be directly connected with or necessary for the management of the aforementioned sites/designations.

Following consultation with Natural England and the County Council's Ecologist, this proposal has been screened for HRA and it has been concluded that the development would not likely have a significant effect on any European site, either alone or in combination with any other plans or projects. Accordingly, it is not considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is 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 NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

ROCHFORD – Rayleigh North  
BASILDON – Wickford Crouch