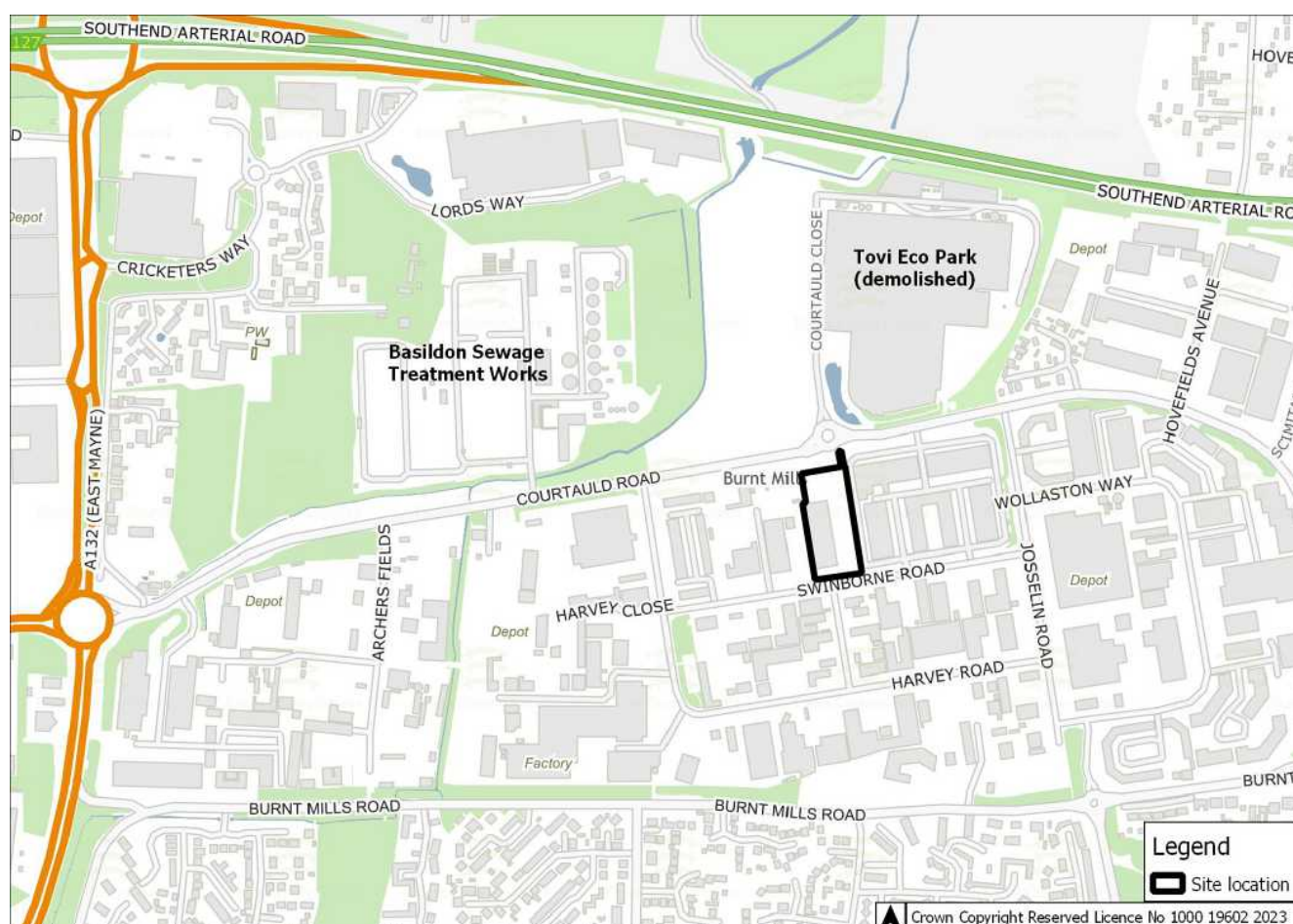


DR/26/23

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



1. BACKGROUND

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

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

The facility has an Environmental Permit from the Environment Agency.

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

2. SITE

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

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

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

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

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

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

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

3. PROPOSAL

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

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

The operational hours for the WTS would be:

Monday to Friday 0600 to 1900

Saturday and Public Holidays 0700 to 1600

No waste transfer operations on Sundays.

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

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

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

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

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

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

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

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



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

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

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

4. POLICIES

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

WASTE LOCAL PLAN (WLP) 2017

Policy 4 - Areas of Search

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

Basildon DISTRICT LOCAL PLAN saved policies 2007 (BDLP)

Policy E4 Existing employment uses

Policy E6 Untidy industry

Policy BE12 Development Control

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

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

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

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

guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan has been undertaken by Basildon Council and the policies relevant to this application as set out above are considered to be consistent with the NPPF.

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

5. CONSULTATIONS

Summarised as follows:

BASILDON BOROUGH COUNCIL: Commented as follows

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

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

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

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

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

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

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

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

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

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

ENVIRONMENT AGENCY: No objection.

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

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

6. REPRESENTATIONS

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

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

7. APPRAISAL

The key issues for consideration are:

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

A NEED AND POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B ENVIRONMENTAL IMPACTS – Dust, odour and noise.

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

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

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

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

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

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

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

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

C HIGHWAYS AND TRAFFIC

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

The applicant anticipates 240 HGV movements a day arising from operation of the WTS at annual throughput of 120,000tpa, a combination of WCV and articulated HGVs, plus staff movements approximately 46 movements.

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

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

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

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

D OBLIGATIONS AND CONDITIONS

Basildon Borough Council has requested planning obligations and planning conditions.

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

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

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

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

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

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

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

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

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

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

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

Site levels – no change to level is proposed

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

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

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

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

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

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

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

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

8. CONCLUSION

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

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

9. RECOMMENDED

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

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

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

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

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

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

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

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

and at no other times, including on Sundays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea